PROVINCE OF WESTERN CAPE

WESTERN CAPE NATURE CONSERVATION LAWS AMENDMENT ACT, 2000

PROVINSIE WES-KAAP

WES-KAAPSE WYSIGINGSWET OP NATUURBEWARINGSWETTE, 2000

No 3, 2000

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

AMENDMENT ACT

To provide for the amendment of various laws on nature conservation in order to transfer the administration of the provisions of those laws to the Western Cape Nature Conservation Board; to amend the Western Cape Nature Conservation Board Act, 1998 to provide for a new definition of Department and the deletion of a definition; to provide for an increase in the number of members of the Board; to provide for additional powers of the Board; to amend the provisions regarding the appointment and secondment of persons to the Board; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of Western Cape, as follows:—

Amendment of Ordinance 19 of 1974

1. The Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), is hereby amended as indicated on a copy of the existing text thereof as set out in Schedule 1.

Amendment of certain laws

2. The laws referred to in the first column of Schedules 2, 3 and 4 are amended to the extent indicated in the second column of those Schedules.

Amendment of section 1 of Act 15 of 1998

3. Section 1(1) of the Western Cape Nature Conservation Board Act, 1998 (''the principal Act''), is hereby amended—

(a) by the substitution in paragraph (vi) of the following definition for the definition of ''Department'':

> **"Department"** means the Department of Environmental and Cultural Affairs and Sport referred to in Column 1 of Schedule 2 of the Public Service Act, 1994;'', and

(b) by the deletion in paragraph (xiv) of the definition of **"provincial administration"**.

Amendment of section 2 of Act 15 of 1998

4. Section 2 of the principal Act is hereby amended by the substitution for the words ''nine members'' of the words ''twelve members''.

Amendment of section 4 of Act 15 of 1998

5. Section 4(1) of the principal Act is hereby amended in paragraph *(b)*, by the substitution for the words ''five other persons'' of the words ''eight other persons''.

Amendment of section 8 of Act 15 of 1998

6. Section 8 of the principal Act is hereby amended in subsections (2), (4) and (7)*(b)* by the substitution for the word ''five'' of the word ''seven''.

Amendment of section 9 of Act 15 of 1998

7. Section 9 of the principal Act is hereby amended—

(a) in subsection (1)—

(i) by the deletion in the introduction of the following words:

''the *Board* shall administer the laws specified in the first column of Schedule 1 to the extent prescribed'', and

(ii) by the insertion after paragraph *(o)* of the following paragraph:

''(oA) subject to section 51(1)*(g)* of the Public Finance Management Act, 1999 (Act 1 of 1999), establish trusts, and companies not for gain contemplated by section 21 of the Companies Act, 1973 (Act 61 of 1973);'', and

(b) by the insertion after subsection (1), of the following subsection:

''(1A) The *Board* shall by agreement with the *Department* provide services required by the *Department*.''

Amendment of section 10 of Act 15 of 1998

8. Section 10(4)*(a)* of the principal Act is hereby amended by the substitution for the words ''from the *provincial administration*'' of the words ''in terms of this Act''.

Amendment of section 11 of Act 15 of 1998

9. Section 11(8) of the principal Act is hereby amended by the substitution for the words ''the *provincial administration*'' of the words ''a *provincial department*''.

Amendment of section 12 of Act 15 of 1998

10. Section 12(1) of the principal Act is hereby amended by the substitution for the words ''Director-General of the *provincial administration*'' of the words ''*Provincial Minister of Finance*''.

Amendment of section 13 of Act 15 of 1998

11. Section 13(2) of the principal Act is hereby amended by the substitution for the words ''relevant department of the *provincial administration*'' of the word ''*Department*''.

Amendment of section 15 of Act 15 of 1998

12. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

''(2) Before the *effective date* the *Board* may employ and pay as contemplated by subsection (1)*(a)*, the *chief executive officer* and other persons approved by the *responsible Minister*.'';

(b) by the substitution for subsection (3) of the following subsection:

''(3) Between the *effective date* and the *staff transfer date* the *responsible Minister* shall—

(a) after consultation with the *Board*;

(b) in accordance with the provisions of Schedule 2, and

(c) subject to section 15(3)*(a)* of the Public Service Act, 1994,

decide which officers in the Department responsible for *nature conservation* and *nature conservation administration* will be seconded to the Board.'';

(c) by the substitution for subsection (4) of the following subsection:

''(4) The *Board* may at any time after the commencement of this Act enter into an agreement with any member of the *Provincial Cabinet* concerning the secondment of officers appointed by the member concerned acting as an executing authority referred to in the Public Service Act,1994.'', and

(d) by the addition of the following subsection:

''(5) Items 1 to 3 of Schedule 2 apply to employees seconded to the *Board* in terms of subsection (3).''.

Amendment to section 22 of Act 15 of 1998

13. Section 22 of the principal Act is hereby amended by the substitution for the proviso thereto of the following proviso:

''provided that regulations with financial implications shall be made in consultation with the *Provincial Minister of Finance*.''.

Amendment of section 24 of Act 15 of 1998

14. The following section is hereby substituted for section 24 of the principal Act:

''24. Subject to item 4 of Schedule 2, all records and information of the *Department* which the *responsible Minister*, after consultation with the Board, considers necessary for the proper performance of the *Board's* functions, shall without delay be delivered to the Board after the *effective date*.''

Repeal of Schedule 1

15. Schedule 1 of the principal Act is hereby repealed.

Amendment of Schedule 2 of Act 15 of 1998

16. Schedule 2 of the principal Act is hereby amended as follows:

''**SCHEDULE 2**

Persons employed in Department immediately prior to staff transfer date

1. A person who has been seconded to the *Board* in terms of section 15(3)*(a)* becomes an employee on the staff establishment of the *Board* on the *staff transfer date*, unless the person chooses to remain a member of the **[*provincial administration*]** *Department* in terms of item 2.

Persons who remain members of Department

2. (1) A person who elects to remain a member of the **[*provincial administration*]** *Department* must inform the *Department* thereof in writing before the *staff transfer date*.

(2) A person who has submitted a written notice in terms of subitem (1) remains a member of the **[*provincial administration*]** *Department* on the *staff transfer date* with retention of rank, remuneration, uninterrupted period of service and other service benefits and obligations, but—

(a) becomes supernumerary to the staff establishment of the **[*provincial administration*]** *Department*, and

(b) subject to subitem (3), is seconded to the *Board* for a period of one year from the *staff transfer date* in accordance with any applicable collective agreement.

(3) The secondment of a person to the *Board* in terms of subitem (2)—

(a) may be terminated pursuant to any collective agreement applicable to supernumerary staff in the **[*provincial administration*]** *Department*, and

(b) must be terminated—

(i) if during the period of that secondment the person informs the *Department* in writing that he or she elects to become an employee of the *Board*, whereupon that person becomes an employee on the staff establishment of the *Board* with immediate effect;

(ii) on the expiry of the period of one year referred to in subitem (2)*(b)*, unless the secondment is extended in exceptional circumstances by agreement between the person, the *Board* and the **[*provincial administration*]** *responsible Minister*.

Persons transferred to Board

3. The transfer of persons to the *Board* takes place in terms of section 197(1)(*a*) of the Labour Relations Act, 1995 (Act 66 of 1995), and with retention of rights and obligations in accordance with—

(a) section 197 of that Act, and

(b) any applicable collective agreement concluded between the **[*provincial administration*]** *responsible Minister* and the recognised employee organisations before the *staff transfer date*.

Personnel records and information of [Board] Department

4. All personnel records and information relating to personnel in the *Department* transferred to the *Board*, including all financial and administrative information in the possession of other provincial departments, must, without delay, be delivered to the *Board* after the *staff transfer date*.''.

Short title and commencement

17. (1) This Act is called the Western Cape Nature Conservation Laws Amendment Act, 2000 and, subject to subsection (2), comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be determined for the commencement of the amendment or repeal of the various provisions referred to in Schedules 1, 2, 3 and 4.

SCHEDULE I

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from the existing ordinance.

Words underlined with a solid line indicate insertions in the existing ordinance.

ORDINANCE

Ordinance to consolidate and amend the laws relating to nature [and environmental] conservation and to provide for matters incidental thereto.

BE IT ORDAINED by the Provincial Council of the Province of the Cape of Good Hope as follows:—

Division of Ordinance

1. This ordinance is divided as follows:—

Chapter I	Definitions **[and Establishment of Department of Nature and Environmental Conservation and Advisory Committee]** (section**[s]** 2**[-5]**).
Chapter II	Nature Reserves (sections 6-15).
Chapter III	Miscellaneous Conservation Measures (sections 16-25).
Chapter IV	Protection of Wild Animals other than Fish (sections 25A-47).
Chapter IVA	Protection of Rhinoceroses (section 47A).
Chapter V	Protection of Fish in Inland Waters (sections 48-61A).
Chapter VI	Protection of Flora (sections 62-72).
Chapter VIA	Professional Hunters, Hunting Outfitters and Directors of Professional Hunting Schools (sections 72A-72H).
Chapter VII	General and Supplementary (sections 73-90).
Schedule 1	Endangered Wild Animals.
Schedule 2	Protected Wild Animals.
Schedule 3	Endangered Flora.
Schedule 4	Protected Flora.
Schedule 5	Noxious Aquatic Growths.
Schedule 6	Ordinances Repealed.

CHAPTER I

DEFINITIONS [AND ESTABLISHMENT OF DEPARTMENT OF NATURE AND ENVIRONMENTAL CONSERVATION AND ADVISORY COMMITTEE] (sec[s] 2[-5])

Definitions

2. In this ordinance, unless inconsistent with the context—

"adequately enclosed" in relation to land means enclosed by—

(a) any fence, wall or obstruction of any kind whatsoever forming all enclosure from which any wild animal of a species specified in a certificate of adequate enclosure issued in terms of section 35(4)*(b)* is unable to escape without breaking it;

(b) any natural boundary through or over which any wild animal of a species so specified will under normal circumstances not pass, or

(c) any combination of fences, walls, obstructions or boundaries referred to in paragraphs *(a)* and *(b)* so that any wild animal of a species so specified cannot escape from such land;

["Administration" means the Provincial Administration of the Province of the Cape of Good Hope;]

"angling" means the catching of fish in inland waters by means of a line and hook, whether or not any rod, bait or lure is used, or by means of a set line, and ''angle'' has a corresponding meaning;

"angling season" means the period in any year determined by **[proclamation]** notice issued in terms of section 78*(b)*;

"aquatic growth" means any vegetation which grows or is able to grow in inland waters;

"artificial lure or spoon" means a device which by its simulation of life or by its appearance or colour is designed or likely to delude, entice or attract a fish into seizing such device;

"biltong" means the meat of any wild animal which has been or is being dried, smoked, salted, cured or treated in any other manner for the purpose of preservation;

"biltong sausage" means sausage, whether dried or not, made wholly or partly of the meat of any wild animal;

"black bass" means any fish of the genus *Micropterus*;

"bluegill sun-fish" means any fish of the species *Lepomis macrochirus*;

"Board" means the Western Cape Nature Conservation Board established in terms of section 2 of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998);

"buy" includes barter or exchange;

"captivity" in relation to any wild animal means the keeping within an enclosure by means of any fence, wall or obstruction of any kind whatsoever in such a way that such wild animal is unable to maintain itself by natural means;

"capture" in relation to any wild animal means by any means whatsoever to capture, catch or take or to attempt or to pursue with intent to capture, catch or take;

"carcase" in relation to any wild animal means the whole or any part of the meat (whether dried, smoked, salted, cured or treated in any manner), the head, tooth, horns, shell, scale, tusks, bones, feathers, tail, claw, paw, hoof, skin, hide, hair, viscera or any part whatsoever of the carcase, and includes the egg;

"carp" means any fish of the carp family not indigenous to the Republic and includes carp *(Cyprinus carpio)*, the atavistic or wild form of the goldfish *(Carassius auratus)* and the crucian carp *(Carassius carassius)* but does not include domestic gold-fish;

"cast-net" means a net (also known as an umbrella-net or throw-net) with or without weights on the perimeter thereof which is cast on water so that it opens and sinks in the water;

"catch" in relation to fish includes any means or method of taking (whether alive or dead), injuring, immobilizing or killing or attempting to take, injure, immobilize or kill, or to pursue or wilfully disturb;

"certificate" means a certificate issued under this ordinance;

"crab-net" means a net (also known as a ring-net) made of wire or any other material of which the opening is attached to a frame, whether or not any bait or lure is placed in such net, but does not include a landing-net;

"cultivate" means the artificial reproduction of flora in any manner whatsoever;

"daily bag limit" means the number of any species of protected wild animal or of fish determined by **[proclamation]** notice issued in terms of section 79*(a)*;

["Department" means the Department of Nature and Environmental Conservation established by section 3;]

["Director" means the Director of Nature and Environmental Conservation referred to in section 3;]

"division" means the area under the jurisdiction of a divisional council;

"endangered flora" means flora of any species which is in danger of extinction and is specified in Schedule 3 or Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973; provided that it shall not include flora of any species specified in such Appendix and Schedule 4;

"endangered wild animal" means a wild animal of any species which is in danger of extinction and is specified in Schedule I or Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973; provided that it shall not include a wild animal of any species specified in such Appendix and Schedule 2;

"fauna" means wild animal;

"fire-arm" includes an air-gun having a barrel of a calibre of not less than five comma six millimetres;

"flora" means endangered flora, protected flora or indigenous unprotected flora and includes the whole or any part of the plant, whether dead or dried;

"full-time employee" means an employee who is employed full-time on a monthly basis and is in receipt of a salary or wage which is in accordance with local tariffs for the kind of work done by him or her;

"fyke-net" means a device made of rings or hoops over which a net, wire or any other material has been spread or which is made of wire only and which has one or more funnel-shaped openings and includes anything which, whether attached to such device or not, is used to guide fish to any funnel-shaped opening in such device;

"honorary nature [and environmental] conservation officer" means an honorary nature **[and environmental]** conservation officer appointed in terms of section 22;

"hunt" in relation to any wild animal means by any means whatsoever to hunt or search for, to kill, capture or attempt to kill or capture, or to pursue, follow or drive with intent to kill or capture, or to shoot at, poison, be in wait for or wilfully disturb;

"hunting season" means the period in any year determined by **[proclamation]** notice issued in terms of section 78*(a)*;

"indigenous flora" means any flower, plant, shrub or tree or part thereof indigenous to the Republic **[or the territory of South West Africa]**, whether or not it is or has been cultivated and whether or not it is no longer growing in a free state of nature but does not include any plant, shrub or tree which is a noxious weed in terms of any law;

"indigenous unprotected flora" means any species of indigenous flora not specified in Schedule 3 or 4;

"inland waters" means all waters which do not permanently or at any time during the year form part of the sea and includes any tidal river other than a tidal river in respect of which a notice issued under section 23(1)*(b)* of the Sea Fisheries Act, 1973 (Act 58 of 1973), is in force;

"landing net" means a net attached to a frame in such manner as to leave an opening not exceeding six hundred and ten millimetres measured in a straight line between any two points on the perimeter of the frame and which is used only for lifting fish caught by angling out of the water;

"licence" means a licence issued under this ordinance;

"local authority" means any institution or body contemplated by section 84(1)*(f)* of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);

"local nature reserve" means a local nature reserve established under section 7;

"nature [and environmental] conservation" means the preservation of fauna and flora;

"nature [and environmental] conservation officer" means a nature **[and environmental]** conservation officer appointed in terms of section 20;

"nature [and environmental] conservation ranger" means a nature **[and environmental]** conservation ranger appointed in terms of section 23;

"net" means a fyke-net, cast-net, crab-net, landing-net, staked net or trek-net;

"non-spinning artificial fly" means a hook with one point and one barb to which matter not edible by fish is attached and which is constructed so as not to rotate or spin round when attached to a line and drawn through the water and to which no appliance is affixed which is capable of rotating or spinning round;

''noxious aquatic growth" means any species of aquatic growth specified in Schedule 5;

"owner" means—

(a) in relation to land—

(i) the person in whom is vested the legal title thereto;

(ii) where the legal title thereto is vested in an association of persons, whether corporate or unincorporate, the person designated in writing as the owner thereof by such association;

(iii) in the case of land under the control or management of a local authority, the local authority concerned;

(iv) in the case of State land not under the control or management of a local authority, the Minister of the Department of State or the **[Administrator]** Provincial Government having control or management thereof or any officer designated by such Minister or **[Administrator]** Provincial Government for the purpose;

(v) in the case of land not occupied by the owner as contemplated by subparagraph (i), the person who is in actual occupation of the land, who exercises general control over such land and who has been authorised in writing by the owner as contemplated by the said subparagraph to exercise the rights conferred on an owner of land by this ordinance;

(vi) where the owner as contemplated by subparagraph (i), (ii) or (v) is dead or insolvent or has assigned his estate for the benefit of his creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such land is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, and

(b) in relation to inland waters, the owner as contemplated by paragraph *(a)* of the land on which the waters concerned are situated or which abuts on such waters;

"permit" means a permit issued under this ordinance;

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

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

"prescribed" means prescribed by regulation;

"privately owned inland waters" means any dam, reservoir, vlei or other inland waters completely surrounded by land owned by one owner;

"private nature reserve" means a private nature reserve established in terms of section 12;

"problem wild animal" means any animal declared to be a problem wild animal in terms of section 79*(d)*;

"protected flora" means any species of flora specified in Schedule 4 or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973; provided that it shall not include any species of flora specified in such Appendix and Schedule 3;

"protected wild animal" means any species of wild animal specified in Schedule 2 or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973; provided that it shall not include any species of wild animal specified in such Appendix and Schedule 1;

"Province" means the Province of Western Cape;

"provincial nature reserve" means a provincial nature reserve established in terms of section 6(i);

"public road" means a public road as defined in section 1 of the Road Traffic **[Ordinance, 1966 (Ordinance 21 of 1966)]** Act, 1989 (Act 29 of 1989);

"registered flora grower" means a person who has been registered as a flora grower and holds a licence issued to him or her in terms of section 65;

"registered flora seller" means a person who has been registered as a flora seller and holds a licence issued to him or her in terms of section 65;

"relative" in relation to the owner of any land means the spouse, parent, step-parent, adoptive parent, son-in-law, child, step-child, adopted child, brother, sister or grandchild of such owner; provided that in relation to an owner of land which is an unincorporate association of persons, ''relative'' means the relative as hereinbefore defined of every member of such association;

"responsible Minister" means the member of the Provincial Cabinet responsible for nature conservation;

"sell" includes hawk, peddle, barter or exchange or offer, advertise, expose or have in possession for the purpose of sale, hawking, peddling, bartering or exchanging;

"set line" means a line and hook with or without any bait or lure which, when used for catching fish, is not manipulated directly or indirectly by any person but does not include a line and hook attached to a reel and rod lying loose on or fixed into the ground;

"snatching" means the catching of fish by the jerking of a hook in water with the intention of impaling fish thereon;

"staked net" means a net (also known as a set net, gill-net or drift-net), with or without weights or floats, which is set upright in water with the intention of causing fish to become caught or entangled therein, whether or not such net drifts or is attached to anything;

"this ordinance" includes any regulation, proclamation or notice made or issued thereunder;

"tidal waters" means that part of any inland waters which, owing to the influence of the sea, becomes saline at any time or the level of which rises at any time owing to the influence of the sea;

"trap" means any trap, springtrap, snare, gin, cage, net, pitfall or birdlime and any other device or method whatsoever which can be used or adapted for the capture of wild animals;

"trek-net" means a net (also known as a seine, bait seine, drag-net or bait trek-net), with or without weights or floats, which is moved through water in an upright position with the intention of catching fish;

"trout" means any fish of the genus *Salmo* or the genus *Salvelinus*;

"waters" includes any river, stream, creek, lake, vlei, pan, lagoon, dam, reservoir, furrow or pond, whether the water therein is fresh or saline, and includes the foreshore and bank thereof and any part of such waters;

"weapon" means—

(a) a fire-arm having a barrel exceeding one hundred millimetres in length and includes ammunition for any such fire-arm, or

(b) any other instrument which is capable of propelling a projectile or which can itself be propelled or used in such a way that a wild animal may be killed, injured or immobilized thereby,

and includes a spear, assegai, bow-and-arrow, axe, bush-knife, knife or similar object and any narcotic whatsoever, and

"wild animal" means any live vertebrate or invertebrate animal (including the egg or spawn of any such animal but excluding any ostrich used for farming purposes and the egg thereof) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity.

[Establishment of Department of Nature and Environmental Conservation

3. (1) There shall be a department of the Administration to be known as the Department of Nature and Environmental Conservation which shall be under the control of an officer styled the Director of Nature and Environmental Conservation and who shall, subject to the laws governing the Public Service of the Republic, be appointed by the Administrator.

(2) The Director shall as soon as possible after the end of each year prepare and submit to the Administrator a report on the activities of the Department during the previous year and may in such report make such comments or recommendations relating to the Department or the administration thereof or to nature and environmental conservation as he may consider necessary or desirable.

(3) The Administrator shall lay every report submitted to him under subsection (2) on the table of the Provincial Council within fourteen days after the receipt thereof if the Council is then in session or, if the Council is not then in session, after the commencement of the next ensuing session.

Exercise and delegation of powers

4. (1) Whenever a power or a duty is conferred or imposed on the Department by this ordinance, the Director may exercise such power or perform such duty.

(2) The Director may delegate any power or duty conferred or imposed on him by this ordinance to any officer under his control.

Establishment of Nature and Environmental Conservation Advisory Committee

5. (1) The Administrator may establish a Nature and Environmental Conservation Advisory Committee (hereinafter in this section referred to as "the committee") consisting of so many members as he may from time to time determine.

(2) The functions of the committee shall be to advise the Director or the Administrator, as the case may be, on such matters relating to nature and environmental conservation or the application of any provision of this ordinance as it considers necessary or desirable or as may be referred to it by the Director or the Administrator.

(3) The chairman and other members of the committee shall be appointed and the terms and conditions of office of such chairman and members shall be determined by the Administrator.

(4) Every member of the committee who is not an officer, official or employee in the public service or in the service of a provincial administration may, if the Administrator so decides, be paid such remuneration and allowances as the Administrator may determine out of moneys appropriated by the Provincial Council for the purpose.

(5) The members of the committee shall hold office during the Administrator's pleasure.]

CHAPTER II

NATURE RESERVES (secs 6-15)

Part I: Provincial Nature Reserves (secs 6-6A)

Establishment of provincial nature reserves

6. (1) The **[Administrator]** responsible Minister may by proclamation—

(a) establish a provincial nature reserve on any land under his or her control or management;

(b) define the boundaries of any such reserve, either by description or by reference to the boundaries indicated on a map or plan filed in a specified office, and from time to time alter and in the aforementioned manner redefine such boundaries;

(c) assign a name to any such reserve and alter such name at any time, and

(d) after compliance *mutatis mutandis* with the provisions of section 7(2) and due consideration of any objections lodged with him or her, abolish any such reserve.

(1A) *(a)* The **[Administrator]** responsible Minister may, after consultation and the conclusion of an agreement with any State Department and in accordance with the terms and conditions of such agreement, by proclamation—

(i) establish a provincial nature reserve on land which is under the control or management of such State Department;

(ii) define the boundaries of any such reserve, either by description or by reference to a map or plan filed in a specified office, and from time to time alter and in the aforementioned manner redefine such boundaries;

(iii) assign a name to any such reserve and alter such name at any time, and

(iv) abolish any such reserve.

(b) An agreement contemplated by paragraph *(a)* shall provide for—

(i) the currency of the agreement, the terms and conditions on which any of the parties thereto may withdraw and the terms and conditions on which the agreement may, during its currency, be terminated;

(ii) a definition, in the manner provided in paragraph *(a)*(ii), of the boundaries of the land involved in such agreement and the terms and conditions on which such boundaries may be altered;

(iii) the manner in which a name shall be assigned to such provincial nature reserve and the manner in which such name may be altered;

(iv) the terms and conditions on which such nature reserve may be abolished, subject to any provisions under subparagraph (i) in such agreement;

(v) the terms and conditions which are applicable to the establishment of such nature reserve on such land;

(vi) the manner in which such nature reserve shall be managed, controlled and developed;

(vii) the delegation by the contracting parties of any or all of their powers and duties to one of their number or to a joint committee appointed by them;

(viii) the apportionment between the contracting parties of any revenue, profits, assets, losses and liabilities arising as a result of such agreement;

(ix) the enforcement on such nature reserve of any regulations which are applicable to provincial nature reserves;

(x) the preparation and submission to the **[Administrator]** responsible Minister of reports on the management, control and development of such nature reserve, and

(xi) any other matter in general which the contracting parties deem necessary to include in such agreement.

(2) The **[Administrator]** responsible Minister may **[-**

***(a)*]** by agreement or expropriation acquire any land which he or she considers necessary and suitable for the purpose of establishing a provincial nature reserve thereon **[, and**

(b) **subject to the law governing the Public Service or the Provincial Service appoint officers, officials or employees for carrying out the provisions of this section and for the enforcement of any regulations made under subsection (6) and in force in any provincial nature reserve]**.

(3) The **[Director]** Board shall, subject to the directions of the **[Administrator]** responsible Minister, manage, control and develop every provincial nature reserve with a view to the propagation, protection and preservation of fauna and flora and may in or in connection with any reserve provide amenities, facilities and services for the recreation and enjoyment of the public.

(3A) The Board may appoint as many of its employees as are necessary for the carrying out of the provisions of this section and for the enforcement of any regulations made under subsection (6) and in force in any provincial nature reserve.

(4) In the exercise of the powers and functions conferred or imposed on **[him]** it by subsection (3), the **[Director]** Board may in or in connection with a provincial nature reserve—

(a) build, construct and maintain roads, bridges, ferries, buildings, fences and such other works as **[he]** it may deem necessary;

(b) take such steps as **[he]** it may deem necessary or desirable for the propagation, protection or preservation of fauna and flora;

(c) set aside places or inland waters for the propagation and cultivation of fauna and flora;

(d) provide and maintain accommodation, camping areas, garages, entertainments, transport services or other undertakings for the amusement, recreation, enjoyment and general convenience of visitors;

(e) conduct businesses for the sale of necessities and the supply of services for the convenience of visitors;

(f) call for public tenders for the provision and maintenance of anything mentioned in paragraph *(d)* or the conducting of any business referred to in paragraph *(e)* and with the approval of and subject to such conditions as may be determined by the **[Administrator]** responsible Minister, grant permission to any person from whom a tender has been received, to provide such service or conduct such business and may for that purpose let land or buildings thereon;

(g) levy charges for entry into and remaining in any such reserve or any part thereof or for the use or enjoyment of anything provided therein, or

(h) perform any act or acquire any thing which **[he]** it considers necessary for the better achievement of the objects and purposes of this section.

(5) **[The provisions of the Shop Hours Ordinance, 1930 (Ordinance 14 of 1930), and the Licences Ordinance, 1981 (Ordinance 17 of 1981), shall not apply in respect of any business conducted in a provincial nature reserve in terms of subsection (4)]**.

(6) The **[Administrator]** responsible Minister may in respect of any provincial nature reserve make regulations as to—

(a) the regulation, restriction or prohibition of the entry of persons into such reserve or any part thereof, the conduct of persons in such reserve, the exclusion or ejectment of persons **[of certain races, classes or groups of persons]** from such reserve or any part thereof, and the periods and times during which such reserve shall be open to visitors;

(b) the regulation, restriction or prohibition of the introduction into or the possession within such reserve of any fauna, flora, poison, explosive material or any weapon, trap, net or other thing which could be used for the killing or catching of wild animals or fish;

(c) the regulation, restriction or prohibition of the removal of fauna or flora from such reserve;

(d) the protection and preservation of such reserve and the fauna, flora and any property therein;

(e) the regulation, restriction or prohibition of the making of fires or the commission or omission of any act which may cause a fire;

(f) the prohibition of the entry into or use in such reserve of certain classes of vehicles, the regulation and control of traffic in such reserve and the conveyance of passengers and the routes to be followed therein;

(g) the regulation, restriction or prohibition of the introduction into such reserve or the use on any waters in such reserve of boats or other craft or certain classes of boats or craft, the conveyance of passengers on boats or craft and the routes to be followed by such boats or craft;

(h) the seizure or destruction of any animal found in such reserve in contravention of the provisions of any regulation in force therein;

(i) the handing over or seizure of anything brought into or removed from such reserve in contravention of any regulation in force therein or in possession of any person in such reserve in contravention of any such regulation;

(j) the powers and duties of **[officers, officials or]** employees appointed under subsection **[2*(b)*]** (3A), and

(k) any other matter in respect of which the **[Administrator]** responsible Minister deems it necessary or expedient to make regulations in order to achieve the objects of this section.

(7) Regulations made under subsection (6) may be made to apply generally to all provincial nature reserves or to any specified provincial nature reserve and may prescribe in respect of any contravention thereof or failure to comply therewith a fine not exceeding one thousand five hundred rand or imprisonment for a period not exceeding six months.

[Establishment of Provincial Nature Reserves Land Acquisition Fund

6A. (1) A fund to be known as the Provincial Nature Reserves Land Acquisition Fund (hereinafter referred to as the Fund) is hereby established.

(2) The Fund shall consist of—

(a) **all moneys received by the Department by way of contributions, donations and bequests for the purchase of land for the purposes of a provincial nature reserve or part of a provincial nature reserve, and**

(b) **moneys appropriated by the Provincial Council—**

(i) for the purposes of the Fund, and

(ii) in respect of the amount of interest received on the investment of money of the Fund which is not immediately required for the purposes of the Fund.

(3) The Fund shall be managed and controlled by the Administrator and for this purpose the Administrator may delegate all or any of his powers in writing to a senior officer in the full-time employment of the Administration.

(4) Money in the Fund shall be applied by the Administrator for the purchase of land for the purposes of provincial nature reserves.

(5) *(a)* The Administrator shall cause to be kept a full and correct account of all moneys received by the Fund and expended out of the Fund.

(b) **The account contemplated by paragraph *(a)* shall be audited by the Provincial Auditor.**

(6) The Administrator shall annually as soon as possible after 31 March lay upon the Table of the Provincial Council a statement of the income and expenditure of the Fund.]

Part II: Local Nature Reserves (secs 7-11)

Establishment of local nature reserves by local authority

7. (1) Any local authority may with the approval of the **[Administrator]** responsible Minister and subject to such conditions as he or she may specify, establish a local nature reserve on land vested in it or under its control or management and may for that purpose acquire land by agreement or expropriation.

(2) A local authority desiring to establish a local nature reserve in terms of subsection (1) shall once a week for two consecutive weeks with an interval of not less than seven days cause a notice in both official languages to be published in a newspaper circulating in its area of jurisdiction—

(a) stating its intention to establish such reserve on land of which the boundaries

are defined in such notice, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office;

(b) stating the name which it desires to assign to such reserve, and

(c) calling on persons wishing to object to such establishment to lodge their objections in writing together with the reasons therefor with such local authority on or before a date specified in such notice, being not less than thirty days after the last publication of such notice.

(3) When applying for the **[Administrator's]** responsible Minister's approval in terms of subsection (1), the local authority concerned shall furnish **[the Administrator]** that Minister with a copy of the notice referred to in subsection (2) and the objections, if any, lodged with it in accordance with such subsection together with its comments thereon.

(4) The **[Administrator]** responsible Minister may, in considering any application under this section, require the local authority to furnish him or her with such further information as he or she may deem necessary and shall thereupon, in his or her discretion, refuse the application or grant the application subject to such conditions as he or she may deem necessary or desirable.

(5) Every decision by the **[Administrator]** responsible Minister under subsection (4) shall be notified in the *Provincial Gazette* and where an application has been granted the name assigned to the reserve concerned, the boundaries thereof, defined in accordance with subsection (2), and the conditions, if any, subject to which approval has been granted shall be stated in the relevant notice.

(6) Subject to any conditions imposed by the **[Administrator]** responsible Minister under subsection (4), the provisions of section **[6(2)*(b)* and]** 6(3) to and including 6(7) shall apply *mutatis mutandis* in respect of a local nature reserve and any reference in any such section to—

(a) **[the law governing the Public Service or the Provincial Service;]**

(b) the **[Administrator]** responsible Minister (except in section 6(3)) or the **[Director]** Board;

(c) a provincial nature reserve, or

(d) regulations made by the **[Administrator]** responsible Minister,

shall be construed as a reference to, respectively—

(i) **[the law governing the appointment of employees of the local authority concerned;]**

(ii) the local authority concerned;

(iii) a local nature reserve, or

(iv) by-laws or regulations made by the local authority concerned.

(7) A local authority which has established a local nature reserve may with the approval of the **[Administrator]** responsible Minister and, in the case of paragraph *(b)*, after compliance *mutatis mutandis* with the provisions of subsections (2) and (3)—

(a) at any time alter the boundaries or the name or the boundaries and the name thereof, or

(b) abolish such reserve,

and any such alteration or abolition shall be notified in the *Provincial Gazette*.

Advisory boards for local nature reserves

8. (1) As soon as a local nature reserve has been established the local authority concerned shall appoint an advisory board for the purpose of advising and making recommendations to it in connection with the management, control and development of such reserve.

(2) *(a)* Such advisory board shall be constituted in accordance with by-laws or regulations made under section 9 and provision shall be made therein that the **[Administrator]** responsible Minister shall appoint at least one person to be a member but may in addition appoint up to five more persons to be members of such board.

(b) Any by-laws or regulations made before the coming into operation of the Nature and Environmental Conservation Amendment Ordinance, 1986, by a local authority under section 9 in connection with the appointment of members of an advisory board of a local nature reserve by the **[Administrator]** responsible Minister shall be deemed to have been amended in accordance with the provisions of paragraph *(a)*.

(3) No member of an advisory board shall be remunerated for his or her services as a member of such board but such member may be paid the reasonable expenses incurred by him or her in connection with his or her duties as such.

By-laws and regulations relating to advisory boards for local nature reserves

9. (1) A local authority shall, in the manner provided by law for the making of by-laws or regulations by such local authority, make by-laws or regulations relating to—

(a) the constitution of an advisory board referred to in section 8(1);

(b) the period of office and vacation of office of members of such board, and

(c) the holding of meetings at intervals of not more than twelve months by and the proceedings at meetings of such board.

(2) Any by-laws or regulations made before the coming into operation of the Nature and Environmental Conservation Amendment Ordinance, 1986, under subsection (1)*(c)* in connection with the intervals between meetings of an advisory board shall be deemed to have been amended in accordance with the provisions of subsection (1)*(c)*.

[Administrator's] Responsible Minister's powers in respect of acts done by local authority in relation to local nature reserves

10. (1) If the **[Administrator]** responsible Minister is of opinion that any action taken or anything done or proposed to be taken or done by a local authority in the course of or in connection with the management, control or development of a local nature reserve established by it is or will be detrimental to such reserve or to the purposes for which it was established, he or she may, after consultation with such local authority, by order in writing—

(a) prohibit such action or the doing of such thing or the continuance thereof, or

(b) permit such action to be taken or thing to be done or the continuance thereof subject to such conditions as he or she may determine.

(2) The **[Administrator]** responsible Minister may, if, after the expiration of a reasonable period of time, he or she is of the opinion that a local authority has not taken adequate steps to comply with an order issued in terms of subsection (1), by notice in the *Provincial Gazette* abolish the local nature reserve concerned; provided that, at least six weeks prior to such notice, he or she had given notice in writing by registered mail to such local authority of his or her intention to abolish such nature reserve after a date specified therein.

[Payment of subsidy in respect of local nature reserve

11. (1) There shall be paid from moneys appropriated by the Provincial Council for the purpose to every local authority which has established a local nature reserve, an annual subsidy equal to one-half, or such greater or smaller fraction as the Administrator may generally or specially determine, of the subsidisable expenditure incurred by such local authority in connection with such reserve as determined in terms of subsections (2) and (3).

(2) For the purpose of determining the subsidisable expenditure contemplated by subsection (1), a local authority shall, on or before such date in each year and in such manner as the Administrator may direct, submit to the Director an estimate of the expenditure it proposes to incur and of the revenue it expects to accrue to it during the following year in respect of the local nature reserve concerned.

(3) On receipt of such estimate the Director shall approve the whole or part of the proposed expenditure and the difference between the proposed expenditure so approved and the estimated revenue contemplated by subsection (2) shall for the purposes of subsection (1) be the subsidisable expenditure contemplated by subsection (1).

(4) Nothing in this section contained shall be construed so as to preclude a local authority from spending more than its subsidisable expenditure in connection with

the reserve concerned but any expenditure in excess of the subsidisable expenditure shall not, except with the approval of the Administrator, rank for subsidy.

(5) The Director may, at such intervals as he deems fit, make advances against the subsidy payable in terms of this section, subject to such adjustments as may be necessary when audited statements of actual expenditure and revenue become available.]

Part III: Private Nature Reserves (secs 12-13)

Establishment of private nature reserves

12. (1) Any owner of land may with the approval of the **[Administrator]** responsible Minister and subject to such conditions as he or she may specify, establish a private nature reserve on land of which he or she is the owner and assign a name to such reserve.

(2) Any person desiring to establish a private nature reserve in terms of subsection (1), shall apply to the **[Administrator]** responsible Minister for his or her approval and furnish him or her with—

(a) a definition, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office, of the boundaries of the land on which he or she desires to establish such reserve;

(b) proof of his or her ownership in such land;

(c) the name which he or she proposes to assign to such reserve, and

(d) such further information as the **[Administrator]** responsible Minister may require.

(3) The **[Administrator]** responsible Minister may, in his or her discretion, refuse any application under subsection (2) or grant such application subject to such conditions as he or she may deem necessary or desirable.

(4) If any application under subsection (2) is granted, the **[Administrator's]** responsible Minister's approval shall be notified in the *Provincial Gazette* and the name assigned to the reserve concerned, the boundaries thereof, defined in accordance with subsection (2)*(a)*, and the conditions, if any, subject to which approval has been granted shall be specified in the relevant notice.

(5) *(a)* Any person who has established a private nature reserve may at any time with the approval of the **[Administrator]** responsible Minister—

(i) alter the boundaries or the name or the boundaries and the name of such reserve, or

(ii) abolish such reserve.

(b) Any such reserve may at any time be abolished by the **[Administrator]** responsible Minister on good cause shown and after consultation with the person who established it.

(c) Any alteration or abolition as contemplated by this subsection shall be notified in the *Provincial Gazette*.

Rights and duties of owner of private nature reserve

13. Subject to any conditions imposed by the **[Administrator]** responsible Minister under section 12(3), any person who has established a private nature reserve shall manage, control and develop such reserve with a view to the propagation, protection and preservation of fauna and flora and such person or any other person authorised by him or her in writing may, notwithstanding anything to the contrary in this ordinance—

(a) subject to the provisions of sections 26, 27, 35 and 62, at any time and by any means other than by the use of fire or poison, hunt any wild animal or pick any flora found in such reserve;

(b) subject to the provisions of section 31(2) and any regulations made under section 82(1)*(d)* keep any such animal which has been captured in such reserve in captivity, or

(c) sell any such animal which has been so captured or the carcase of any such animal.

Part IV: General (secs 14-15)

Prohibition on hunting of wild animals and picking of flora in provincial or local nature reserve

14. No person shall—
(a) hunt any wild animal, or
(b) pick any flora,
in a provincial or local nature reserve unless he or she is in possession of a permit authorising him or her to do so issued in any case contemplated—
(i) by paragraph *(a)*, by the **[Director]** Board, or
(ii) by paragraph *(b)*, by the **[Director]** Board or the local authority concerned, respectively.

15. Assent to section 15 withheld by the State President.

CHAPTER III

MISCELLANEOUS NATURE [AND ENVIRONMENTAL] CONSERVATION MEASURES (secs 16-25)

Powers of [Department] Board

16. (1) The **[Department]** Board shall in the interests of nature **[and environmental]** conservation—
(a) conduct experiments, undertake research, make surveys, and conduct investigations in connection with any fauna, flora, inland waters, fish in such waters or aquatic growths and may for any such purpose acquire such property, whether movable or immovable, as may be necessary or desirable for the purpose;
(b) publish or in any other manner disseminate information relating to nature **[and environmental]** conservation which it acquires in the course of its activities and which may serve to further the achievement of the objects and purposes of this ordinance;
(c) take such measures as may be necessary or desirable for—
(i) the acclimatization and quarantining of fish imported into the Province;
(ii) the control of fish and aquatic growths in inland waters, or
(iii) the protection, propagation or cultivation of fauna or flora;
(d) erect, re-erect, maintain and repair on any land or in any inland waters such beacons, buoys, notices, notice boards, signs or other marks as may be necessary or desirable for the enforcement of any provision of this ordinance, and
(e) generally take such steps as may be necessary or desirable for the achievement of the objects and purposes of this ordinance.

(2) Any person generally or specially authorised thereto in writing by the **[Director]** Board may, for any purpose mentioned in subsection (1)*(c)*(ii) or *(d)*—
(a) enter upon the land or waters in question with such employees, assistants, animals, vehicles, appliances and instruments as may be required;
(b) make use of any natural material, including water, found on such land or in such waters, and
(c) cut any vegetation growing wild in the vicinity of any such beacon, buoy, notice, notice board, sign or other mark.

(3) Any person referred to in subsection (2) shall, prior to the exercise by him or her of any power mentioned in such subsection, give reasonable notice to the owner or occupier of the land or waters concerned of his or her intention to exercise such powers.

(4) The powers specified in subsection (1), except paragraph *(c)*(i) thereof, may also be exercised in or in respect of any local or private nature reserve.

Measures to ensure survival of endangered wild animals or endangered flora

17. (1) If the **[Director]** Board at any time considers it necessary or desirable that

special measures should be taken to ensure the survival of any species of endangered wild animal or endangered flora, **[he]** it may, **[with the approval of the Administrator and]** after consultation with the owner of any land on which any animal of such species or such flora is found—

(a) cause such number of either or both sexes of such animal or such number or quantity of the plants, seeds or other parts of such flora as **[he]** it may deem necessary to be captured, picked or gathered on such land and removed to a provincial nature reserve or such other place as **[he]** it deems fit for the purpose of preserving or propagating such species or such flora, or

(b) take such measures as **[he]** it may consider necessary for the preservation, cultivation and propagation on such land of such species or flora.

(2) The **[Director]** Board shall give reasonable notice to the owner of the land referred to in subsection (1) of the time when, the place where and the manner in which it is proposed to capture, pick, gather, preserve, cultivate or propagate the animals or flora referred to in such subsection; provided that the provisions of this subsection shall not apply in respect of the owner of any land to which any such animal may flee while being pursued for the purpose of being captured in terms of this section.

(3) The **[Director]** Board may, in the exercise of the powers conferred on **[him]** it by subsection (1), in writing authorise such persons as **[he]** it may deem necessary to enter upon the land in question and to capture, pick or gather the animals or flora or to take the required measures for the preservation, cultivation and propagation thereof as contemplated by that subsection and any such person may thereupon enter upon such land and capture, pick or gather such animals or flora or take such measures thereon or on any other land to which any such animals may flee while being pursued.

(4) Any person who resists, hinders or wilfully obstructs any person in possession of the written authority of the **[Director]** Board issued under subsection (3) in the exercise of his or her powers or functions under that subsection shall be guilty of an offence.

(5) The **[Administrator]** Board shall on the application of the owner of any land referred to in subsection (1) pay to such owner such compensation in respect of the wild animals or flora removed from his or her land in terms of the said subsection or any other damage suffered by him or her in consequence of the exercise of the powers contemplated by this section as the **[Administrator]** Board may deem reasonable in the circumstances.

[Director] Board may cause certain wild animals to be hunted

18. (1) If the **[Director]** Board is of opinion that any wild animal or any species of wild animal found on any land—

(a) is detrimental to the preservation of fauna or flora;

(b) is likely to be dangerous to human life;

(c) is wounded, diseased or injured;

(d) is causing damage to crops or other property, whether movable or immovable, of any person, or

(e) should be hunted in the interests of nature conservation,

[he] it may **[with the approval of the Administrator]**, cause such animal, or such number of such species as **[he]** it may determine, to be hunted on such land or on any land to which such animal or, in the case of a species of wild animal, the number of such species determined by **[him]** it may flee while being pursued for the purpose of being hunted in terms of this section.

(2) The provisions of subsections (3) and (4) of section 17 shall apply *mutatis mutandis* in respect of the exercise of the powers conferred on the **[Director]** Board by subsection (1) of this section.

(3) The ownership in the carcase of any wild animal killed during a hunt in terms of subsection (1) shall vest in the **[Administration]** Board.

[Director] Board may cause certain fish or aquatic growths to be destroyed

19. (1) If the **[Director]** Board is of opinion that any fish or aquatic growth found in

any inland waters is injurious to any other fish or aquatic growth or to the water in such inland waters, **[he]** it may—

(a) in writing order the owner of such inland waters to take such measures, including measures inconsistent with the provisions of this ordinance, as **[he]** it may specify in such order, to catch or kill such fish or to destroy such growth, and

(b) if requested thereto by such owner, render such assistance to such owner as the **[Director]** Board may deem necessary for the purpose of enabling such owner to comply with such order.

(2) If an owner contemplated by subsection (1) refuses or, within a period of twelve months from the date of an order in terms of subsection (1), fails to comply with such order the **[Director]** Board may cause the fish or growth concerned to be caught, killed or destroyed, as the case may be, and recover the costs incurred in that regard from such owner.

Appointment of nature [and environmental] conservation officers

20. [The Administrator may appoint—

***(a)* subject to the law governing the Public Service or the Provincial Service, so many officers, officials or employees, and**

***(b)* so many other persons**

as he may deem expedient as nature and environmental conservation officers for the carrying out of the provisions of this ordinance.]

The Board may appoint as many of its employees as it deems expedient as nature conservation officers for the carrying out of the provisions of this ordinance.

Powers of nature [and environmental] conservation officers

21. (1) A nature **[and environmental]** conservation officer may, subject to any limitation imposed in terms of section 25(2)—

(a) demand from any person performing or whom he or she reasonably suspects of having performed any act for the performance of which a licence, permit, exemption, order or the written permission of the owner of land or of any other person is necessary under any provision of this ordinance the production of such licence, permit, exemption, order or permission;

(b) where any person has performed or he or she reasonably suspects any person of having performed on any land any act which may only be performed on land in respect of which a certificate of adequate enclosure has been issued under section 35(4)*(b)*, demand from the owner of such land the production of such certificate;

(c) demand from any person whom he or she reasonably suspects—

(i) of having committed an offence under this ordinance, or

(ii) will be able to furnish evidence in connection with an offence committed or alleged to have been committed under this ordinance,

the name and address and any other information necessary for the identification of such person;

(d) question any person who in his or her opinion may be able to furnish any information required by him or her in connection with the enforcement of any provision of this ordinance and for that purpose demand that any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance be brought to a standstill;

(e) demand from any person who is required under this ordinance to keep any book, statement or invoice the production of such book, statement or invoice;

(f) conduct any investigation he or she considers necessary in order to ascertain whether any provision of this ordinance is being complied with by any person and may for such purpose without warrant and without permission enter upon any land, premises, vehicle, place, building, tent, vessel, boat, craft, float, aircraft or other means of conveyance and there carry out such inspection and investigation as may be necessary, including an inspection or investigation of any container or other thing found thereon or therein;

(g) in the course of any inspection or investigation in the exercise of his or her powers and the performance of his or her functions under this ordinance,

without warrant and without permission, demand that any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance be brought to a standstill and be kept stationary until he or she has searched it;

(h) without warrant and without permission, enter upon any land, premises, vehicle, vessel, boat, craft, float, aircraft or other means of conveyance and there conduct a search if he or she reasonably suspects that there is thereon or therein anything which—

(i) is used or has been used in;

(ii) forms or has formed an element in, or

(iii) will afford evidence of,

the commission of any offence under this ordinance;

(i) without warrant seize anything which—

(i) may, in his or her opinion, afford evidence of the commission of an offence under this ordinance, or

(ii) he or she reasonably suspects is being or has been used for the conveyance of any fauna or flora in respect of which an offence has been committed under this ordinance, or

(j) without warrant seize and confiscate any wild animal which is found in the possession of or being kept in captivity by any person, if—

(i) such person fails on demand by such officer to produce a permit authorising such possession or keeping, or

(ii) such animal is in the possession of or being kept in captivity by such person contrary to any condition specified in a permit produced by such person authorising such possession or keeping.

(2) A nature **[and environmental]** conservation officer may in the exercise of his or her powers or the performance of his or her functions under this ordinance take with him or her an interpreter and one or more assistants who shall, while acting under the directions of such nature **[and environmental]** conservation officer, be deemed to be nature **[and environmental]** conservation officers.

(3) Anything seized under subsection (1)(i) shall, if no prosecution for an offence under this ordinance is instituted in connection therewith, be returned to the person from whose possession it was taken.

Appointment and powers of honorary nature [and environmental] conservation officers

22. (1) The **[Director]** Board may appoint any person **[he]** it considers suitable as an honorary nature **[and environmental]** conservation officer for the carrying out of the provisions of this ordinance.

(2) *(a)* Every honorary nature **[and environmental]** conservation officer shall have all the powers conferred on a nature **[and environmental]** conservation officer by subsections (1)*(a)* to and including *(e)* and subsection (2) of section 21.

(b) When an honorary nature **[and environmental]** conservation officer takes with him or her an interpreter or assistant as contemplated by section 21(2), such interpreter or assistant shall be deemed to be an honorary nature **[and environmental]** conservation officer.

Appointment and powers of nature [and environmental] conservation rangers

23. (1) Any local authority may, subject to the law governing the appointment of employees of such local authority, appoint so many persons as it may deem expedient as nature **[and environmental]** conservation rangers for the carrying out of the provisions of this ordinance within the area of jurisdiction of such local authority.

(2) *(a)* Every nature **[and environmental]** conservation ranger shall have all the powers conferred by section 21 on a nature **[and environmental]** conservation officer and may exercise such powers within the area of jurisdiction of the local authority which appointed him or her.

(b) When a nature **[and environmental]** conservation ranger takes with him or her an interpreter or assistant as contemplated by section 21(2), such interpreter or assistant shall be deemed to be a nature **[and environmental]** conservation ranger.

[Payment of subsidy in respect of remuneration of nature and environmental conservation rangers

24. The Administrator may, subject to such conditions as he may deem necessary or desirable, pay from moneys appropriated by the Provincial Council for the purpose, to every local authority which has appointed nature and environmental conservation rangers an annual subsidy equal to one-half, or such greater fraction as he may generally or specially determine, of the expenditure incurred by such local authority in remunerating such rangers.]

Certificate of appointment

25. (1) Every nature **[and environmental]** conservation officer, honorary nature **[and environmental]** conservation officer and nature **[and environmental]** conservation ranger shall be furnished by the **[Director]** Board with a certificate of appointment in the prescribed form and shall when exercising any power or performing any function under this ordinance and if so required, produce such certificate for inspection.

(2) When furnishing a certificate of appointment contemplated by subsection (1), the **[Director]** Board may limit the exercise of the powers referred to in section 21 by the officer or ranger concerned to or in respect of—

(a) such areas;

(b) such offences under this ordinance;

(c) **[persons of such race or class]**, or

(d) such fauna and flora,

as **[he]** it may generally or specially determine and specify in such certificate.

(3) A certificate of appointment issued under subsection (1) shall remain valid, in the case of—

(a) a nature **[and environmental]** conservation officer or nature **[and environmental]** conservation ranger, until he or she leaves the service of the **[Administration]** Board or the local authority concerned, as the case may be, or until withdrawn by the **[Director]** Board whichever is the shorter period, and

(b) an honorary nature **[and environmental]** conservation officer, for the period specified in the certificate.

Transitional provision

25A. Any person appointed as a nature and environmental conservation officer, honorary nature and environmental conservation officer or a nature and environmental conservation ranger in terms of sections 20, 22 and 23 immediately before the amendment of those sections in terms of the Nature Conservation Laws Amendment Act, 2000, is, from the date of commencement of that Act, regarded as having been appointed as a nature conservation officer, honorary nature conservation officer or a nature conservation ranger, respectively, in terms of those sections as amended by that Act.

CHAPTER IV

PROTECTION OF WILD ANIMALS OTHER THAN FISH (secs 25A-47)

Application of Chapter IV

25[A]B. For the purposes of this Chapter the term ''wild animal'' shall not include fish.

Prohibition on hunting or possession of endangered wild animals

26. No person shall without a permit hunt or be in possession of any endangered wild animal or the carcase of any such animal.

Hunting of protected wild animals

27. (1) Subject to the provisions of subsections (2) and (3) no person shall hunt any protected wild animal—

(a) during any hunting season, unless he or she is the holder of a permit or of a licence in the prescribed form issued to him or her by the **[Director]** Board, a receiver of revenue or any person authorised to do so by the **[Director]** Board on payment of the prescribed fee, or

(b) at any other time unless he or she is the holder of a permit to do so.

(2) The provisions of subsection (1)*(a)* shall not apply to any owner of land, any relative of such owner or any full-time employee of such owner acting on the authority of such owner, in respect of any protected wild animal found on the land of such owner.

(3) Subject to the provisions of any regulation made under section 82(1)*(c)* the provisions of subsection (1) shall not apply to any person not in possession of a weapon, who—

(a) in the presence of the owner of any land on which any protected wild animal is being hunted by any other person as contemplated by such subsection, or

(b) in the absence but with the written permission of such owner,

assists such other person during such hunt by acting as a beater.

Prohibition on killing or capturing of protected wild animals in excess of daily bag limit

28. No person authorised by any provision of this ordinance to hunt any wild animal shall at any time kill or capture a greater number of any species of protected wild animal than the daily bag limit determined in respect of such species by **[proclamation]** notice under section 79*(a)*.

Prohibited ways of hunting

29. No person shall unless he or she is the holder of a permit authorising him or her to do so, hunt any wild animal—

(a) by means of fire or poison;

(b) with the aid of artificial light;

(c) on or from a public road;

(d) by means of any trap;

(e) during the period one hour after sunset on any day and one hour before sunrise on the following day;

(f) by means of any weapon in a public place within the area of jurisdiction of a local authority;

(g) by means of a fire-arm which discharges a rim-fire cartridge of a calibre less than five comma six millimetres;

(h) by means of a fire-arm which discharges more than two shots without being manually reloaded;

(i) by means of a bow-and-arrow;

(j) by means of a set gun or any similar contrivance;

(k) by means of any device which injects an intoxicating or a narcotic agent or poison into such animal;

(l) by the use of a dog, except for the hunting of birds or for the purpose of following or searching for any such animal which has been wounded;

(m) in the case of birds in or upon inland waters, by the use of a boat for the purpose of chasing or killing such birds;

provided that in respect of the hunting of—

(i) rodents, the provisions of paragraphs *(a)*, *(b)*, *(d)*, *(e)*, and *(l)*, or

(ii) any bird or any other wild animal which is not an endangered or a protected wild animal, the provisions of paragraph *(g)*, or

(iii) any such wild animal by a registered veterinary surgeon in **[the practise of]** practising his or her profession, the provisions of paragraph *(k)*,

shall not apply.

Prohibition on use of certain fire-arms to hunt certain wild animals

30. No person shall use a fire-arm having a barrel of a calibre of six comma five millimetres or less to hunt any Buffalo, Eland, Kudu, Wildebeest, Oryx or Red Hartebeest.

Prohibition on keeping of wild animals in captivity

31. (1) No person shall without a permit authorising him or her to do so, keep any wild animal in captivity; provided that in the case of a wild animal which is a bird, the provisions of this section shall only apply in respect of a bird which is an endangered or protected wild animal.

(2) No person shall at any time, whether authorised by a permit issued under subsection (1) or not, restrain any wild animal by means of a rope, cord, chain or any similar contrivance.

Prohibition on release of exotic wild animals

31A. No person shall without a permit authorising him or her to do so, release any exotic wild animal in the Province.

Prohibition on manipulation of boundary fences, etc.

31B. No person shall—

(a) alter, remove or partly remove or cause to be altered, removed or partly removed any fence, whether on a common boundary or on his or her own property, in such a manner that any wild animal which as a result thereof gains access or may gain access to his or her property or a camp on his or her property cannot escape or is likely not to be able to escape therefrom, and

(b) heap up or cause to be heaped up soil or any other material on one side of any fence, whether on a common boundary or on his or her own property, or remove or cause to be removed soil on one side of such fence in such manner that such heaping up or such removal has the effect of reducing or increasing the height, as the case may be, of such fence on one side, unless any wild animal which gains or may gain access to such property or a camp on such property over such lower section of such fence can escape or is likely to be able to escape therefrom.

Prohibition on laying of poison

32. (1) Subject to the provisions of subsection (2), no person shall lay or cause or allow to be laid any poison at any place where it is likely to or in such manner that it may be assimilated or ingested by a wild animal.

(2) The provisions of subsection (1) shall not preclude any person from laying any poison with due observance of such provisions, for the purpose of exterminating rodents, Redwinged Starlings, European Starlings, English Sparrows or Colies.

Prohibition on use of motor vehicles or aircraft for [the] purpose of hunting wild animals or of filming or photographing [a] hunt, etc., of such animals

33. (1) Subject to the provisions of subsection (2), no person shall without a permit use any motor vehicle or aircraft to hunt any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever.

(2) The provisions of subsection (1) shall not preclude the use of a motor vehicle for the hunting in accordance with the provisions of this ordinance of any wild animal by the owner of any land on such land.

34.

Certificate of adequate enclosure

35. (1) Any owner of land on which any species of protected wild animal is found may in the prescribed manner and form and in relation to any such species, apply to the **[Director]** Board for a certificate of adequate enclosure as contemplated by subsection (4) in respect of the whole or any portion of such land.

(2) Any application under subsection (1) shall—

(a) include a full description of the land in respect of which application is made, its boundaries and size and the vegetation thereon;

(b) state the species of protected wild animal to which the application relates, the estimated number of such species in a free state of nature and the number of such species in captivity, on the land referred to in paragraph *(a)*;

(c) set forth the grounds on which the land in question is considered to be adequately enclosed, and

(d) reflect such further information as may be prescribed.

(3) For the purpose of deciding upon any such application the **[Director]** Board may require the applicant to furnish **[him]** it with such further information as **[he]** it may consider necessary or desirable.

(4) If the **[Director]** Board—

(a) having regard to the size of the land in respect of which application has been made under subsection (1), the number of the species of protected wild animal to which such application relates which is normally found on such land and such other circumstances as **[he]** it may consider relevant, is of opinion that the animals in question are in effect being kept in captivity, **[he]** it shall refuse the application, or

(b) is satisfied that such land is adequately enclosed in relation to such species, **[he]** it may in **[his]** its discretion grant the application subject to such conditions as **[he]** it may consider necessary or desirable and issue to the applicant a certificate of adequate enclosure in respect of such land and shall in such certificate specify the conditions, if any, subject to which it is issued, define the boundaries of the land concerned and specify the species of protected wild animal to which it relates.

(5) *(a)* A certificate of adequate enclosure issued in terms of subsection (4) shall, subject to the provisions of paragraph *(b)*, be valid for the period specified therein.

(b) A certificate of adequate enclosure may at any time during the period of validity thereof be withdrawn by the **[Director]** Board summarily and without prior notice to or consultation with the holder thereof; provided that such withdrawal may be set aside by the **[Director]** Board if, after consultation with such holder, **[he]** it is of the opinion that such setting aside is necessary or desirable.

(6) Any certificate issued under section 22 of the Nature Conservation Ordinance, 1965 (Ordinance 26 of 1965) prior to the repeal of that ordinance by section 89 of this ordinance shall be deemed to be a certificate of adequate enclosure issued in terms of subsection (4) of this section, and any such certificate shall remain valid for the period stated therein unless it is withdrawn in terms of subsection (5) prior to the expiration of such period.

Rights of holder of certificate of adequate enclosure and certain other persons

36. Any owner of land to whom a certificate of adequate enclosure has been issued in terms of section 35(4)*(b)*, any relative of such owner, any full-time employee of such owner acting under the authority of such owner and any other person in possession of a permit or of a licence referred to in section 27(1)*(a)* and acting with the permission of such owner may, notwithstanding anything to the contrary contained in this ordinance but subject to any conditions specified in such certificate—

(a) at any time by any means other than by the use of fire or poison and on the land in respect of which such certificate was issued hunt any number of the species of protected wild animal specified in such certificate;

(b) subject to the provisions of section 31(2) and any regulations made under section 82(1)*(d)* keep any animal of such species which has been captured on such land in captivity on such land, and

(c) sell or donate any animal of such species which has been so captured or the carcase of any such animal.

Certificate of adequate enclosure lapses on transfer or lease of land

37. Any certificate of adequate enclosure issued in terms of section 35(4)*(b)* shall lapse upon the transfer or lease of the land in respect of which it was issued or of any portion of such land.

Transfer of hunting and other rights

38. (1) The **[Director]** Board may in writing authorise—

(a) any owner of land to whom a certificate of adequate enclosure has been issued in terms of section 35(4)*(b)*, or

(b) any other owner of land,

to transfer, whether temporarily or permanently, to a person approved by **[him]** it and subject to such conditions as **[he]** it may impose—

(i) in the case of an owner referred to in paragraph *(a)*, the rights conferred on such owner by section 36, and

(ii) in the case of an owner referred to in paragraph *(b)*, the rights of any such owner under this ordinance.

(2) In the application of the provisions of this ordinance, any person to whom any rights have been transferred as contemplated by subsection (1), shall as from the date of such transfer and, in the case of a temporary transfer, for the duration of the period concerned, be deemed to be the owner of the land in question.

Owner of land may permit other persons to hunt wild animals on his or her land

39. (1) Subject to the provisions of this ordinance, any owner of land may permit any other person to hunt in accordance with such provisions any wild animal on the land of such owner and to remove any such animal or the carcase of any such animal from such land.

(2) Subject to the provisions of subsection (3) no permission granted in terms of subsection (1) shall be valid unless it is reduced to writing and reflects—

(a) the full names and address of the owner concerned and of the person to whom it is granted, and

(b) the number and the species of wild animal, the date or dates and the land in respect of which it is granted,

and is signed and dated by such owner.

(3) The provisions of subsection (2) shall not apply in respect of permission granted in terms of subsection (1) to any relative or full-time employee of any owner of land.

Hunting of wild animals on land belonging to another person

40. No person shall on land of which he or she is not the owner hunt any wild animal or remove any such animal or the carcase of such animal from such land without the permission of the owner of such land granted in terms of section 39.

Donation or sale of wild animal or carcase thereof

41. No person shall donate or sell any wild animal or the carcase of any such animal to any other person unless, when he or she delivers such animal or carcase to such other person, he or she furnishes such other person with a written document signed by him or her reflecting—

(a) the full names and address of such firstmentioned person;

(b) the full names and address of such other person;

(c) the number and species of wild animals or carcases so donated or sold;

(d) the date on which such animal or carcase was so donated or sold, and
(e) a statement by him or her that he or she has donated or sold such animal or carcase to such other person.

Possession of wild animal or carcase thereof

42. (1) Any person found in possession of any wild animal or the carcase of any such animal shall be guilty of an offence unless, in the event of—
(a) the animal having been hunted by him or her on the land of any other person, he or she is in possession of the written permission contemplated by section 39, or
(b) his or her having acquired such animal or carcase from any other person, he or she is in possession of a written document contemplated by section 41.

(2) The provisions of subsection (1) shall not apply in any case where a relative or full-time employee of any owner of land is found in possession of a wild animal or the carcase of any such animal which such relative or employee has hunted on the land of such owner with his or her permission or which such owner has sold or donated to such relative or employee.

Documents relating to permission to hunt or to [the] donation of wild animals or [the] carcasses thereof to be retained for certain period

43. Every document referred to in sections 39 and 41 shall be retained by the person to whom it was furnished for a period of at least two months from the date on which it was so furnished or while such person is in possession of the wild animal or carcase to which it relates, whichever is the longer period.

Miscellaneous offences in relation to certain wild animals

44. (1) Subject to the provisions of this ordinance, no person shall without a permit authorising him or her to do so—
(a) import into, export from or transport in or through the Province any wild animal;
(b) (i) import into the Province from any place outside the Republic the carcase of any wild animal, or
(ii) export from the Province the carcase of any endangered wild animal or any protected wild animal specified in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973;
(c) sell, buy, donate or receive as a donation the carcase or anything manufactured from the carcase of any endangered wild animal;
(d) process, prepare, cure, tan or in any manner whatsoever treat the carcase of any endangered wild animal for the purpose of—
(i) manufacturing any article therefrom;
(ii) exhibiting such carcase or any article manufactured therefrom, or
(iii) mounting such carcase, or
(e) sell, buy, donate, receive as a donation or be in possession of any live endangered or protected wild animal.

(2) The provisions of subsection (1)*(a)* shall not be construed so as to preclude the export from or the transport in or through the Province without a permit, of any bird which is not an endangered or protected wild animal.

Sale and purchase of biltong and biltong sausage

45. (1) No person shall sell biltong or biltong sausage unless—
(a) the meat of which it was made is the meat of a wild animal hunted in accordance with the provisions of this ordinance or any other law;
(b) it has been packed by the producer thereof in a securely sealed and unbroken container and such seal and container is intact, and
(c) the names and address of the producer appear in clearly legible letters and figures on such container.

(2) No person shall buy any biltong or biltong sausage which does not comply with the provisions of subsection (1)*(b)* and *(c)*.

Sale of carcases of wild animals

46. No carcase of any wild animal shall be sold by any person other than—

(a) the owner of any land on which the animal concerned was hunted in accordance with the provisions of this ordinance;

(b) a market master at a public or municipal market, or

(c) a person authorised by a permit issued under this ordinance **[or a licence issued under the Licences Ordinance, 1981 (Ordinance 17 of 1981),]** to sell such carcase.

Local authority may permit owner of land to hunt certain wild animals

47. (1) If, on application in the prescribed form by an owner of land within its area of jurisdiction a local authority is satisfied that damage is being done to crops or other property of such owner, by—

(a) any species of protected wild animal other than African Elephant, African Lion, Bontebok, Red Hartebeest, Eland, Oryx, Black Wildebeest, Oribi, Blue Duiker, Klipspringer or Ant-bear, or

(b) birds which are not endangered or protected wild animals,

it may, notwithstanding anything to the contrary in this ordinance contained, issue a permit in the prescribed form authorising such owner or a person nominated by him or her to hunt such species or birds on the land of such owner at the place where such damage is being done and may in a case referred to in paragraph *(b)*, notwithstanding the provisions of section 29*(a)*, *(d)* or *(e)*, specify in any such permit that any birds referred to in such paragraph may be hunted by means of poison or a trap and at any time of the day or night.

(2) A permit issued in terms of subsection (1) shall be valid for a period specified therein not exceeding one month from the date of issue thereof.

CHAPTER IVA

PROTECTION OF RHINOCEROSES (sec 47A)

Protection of and penalties for offences with regard to rhinoceroses, etc.

47A. (1) Notwithstanding anything to the contrary contained in this ordinance, no person shall, without a permit authorising him or her to do so—

(a) hunt, capture, possess, import into, export from or transport through the Province, buy, sell, receive as a donation or donate any rhinoceros, or

(b) possess, import into, export from or transport through the Province, buy, sell, receive as a donation or donate the carcase (whether untreated, processed, prepared, cured, tanned or treated in any other manner whatsoever) of any rhinoceros.

(2) Any person who contravenes a provision of subsection (1) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding one hundred thousand rands or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any rhinoceros or the carcase (whether untreated, processed, prepared, cured, tanned or treated in any other manner whatsoever) of any rhinoceros in respect of which the offence was committed.

(3) *(a)* The court convicting any person of an offence contemplated by subsection (2), read with subsection (1)—

(i) shall, without notice to any person and in addition to the penalty which it may impose in terms of subsection (2), declare any rhinoceros or the carcase (whether untreated, processed, prepared, cured, tanned or treated in any other manner whatsoever) of any rhinoceros in respect of which the offence was committed to be forfeited to the **[Administration]** Board, and

(ii) may, without notice to any person and in addition to the penalty and forfeiture contemplated by subparagraph (i), declare any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance and any weapon, instrument, receptacle or other thing which was used for or in connection with the

commission of the offence and which was produced to the court to be forfeited to the **[Administration]** Board.

(b) The **[Administration]** Board or any person authorised thereto by **[him]** it, may cause to be destroyed or sold or may direct what may otherwise be done with anything declared to be forfeited in terms of paragraph *(a)*.

(c) Any rights which any person other than the convicted person may have in any rhinoceros or any carcase (whether untreated, processed, prepared, cured, tanned or treated in any other manner whatsoever) of a rhinoceros or any other thing forfeited in terms of paragraph *(a)* shall not be affected by such forfeiture if such person proves that he or she was not aware of the commission of the offence or that he or she took all reasonable steps to prevent the commission of the offence or that he or she could not prevent the commission of the offence and that he or she may lawfully possess whatever has been forfeited.

(d) The provisions of section 35(4) of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall, subject to the provisions of paragraph *(c)*, apply *mutatis mutandis* in respect of any forfeiture in terms of this subsection.

(4) **[Where in any prosecution under subsection (1) read with subsection (2) any person is shown to have performed any act contemplated by subsection (1), it shall, until the contrary is proved, be presumed that the performance of such act was unlawful]**.

(5) **[The Director-General: Provincial Administration of the Cape of Good Hope may, from money appropriated by Parliament for that purpose and with the concurrence of the Minister of Finance, pay a cash amount, which in his opinion]** The Board may from money appropriated by the Provincial Parliament of the Western Cape for that purpose and with the concurrence of the provincial Minister responsible for financial affairs, pay a cash amount, which in its opinion is fair and reasonable in the circumstances, to any person, except a person in the employ of the State who provided **[him]** it with any information or evidence with regard to an offence contemplated by subsection (2), irrespective of whether such information or such evidence leads to a prosecution and conviction in a competent court.

CHAPTER V

PROTECTION OF FISH IN INLAND WATERS (secs 48-61A)

Pollution of inland waters

48. No person shall deposit or cause or allow to be deposited—

(a) in any inland waters, or

(b) in any place from where it is likely to percolate into or in any other manner enter any inland waters,

anything, whether solid, liquid or gaseous, which is or is likely to be injurious to any fish or fish food or which, if it were so deposited in large quantities or numbers, would be so injurious.

Obstruction of fish in inland waters

49. No person shall place or cause or allow to be placed in any inland waters any article or thing, other than a net of which the use in inland waters is authorised by any provision of this ordinance, which will or is likely to prevent the free passage of fish in such waters.

Placing of fish etc. in inland waters

50. No person shall without a permit place in or in any manner introduce into or cause or allow to be placed or introduced into any inland waters any live fish or any aquatic growth; provided that the provisions of this section shall not apply in respect of live fish which is replaced into any inland waters immediately after it has been caught in such waters.

Killing of fish

51. Subject to the provisions of section 61, no person shall by any means whatsoever kill or injure any fish or wilfully disturb or destroy the spawn of any fish in any inland waters; provided that the provisions of this section shall not apply in respect of any fish which is killed or injured while being caught in and taken from such waters in accordance with the provisions of this ordinance.

Prohibition on catching of certain species of fish and catching of fish outside angling season

52. Subject to the provisions of section 61 no person shall without a permit—

(a) catch any fish which is an endangered wild animal or have in his or her possession any such fish or the carcase or spawn thereof, or

(b) at any time outside the angling season for any species of fish catch any fish of such species in any inland waters.

Angling licence

53. Subject to the provisions of sections 52 and 61, no person shall angle in any inland waters without a licence issued by the **[Director]** Board, a receiver of revenue or any person authorised to do so by the **[Director]** Board in the prescribed form on payment of the prescribed fee.

Netting licence

54. (1) Subject to the provisions of section 61, no person shall for any purpose whatsoever use any fyke-net, crab-net, staked net or trek-net in any inland waters without a licence in the prescribed form issued to him or her by the **[Director]** Board on payment of the prescribed fee.

(2) Subject to the provisions of sections 52 and 61, no person shall for any purpose whatsoever use any cast-net in any inland waters without a licence in the prescribed form issued to him or her by the **[Director]** Board, a receiver of revenue or any person authorised to do so by the **[Director]** Board on payment of the prescribed fee.

Prohibition on catching of more fish than number determined as bag limit and of undersized fish

55. (1) Subject to the provisions of section 61, no person shall without a permit at any time in any inland waters—

(a) catch a greater number of any species of fish than the daily bag limit determined in respect of such species by **[proclamation]** notice under section 79*(a)*, or

(b) catch any fish which is of a size or mass less than the size or mass determined by regulation made under section 82(1)*(h)* in respect of the species of such fish.

(2) Notwithstanding anything to the contrary in this ordinance, the **[Director]** Board may for the purposes of this section authorise any person to whom a permit has been issued for the purposes of subsection (1) to use any net in any inland waters.

Prohibited ways of catching fish

56. Subject to the provisions of section 61, no person shall in any inland waters catch fish—

(a) by snatching or spearing;

(b) by means of a staked net, trek-net or fyke-net which, in each case, extends over a distance of more than half the width of such inland waters at the place where such net is so used;

(c) by means of a fyke-net if any device used to guide fish to an opening in such net is more than six metres in length;

(d) by placing a staked net or fyke-net or by using a trek-net within a distance of thirty metres from the extremities of any other such net being used in such

waters and for the purposes of this paragraph the extremities of a fyke-net shall be deemed to be the extremities of the devices, if any, used to guide fish to an opening in such net;

(e) by angling by means of—

(i) more than two lines;

(ii) more than two single hooks attached to any line, or

(iii) a set line with more than two hooks attached thereto.

Sale etc. of certain species of fish

57. No person shall without a permit—

(a) sell or buy any fish which is an endangered wild animal or the carcase or spawn of such fish;

(b) sell, buy or transport any live carp, bluegill sunfish, trout, black bass, banded tilapia or exotic invertebrate freshwater fauna;

(c) sell or buy any fish the catching of which is prohibited by section 55(1)*(b)*.

Importation and export of fish

58. No person shall without a permit—

(a) import any live fish or the spawn of any fish into the Province;

(b) import into or export from or transport in or through the Province any fish which is an endangered wild animal or the carcase or spawn of any such fish, or

(c) import into or export from the Province any fish which is a protected wild animal and is specified in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973, or the carcase or spawn of any such fish.

Removal etc. of bait caught in inland waters

59. No crab, prawn, pencil bait, shell bait or worm, whether alive or not, which has been caught in any inland waters shall, except under the authority of a permit—

(a) be sold to any person, or

(b) be bought by any person except from a person authorised by any provision of this ordinance to sell it.

Noxious aquatic growths

60. No person shall cultivate, possess, transport, sell, donate, buy or otherwise acquire or import into the Province any noxious aquatic growth.

Privately owned inland waters

61. The provisions of sections 51, 52, 53, 54, 55 and 56 shall, in respect of any privately owned inland waters, not apply to—

(a) the owner of such waters;

(b) any relative of such owner, or

(c) any full-time employee of such owner or any other person, acting with the permission of such owner.

Exemption from provisions for scientific purposes

61A. The **[Director]** Board may in **[his]** its discretion and subject to such conditions as **[he]** it may deem necessary or desirable grant exemption in writing from any provision of this Chapter to any person doing research on fish or fish food.

CHAPTER VI

PROTECTION OF FLORA (secs 62-72)

Possession etc. of endangered flora

62. (1) Subject to the provisions of this ordinance, no person shall without a permit, be in possession of, sell, buy, donate, receive as a donation, pick, or import into, export from or transport in or through the Province, any endangered flora.

(2) The provisions of subsection (1) shall not be construed so as to preclude the possession without a permit by an owner of land, of any endangered flora growing in a natural state on such land.

(3) Any person desiring to sell endangered flora which he or she has cultivated on any fixed premises shall apply to the **[Director]** Board in the prescribed form for registration as a grower of endangered flora and a permit to sell endangered flora which has been cultivated and furnish **[him]** it with the prescribed information and such further information as **[he]** it may require.

(4) Upon receipt of any such application, the **[Director]** Board may cause such inspection of the premises concerned as **[he]** it may deem necessary to be made and if **[he]** the Board is satisfied that the granting of such application will further the objectives of this Chapter **[he]** it may, subject to the conditions which **[he]** the Board deems fit, in the prescribed form issue to the applicant a certificate of registration as a grower of endangered flora and a permit to sell endangered flora which has been cultivated.

(5) **[The holder of a permit issued under subsection (4) shall not be exempt from compliance with any provision of the Licences Ordinance, 1981 (Ordinance 17 of 1981), in connection with the sale of any flora.]**

(6) A certificate and a permit issued under subsection (4) shall be valid—

(a) in the firstmentioned case, until it is cancelled by the **[Director]** Board, and

(b) in the lastmentioned case, for a period of twelve months from the date of issue thereof.

(7) The holder of a permit issued under subsection (4) shall not sell or donate any endangered flora to any person unless, when he or she sells or donates such flora to such person, he or she furnishes such person with a written and dated document signed by him or her and reflecting—

(a) his or her full name and address;

(b) the full name and address of such person;

(c) the number and date of such permit, and

(d) the name of each species and the number of each species of such flora which has been sold or donated.

(8) Notwithstanding any provision to the contrary contained in this section, no permit shall be required for the purchase, receipt as a donation, transport or possession of any endangered flora which has been sold or donated by the holder of a permit issued under subsection (4) and in which such flora is specified; provided that any person who has bought or received as a donation or is in possession of such flora, is in possession of a document contemplated by subsection (7).

Prohibition on picking of certain flora

63. (1) No person shall—

(a) uproot the plant in the process of picking the flower of any flora;

(b) without a permit—

(i) pick any endangered or protected flora, or

(ii) pick any flora on a public road or on the land on either side of such road within a distance of ninety metres from the centre of such road, or

(c) pick any protected or indigenous unprotected flora on land of which he or she is not the owner, without the permission of the owner of such land or of any person authorised by such owner to grant such permission.

(2) No permission granted in terms of subsection (1)*(c)* shall be valid unless it is reduced to writing and reflects—

(a) the full names and address of the owner of the land concerned or of the person authorised to grant such permission;

(b) the full names and address of the person to whom permission is granted, and

(c) the number and species of flora, the date or dates on which such flora may be picked and the land in respect of which permission is granted,

and is signed and dated by such owner or the person authorised by him or her.

(3) The provisions of subsection (1)*(b)* shall not apply to the owner of any land, any relative of such owner and any full-time employee of such owner acting on the instructions or with the consent of such owner, in respect of any protected or indigenous unprotected flora on such land.

(4) The provisions of subsection (1)*(b)*(i) shall not apply to any person authorised in writing by the owner of any land to pick any protected flora on such land for the purpose of gathering and propagating the seed of such flora.

Sale and purchase of protected flora

64. No person shall—

(a) sell or buy any protected flora at any place other than on the premises of a registered flora grower or registered flora seller, and

(b) sell any protected flora without a licence issued under section 65(2).

Registration and licensing of flora growers and flora sellers

65. (1) Any person desiring to be registered and licensed in respect of any fixed premises as a flora grower or flora seller, as the case may be, shall apply to the **[Director]** Board in the prescribed manner and form for registration in terms of this section and furnish **[him]** it with the prescribed information and such further information as **[he]** it may require.

(2) Upon receipt of any such application, the **[Director]** Board may cause such inspection of the premises concerned as **[he]** it may deem necessary to be made and if, after consultation with the local authority in whose area of jurisdiction such premises are situated and regard being had to any other information at **[his]** its disposal, **[he]** it is satisfied that the granting of such application will not be contrary to the objectives of this Chapter, **[he]** the Board may, in **[his]** its discretion and subject to the conditions which **[he]** it deems fit, in the prescribed form issue to any such applicant—

(a) in respect of the premises concerned, a certificate of registration as a flora grower or flora seller, as the case may be, and

(b) on payment of the prescribed fee, a licence to sell on the premises concerned the protected flora specified by **[him]** it in such licence;

provided that no fee shall be payable in respect of a licence to sell protected flora which has been cultivated.

(3) **[The holder of a licence issued under subsection (2) shall not be exempt from compliance with any provision of the Licences Ordinance, 1981 (Ordinance 17 of 1981), in connection with the sale of any flora.]**

(4) *(a)* A licence issued to—

(i) a flora grower shall be valid for a period of twelve months from the date of issue thereof, and

(ii) a flora seller shall be valid for a period of three years from the date of issue thereof.

(b) A certificate of registration as a flora grower or flora seller shall be valid until it is cancelled by the **[Director]** Board or, in the case where the **[Director]** Board does not receive an application for a new licence from a flora grower or flora seller, as the case may be, within thirty days of the expiry of the periods contemplated by paragraph *(a)*, for the periods contemplated by paragraph *(a)* and for thirty days thereafter.

Sale of protected flora on [the] premises of registered flora growers and sellers

66. No person shall sell any protected flora on the premises of—

(a) a registered flora grower unless such flora was propagated or cultivated or occurred in a natural state on such premises;

(b) a registered flora seller unless such flora has been obtained from any other registered flora seller or registered flora grower, or

(c) a registered flora seller if such flora was propagated or cultivated or occurred in a natural state on any premises of any registered flora seller who is not registered as a flora grower in respect of such premises.

Sale of protected flora for charitable and other approved purposes

67. Notwithstanding anything to the contrary contained in this ordinance, the **[Director]** Board may subject to such conditions and restrictions as **[he]** it may deem necessary issue a permit to any person authorising such person to sell protected flora for charitable or such other purposes as the **[Director]** Board may approve, at a time and place specified in such permit.

Places for sale of indigenous unprotected flora

68. (1) A local authority may in respect of the sale of indigenous unprotected flora within its area of jurisdiction set aside such places as it may deem suitable for the sale of such flora and erect such shelters or other structures as it may deem necessary thereon **[and notwithstanding anything to the contrary contained in the Licences Ordinance, 1981 (Ordinance 17 of 1981), when issuing a licence contemplated by Item 32 of the First Schedule to such ordinance authorising the holder of such licence to carry on the business of selling, bartering or exchanging flowers or offering or exposing flowers for sale, barter or exchange, restrict the carrying on of such business in respect of indigenous unprotected flora to any place so set aside]**.

(2) No person shall sell any indigenous unprotected flora at any place other than a place set aside in terms of subsection (1) or on the premises of a registered flora seller or registered flora grower.

Sale of indigenous unprotected flora by owner of land

69. Notwithstanding the provisions of section 68(2), an owner of land on which indigenous unprotected flora is being propagated or cultivated or on which such flora occurs in a natural state may sell such flora which has been so propagated or cultivated or which so occurs to any person—

(a) on such land;

(b) at a place set aside in terms of section 68(1), or

(c) carrying on business under a licence issued to him or her under section 65(2).

Export and importation of flora

70. No person shall without a permit—

(a) export any flora from the Province; provided that the provisions of this paragraph shall not apply to the export by any person of any flora, except endangered flora and protected flora referred to in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973, which he or she legally obtained from any registered flora grower or registered flora seller who is the holder of a permit to export such flora contemplated by this paragraph; provided further that such person, while he or she is exporting such flora, shall be in possession, in addition to any document contemplated by sections 71 and 72, of a document in which

the number and date of such export permit of such flora grower or flora seller are reflected, or

(b) import into the Province any protected flora specified in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973.

Donation of flora

71. The provisions of sections 41 and 43 shall apply *mutatis mutandis* in respect of the donation of any flora by any person to any other person.

Possession of flora

72. The provisions of sections 42 and 43 shall apply *mutatis mutandis* in respect of any person found in possession of any flora.

CHAPTER VIA

PROFESSIONAL HUNTERS, HUNTING OUTFITTERS AND DIRECTORS OF PROFESSIONAL HUNTING SCHOOLS

Definitions

72A. For the purposes of this Chapter—

(a) **"client"** means a person who is not a South African citizen who, in any form or manner, rewards another person for, or in connection with, the hunting of wild animals or feral animals;

(b) **"Director of a Professional Hunting School"** means a person who presents and conducts a prescribed course to instruct prospective professional hunters or hunting outfitters or assesses the proficiency of professional hunters or hunting outfitters;

(c) **"feral animal"** means an animal of a domesticated fauna species, which has gone wild;

(d) **"hunting outfitter"** means a person who, for any form or manner of reward, presents for hunting or organises or conducts the hunting of, wild animals or feral animals for clients, and

(e) **"professional hunter"** means a person who, for any form or manner of reward, offers or agrees to escort a client to enable the client to hunt wild animals or feral animals.

Operating as professional hunters, hunting outfitters and Directors of Professional Hunting Schools

72B. (1) Subject to the provisions of this Ordinance and any regulation made under section 72G, a person shall not act as a—

(a) professional hunter, or

(b) hunting outfitter, or

(c) Director of a Professional Hunting School,

unless in possession of a permit which permits that person to do so.

(2) The requirements to be complied with by a professional hunter, a hunting outfitter or a Director of a Professional Hunting School shall be as the **[Director]** Board may determine from time to time.

(3) The **[Director]** Board may exempt any person from the provisions of subsection (1).

Hunting of wild animals or feral animals by client

72C. (1) A client shall not hunt a wild animal or a feral animal unless—

(a) the hunt is organised or conducted by a hunting outfitter, and

(b) the client is escorted by a professional hunter.

(2) A professional hunter who escorts a client shall ensure that the client does not hunt contrary to the provisions of this Ordinance and may give the client any lawful instruction.

(3) A client shall obey an instruction given in terms of subsection (2).

(4) A professional hunter may while escorting a client and if this is necessary in defence of life or property or to prevent unnecessary suffering of a wild animal or a feral animal, kill a wild animal or a feral animal.

Landowner's permission to hunting outfitters

72D. Subject to the provisions of this Ordinance, a hunting outfitter shall not present for hunting or organise the hunting of, a wild animal or a feral animal for a client unless the hunting outfitter is the holder of a written permission from the owner of the land on which the hunt is presented or organised.

Prohibited act

72E. A person who under false pretences presents, organises or conducts a hunt contemplated in this Chapter for a client shall be guilty of an offence.

Advisory committee

72F. The **[Director]** Board may obtain advice from a representative South African Professional Hunting Committee.

Regulations

72G. (1) The **[Administrator]** responsible Minister may make regulations relating to professional hunters, hunting outfitters, Directors of Professional Hunting Schools and the control and regulation of the hunting of wild animals or feral animals.

(2) Regulations made in terms of subsection (1) may, in respect of any contravention thereof or failure to comply therewith, impose a penalty of a fine or imprisonment for a period not exceeding 12 months or both a fine and such term of imprisonment.

Offences

72H. A person who contravenes or fails to comply with the provisions of section 72B, 72C or 72D shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years or both a fine and such term of imprisonment.

CHAPTER VII

GENERAL AND SUPPLEMENTARY (secs 73-90)

Permits etc. to be issued by [Director] Board

73. Whenever any permit, certificate, written authority, exemption or order is by any provision of this ordinance required for the lawful performance of any act, such permit, certificate, written authority, exemption or order may, unless specific provision is made for the issue thereof by any other authority, on application in the prescribed form, in **[his]** its discretion be issued by the **[Director]** Board subject to such conditions as **[he]** it may, either generally or specially, consider necessary or desirable in regard thereto.

Period of validity of permits etc

74. Unless otherwise provided in this ordinance, any permit, certificate, written authority, licence or exemption issued thereunder shall be valid for the period specified therein.

Cancellation of permits etc. and alteration of conditions relating thereto

75. (1) The **[Director]** Board or a local authority may at any time if **[in his or its]** either of them is of the opinion that it is necessary or desirable in the interests of nature **[and environmental]** conservation—

(a) cancel any permit, certificate, written authority, licence, exemption or order (hereinafter in this section referred to as ''document'') issued by **[him or it]**

either of them in terms of any provision of this ordinance or the issue of which was so authorised by **[him or it]** either of them, or

(b) consistently with the provisions of this ordinance, amend the conditions, if any, subject to which a document was issued by the deletion or substitution of any condition or the addition of any other condition.

(2) For the purpose of exercising any powers contemplated by subsection (1), the **[Director]** Board or the local authority concerned shall notify the holder of such document of **[his or]** its decision to exercise such power, either—

(a) in writing delivered to him or her personally or posted by registered mail properly stamped and addressed, to his or her last known business or residential address, or

(b) orally through a nature **[and environmental]** conservation officer or ranger under **[his or]** its control.

(3) The holder of such document shall return such document to the **[Director]** Board or local authority, as the case may be, by registered mail within fourteen days after receipt of a notification in terms of subsection (2)*(a)* or by handing such document to the officer or ranger informing him or her of such decision as contemplated by subsection (2)*(b)*.

(4) Any cancellation or amendment in terms of subsection (I) of the conditions specified in any document, shall take effect as soon as the holder of the document is in terms of subsection (2) apprised of the decision concerned.

(5) In any case contemplated by subsection (1)*(b)* the **[Director]** Board or the local authority concerned may, after receipt of the document in question in terms of subsection (3), issue to the holder of such document a copy of the original thereof incorporating the conditions as amended in terms of subsection (1) by the **[Director]** Board or local authority, as the case may be.

(6) When any document is cancelled in terms of subsection (1)*(a)*, the holder thereof shall not be entitled to a refund of any fee or portion thereof paid by him or her in respect of such document.

[No reasons need be given for decisions taken in exercise of powers under ordinance

76. No person authorised by any provision of this ordinance to issue or cancel, or to impose or amend conditions relating to any permit, certificate, written authority, exemption, licence or order shall be obliged to furnish to any other person his reasons for any decision taken by him in the exercise of any such power].

Amendment of Schedules by [Administrator] responsible Minister

77. (1) The **[Administrator]** responsible Minister may at any time by proclamation and with effect from a date specified in such proclamation, substitute or amend any Schedule to this ordinance other than Schedule 6 by the deletion of any species of fauna or flora specified in any such Schedule or the addition of any other species of fauna or flora.

(2) Any amendment in terms of subsection (1) may be made to apply in respect of the Province or any area therein specified in the relevant proclamation and either indefinitely or for a period so specified.

(3) A copy of any proclamation issued in terms of subsection (1) shall be laid upon the table of the Provincial **[Council]** Parliament within seven days of the promulgation of such proclamation if the Provincial **[Council]** Parliament is then in session, or, if the Provincial **[Council]** Parliament is not then in session, within seven days after the commencement of its next ensuing session.

Hunting and angling seasons

78. The **[Administrator may by proclamation]** Board may by notice in the *Provincial Gazette* in respect of the Province or any area therein specified in such **[proclamation]** notice—

(a) each year determine the period in such year during which any species of protected wild animal specified in such **[proclamation]** notice may be hunted under the authority of a permit or licence referred to in section 27(1)*(a)*, or

(b) determine either indefinitely or for a specified period, the period in each year during which any species of fish specified in such **[proclamation]** notice may be caught by angling under the authority of a license referred to in section 53.

Miscellaneous powers of [Administrator] Board

79. The **[Administrator may by proclamation]** Board may by notice in the *Provincial Gazette*, in respect of the Province or any area therein specified in such **[proclamation]** notice and either indefinitely or for a specified period-

(a) determine the number of any species of protected wild animal or of fish specified in such **[proclamation]** notice which may subject to the provisions of this ordinance be killed, captured or caught-

(i) in the case of protected wild animals, during the period commencing one hour before sunrise and ending one hour after sunset, and

(ii) in the case of fish, during the period of twenty-four hours commencing at midnight, on any one day;

(b) if in **[his]** its opinion it is necessary or desirable in the interests of nature **[and environmental]** conservation and subject to such conditions as **[he]** it may deem fit suspend the operation of any provision of section 29 or of any other provision of this ordinance in so far as such provision relates to any species of fauna or flora specified in such **[proclamation]** notice;

(c) notwithstanding anything to the contrary contained in this ordinance, prohibit, control or restrict the hunting of wild animals or any species of wild animal or the catching of fish or any species of fish;

(d) declare any species of wild animal which in **[his]** its opinion is, by reason of its prevalence in any area or its mode of living or other characteristics, detrimental to any other species of wild animal or any property, to be a problem wild animal and suspend the operation of any provision of section 29 in so far as it relates to such animal in any area specified in such **[proclamation]** notice;

(e) prohibit, restrict or regulate the capture, injuring, destruction, export, sale or acquisition in any manner of any species of invertebrate animal specified in such **[proclamation]** notice;

(f) prohibit, restrict or regulate the transport of any wild animal specified in such **[proclamation]** notice;

(g) prohibit or regulate the use either generally or specially—

(i) on any inland waters, of any boat or craft designed or intended for propulsion by any means other than human power, or

(ii) on the shores below the high water mark of any inland waters, of any motor vehicle as defined in section I of the Road Traffic **[Ordinance, 1966 (Ordinance 21 of 1966**)] Act, 1989 (Act 29 of 1989);

(h) notwithstanding anything to the contrary contained in any regulation made under section 82—

(i) prohibit the use of any tool, instrument or device for the digging for, or the gathering, catching or collecting of any kind of crab, prawn, pencil bait, shell bait or worm or specify any tool, instrument or device which may be used for such purpose;

(ii) prohibit or regulate the use of any equipment for the catching of fish or any species of fish in any inland waters;

(iii) prohibit, control or regulate the removal of any kind of crab, prawn, pencil bait, shell bait or worm, whether alive or not, caught in any inland waters, to other inland waters or the sea, or

(i) prohibit, control or regulate the picking of flora or any species of flora in any manner or by any means specified in such **[proclamation]** notice.

Exemptions

80. The **[Administrator]** Board may, if in **[his]** its opinion it is necessary or desirable in the public interest or in the interests of nature **[and environmental]** conservation, in writing and subject to such conditions and for such period as **[he]** it may determine, exempt any person from any provision of this ordinance in so far as such provision relates to any specified species of fauna or flora.

Disposal of articles confiscated or forfeited under ordinance

81. Whenever any article, animal or thing has been confiscated or forfeited to the **[Administration]** Board under any provision of this ordinance-

(a) the owner thereof may, within three months from the date of such confiscation or forfeiture or, where proceedings in a Superior Court involving such confiscation or forfeiture have been instituted within such period, within three months after judgement in such proceedings, as the case may be, apply to the **[Administrator]** Board for the return of such article, animal or thing, and

(b) the **[Administrator]** Board may—

(i) in the event of an application contemplated by paragraph *(a)* being made within the relevant period contemplated by the said paragraph return such article, animal or thing to the owner thereof;

(ii) after expiration of the relevant period contemplated by paragraph *(a)*, deal in any manner **[he]** it may deem fit (including the alienation or disposal thereof) with any such article, animal or thing, and

(iii) if such article, animal or thing has been alienated or disposed of in terms of subparagraph (ii), pay the proceeds of such alienation or disposal to the owner of the article, animal or thing concerned.

Regulations

82. (1) The **[Administrator]** responsible Minister may make regulations-

(a) relating to the surrender of licences, permits and exemptions at the expiration thereof or when cancelled by a court;

(b) regulating or restricting the use of dogs in the hunting of any wild animal in any area in respect of which the operation of section 29(1) has been suspended by **[proclamation]** notice under section 79*(b)*;

(c) regulating or restricting the use of persons as beaters at a hunt of wild animals as contemplated by section 27(3);

(d) regulating or restricting the number or the species of wild animals which may be kept in captivity or held in possession and prescribing the conditions under and the manner in which any such wild animal or species shall be so kept or held;

(e) specifying measures relating to the control, restriction or prevention of the breeding of wild animals kept in captivity or held in possession;

(f) requiring the keeping of books, statements or invoices and the retention thereof by persons who—

(i) carry on business by buying or selling flora, fish caught in inland waters or wild animals, or

(ii) keep wild animals in captivity or are in possession thereof,

and specifying the particulars to be entered in such books, statements and invoices;

(g) providing for and regulating the putting and keeping in quarantine of any wild animal or fish imported into the Province;

(h) determining for the purposes of section 55*(b)*, a size or mass in respect of any species of fish and specifying the methods to be employed in determining the size of fish;

(i) providing for the protection, preservation and propagation of any fish food in inland waters;

(j) regulating, restricting or prohibiting the sale of fish caught or of any kind of crab, prawn, pencil bait, shell bait or worm gathered in any inland waters;

(k) providing for or prohibiting the use in any inland waters of any type of tool, instrument or device for the digging for or the gathering, catching or collecting of any kind of crab, prawn, pencil bait, shell bait or worm;

(l) providing for and regulating the replacement of soil and plant life removed in the process of collecting any kind of crab, prawn, pencil bait, shell bait or worm;

(m) providing for the protection of beacons, buoys, notices, notice boards, signs or other marks erected, used or required for the purposes of this ordinance;

(n) providing for or regulating the killing by means of poison of rodents, insects or any bird referred to in section 47(1)*(b)*;

(o) prescribing the fees payable in respect of the issue of licences, permits, certificates, written authorities or exemptions under this ordinance;

(p) relating to the forms of licences, permits, certificates or other documents to be issued or used for the purposes of this ordinance;

(q) relating to any matters which are required or permitted to be prescribed by regulation,

and, generally, in regard to any matter which the **[Administrator]** responsible Minister considers necessary or expedient to prescribe or regulate in order to further or achieve the objects of this ordinance, the generality of this provision not being limited by the preceding paragraphs of this subsection.

(2) Regulations made under subsection (1) may be made applicable throughout the Province or to or in respect of different areas, inland waters or species of fauna or flora and may prescribe, in respect of any contravention thereof or failure to comply therewith, a penalty of a fine not exceeding one thousand five hundred rand or imprisonment for a period not exceeding six months.

Restriction of liability

83. No person, including the **[Administration]** Board, or an employee of the Board and a local authority, shall be liable for any damage suffered by any other person in consequence of anything done in good faith in the exercise or performance of any power, duty or function conferred or imposed by or under this ordinance.

Presumptions

84. (1) In any prosecution under this ordinance—

(a) any wild animal, the carcase of any such animal or any fire-arm having a barrel exceeding one hundred millimetres in length, found or proved to have been in or on any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance, shall, unless the contrary is proved, be presumed to have been in possession of the person in charge of such vehicle, vessel, boat, craft, float, aircraft or other means of conveyance at the relevant time;

(b) any person found or proved to have been in possession of any flora shall unless the contrary is proved, be presumed to have picked such flora in contravention of the provisions of this ordinance or to have bought it from a person not authorised by this ordinance to sell it;

(c) any person found or proved to have been in possession of any wild animal shall, unless the contrary is proved, be presumed to have kept such animal in captivity at the relevant time;

(d) any person found removing or proved to have removed any wild animal or the carcase of any such animal from any trap, snare, pitfall, net, birdlime or other

similar device, shall, unless the contrary is proved, be deemed to have laid or prepared such trap, snare, pitfall, net, birdlime or other device and to have captured the animal concerned;

(e) any person who is found trespassing, while in control of a dog, on any land on which wild animals are normally found or who is proved to have so trespassed on such land shall, unless the contrary is proved, be presumed to have hunted the wild animals normally found on such land by the use of such dog.

(2) Whenever—

(a) a vehicle, vessel, boat, craft, float, aircraft or other means of conveyance is being or has been used for the purpose of or in connection with the commission of an offence under this ordinance;

(b) any wild animal, the carcase of such animal or fish in respect of which an offence is being or has been committed under this ordinance is found or has been in or on a vehicle, vessel, boat, craft, float, aircraft or other means of conveyance, or

(c) a weapon, line, poison, net or any other object which could be used for the hunting of wild animals or the catching of fish and which is being or was used or forms or formed an element in the commission of an offence under this ordinance, is found or has been in or on a vehicle, vessel, boat, craft, float, aircraft or other means of conveyance,

the owner of such vehicle, vessel, boat, craft, float, aircraft or other means of conveyance as well as the person in charge thereof at the time of the commission of the offence or at the time when the wild animal, carcase, fish or any object contemplated by paragraph *(c)* is found or was in or on such vehicle, vessel, boat, craft, float, aircraft or other means of conveyance shall be presumed to have committed the offence concerned and be liable to be convicted and sentenced in respect thereof unless it is proved that he or she did not commit such offence and was unable to prevent the commission thereof.

Offences

85. Any person who—

(a) contravenes or fails to comply with any provision of this ordinance or any regulation made or instruction given or demand made thereunder;

(b) alters, fabricates or forges any document issued or required for the lawful performance of any act in terms of this ordinance;

(c) passes, uses, utters or has in his or her possession any altered, fabricated or forged document contemplated by paragraph *(b)*;

(d) under a false name obtains any document contemplated by paragraph *(b)*;

(e) while prohibited by an order of court from obtaining any document in terms of this ordinance, obtains or applies for such document;

(f) being the holder of any document issued under this ordinance authorising or directing him or her to perform any act or to perform any act in a specified manner, performs such act without having such document in his or her possession or in a manner other than that so specified;

(g) fails to comply with any term or condition subject to which any document was issued to him or her under this ordinance;

(h) falsely holds himself or herself out to be a nature **[and environmental]** conservation officer, nature **[and environmental]** conservation ranger or an honorary nature **[and environmental]** conservation officer;

(i) hinders, obstructs or interferes with any officer referred to in paragraph *(h)* in the exercise of his or her powers or the performance of his or her functions under this ordinance or without good cause refuses or fails on demand to furnish any such officer with his or her name and address or with any information or document required by such officer for the purposes of this ordinance or furnishes any such officer with a false name and address;

(j) while in possession of a fire-arm having a barrel exceeding one hundred

millimetres in length or of any trap, net, gin, snare, birdlime, cage or other contrivance intended to be used or which could be used for the hunting of wild animals, trespasses on land on which there is or is likely to be any wild animal;

(k) is found in possession of any wild animal or the carcase of any such animal or of any bait referred to in section 59 and is unable to give a satisfactory account of such possession, or

(l) knowingly makes a false statement in any application made or in any other document furnished by him or her in terms of any provision of this ordinance,

shall be guilty of an offence.

Penalties

86. (1) Any person convicted of an offence under this ordinance shall, subject to the provisions of subsection (2), be liable, in the case of—

(a) a contravention of section 29 or 44(1) involving an endangered wild animal, 63(1) involving endangered flora, 14, 26, 32(1), 48, 50, 52*(a)*, 57*(a)*, 58*(b)*, 60, 62(1), 72B or 85*(i)*, to a fine not exceeding one hundred thousand rands or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any endangered wild animal or the carcase thereof or any endangered flora in respect of which the offence was committed;

(b) a contravention of section 27(1), 29, 31, 40, 41, 42(1), 44(1)*(a)*, *(b)* or *(e)* or 46 involving an African elephant, to a fine not exceeding one hundred thousand rands or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any African elephant or the carcase thereof in respect of which the offence was committed;

(c) a contravention of section 27(1), 29, 31, 40, 41, 42(1) 44(1)*(a)*, *(b)* or *(e)*, 46 or 58*(c)* involving any protected wild animal other than an African elephant, 63(1) involving protected or indigenous unprotected flora, 64, 66 or 70, to a fine not exceeding ten thousand rands or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any such protected wild animal or the carcase thereof or any such flora in respect of which the offence was committed, and

(d) any other offence in terms of this ordinance or any contravention of any other provision of this ordinance in respect of which no specific penalty is prescribed, to a fine not exceeding five thousand rands or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any wild animal or the carcase thereof or any flora in respect of which the offence was committed.

(2) Where a penalty is specifically prescribed by regulation for a contravention of or failure to comply with any regulation, a person convicted of any such contravention or failure shall be liable only to the penalty so prescribed.

Cancellation of certificates etc. and forfeiture of certain articles

87. (1) The court convicting any person of an offence under this ordinance—

(a) may issue an order that any certificate, licence, permit, written authority or exemption issued to such person under this ordinance be cancelled if in its opinion the rights conferred by such certificate, licence, permit, written authority or exemption were abused by such person in the commission of such offence;

(b) may issue an order disqualifying such person from obtaining for a specified period not exceeding three years, any specified certificate, licence, permit, written authority or exemption under this ordinance, and

(c) (i) may declare any animal, vehicle, vessel, boat, craft, float, aircraft or other means of conveyance (hereafter referred to as ''means of conveyance'') and any weapon, instrument, receptacle or other thing (hereafter referred to as ''article'') which was used for the purpose of or in connection with the commission of the offence and was produced to the court, to be forfeited to the **[Administration]** Board; provided that no declaration shall be made in terms of this subparagraph in respect of any means of conveyance or article referred to in this subparagraph if the court is satisfied that the convicted person at the time of the commission of the offence was not the owner thereof and that the owner thereof was unable to prevent the use thereof by the convicted person, and

(ii) shall declare any wild animal or the carcase thereof or any flora in respect of which the offence was committed and which was submitted to the court to be forfeited to the **[Administration]** Board.

(2) The registrar or clerk of any court which has—

(a) issued an order under subsection (1)*(a)* or *(b)*, shall advise the person or authority who or which issued or, in the case of an order under subsection (1)*(b)*, is authorised to issue the certificate, licence, permit, written authority or exemption in question, of such order and of the sentence imposed on the convicted person, or

(b) made a declaration under subsection (1)*(c)*, shall advise the **[Director]** Board of such order and of the sentence imposed on the convicted person and shall also forward the article or thing to which the declaration relates to the **[Director]** Board for disposal in terms of section 81.

Disposal of licence fees, fines and proceeds of sale of articles declared forfeited

88. (1) Subject to the provisions of subsection (2), all fees paid in respect of licences, permits, certificates, written authorities or exemptions issued, all fines imposed in respect of offences and the proceeds of the sale of anything declared to be forfeited to the **[Administration]** Board under this ordinance shall be paid **[into the Provincial Revenue Fund]** to the Board.

(2) All fees paid in respect of permits issued under by-laws made by a local authority and all fines paid in respect of contraventions of such by-laws shall be paid into the revenue fund of the local authority concerned.

[Savings in respect of Walvis Bay

88A. (1) Any authority, permit (other than a permit for the importing or exporting of wild animals, fish or flora), licence, order, registration, approval, permission, exemption or document effected, given, granted or issued in relation to wild animals, fish or flora in Walvis Bay in terms of or under any law in force in Walvis Bay immediately prior to the first day of April, 1978, and which would, but for the repeal of such law, still have been of force in Walvis Bay on such first day, shall remain of force in Walvis Bay on and after such first day until the date on which the currency thereof would, in terms of such law, have expired or until the thirtieth day of September, 1978, whichever is the earlier and shall, while it so remains of force, be deemed to have been effected, given, granted or issued in terms of this ordinance.

(2) Any person who, immediately prior to the first day of April, 1978, performed any act or did any thing in relation to wild animals, fish or flora in Walvis Bay for which any authority, permit, licence, order, registration, approval, permission, exemption or document—

***(a)* was not required in terms of or under the law in force in Walvis Bay immediately prior to such first day, and**

(b) **is required on or after such first day in terms of this ordinance, may, during the period expiring on the thirtieth day of September, 1978, and notwithstanding the provisions of this ordinance, continue to perform such act or do such thing without obtaining or holding the authority, permit, licence, order, registration, approval, permission, exemption or document contemplated by paragraph *(b)*.]**

Repeal of laws

89. (1) Subject to the provisions of subsection (2), the laws specified in Schedule 6 are hereby repealed.

(2) Unless otherwise provided in this ordinance, any proclamation, notice, regulation, certificate, licence, permit, permission, written authority or exemption issued, made, promulgated, granted, or given and any other thing done under a law repealed by subsection (1) shall be deemed to have been issued, made, promulgated, granted, given or done under the corresponding provision of this ordinance; provided that—

(i) no permit or other authority issued or granted to any person under a law repealed by subsection (1) authorising such person to keep any wild animal in captivity, shall remain valid for a period longer than three months from the commencement of this ordinance, and

(ii) any regulations made by a local authority under a law repealed by subsection (1), relating to the constitution of an advisory board appointed in respect of a nature reserve established by such local authority, shall be deemed to have been amended in accordance with the provisions of section 8(2).

Short title and commencement

90. This ordinance shall be called the Nature **[and Environmental]** Conservation Ordinance, 1974, and shall come into operation on the first day of September, 1975.

SCHEDULE 1/BYLAE 1

ENDANGERED WILD ANIMALS/BEDREIGDE WILDE DIERE

(The scientific names shown in the last column are the species of the class or order under which they appear./Die wetenskaplike name in die laaste kolom aangedui is die spesies van die klas of orde waaronder hulle voorkom.)

Common name (Where known)	***Volksnaam (Waar bekend)***	***Scientific name/ Wetenskaplike naam***
	CLASS/KLAS: MAMMALIA Order/Orde: PHOLIDOTA	
African Scaly Ant-eater	Ietermago	*Manis temmincki*
	Order/Orde: CARNIVORA	
Cheetah	Jagluiperd	*Acinonyx jubatus*
	Order/Orde: PERISSODACTYLA	
Black Rhinoceros	Swartrenoster	*Diceros bicornis*
Square-lipped Rhinoceros	Witrenoster	*Ceratotherium simum*
Cape Mountain Zebra	Kaapse Bergkwagga	*Equus zebra zebra*
	Order/Orde: ARTIODACTYLA	
Oribi	Oorbietjie	*Ourebia ourebi*
	Order/Orde: LAGAMORPHA	
Riverine Rabbit	Rivierkonyn	*Bunolagus monticularis*
	CLASS/KLAS: AVES Order/Orde: CICONIFORMES	
Bald Ibis	Wildekalkoen	*Geronticus calvus*
	Order/Orde: FALCONIFORMES	
Bearded Vulture	Lammergier	*Gypaelus barbatus*
	Order/Orde: SPHENISCIFORMES Family/Familie: SPHENISCIDAE	
All penguins	Alle pikkewyne	
	CLASS/KLAS: AMPHIBIA Order/Orde: ANURA	
Gill's Clawed Toad	Gill se Platanna	*Xenopus gilli*
Micro Frog	Miniatuurpadda	*Microbatrachelia capensis* *Cacosternum capense*
	CLASS/KLAS: REPTILIA Order/Orde: TESTUDINATA	
Geometric Tortoise	Suurpootjie	*Psammobates geometricus (= Testudo geometrica)*
	CLASS/KLAS: PISCES Order/Orde: CYPRINIFORMES Family/Familie: CYPRINIDAE	
Eastern Cape Redfin	Oos-Kaapse Rooivlerkie	*Pseudobarbus afer*
Whitefish	Witvis	*Barbus andrewi*
Smallscale Redfin	Kleinskub-rooivlerkie	*Pseudobarbus asper*
Burchell's Redfin	Burchell se Rooivlerkie	*Pseudobarbus burchellii*
Berg River Redfin	Bergrivier-rooivlerkie	*Pseudobarbus burgi*
Clanwilliam Redfin	Clanwilliam-rooivlerkie	*Barbus calidus*
Clanwilliam Yellow Fish	Clanwilliam-geelvis	*Barbus capensis*
Twee River Redfin	Tweerivier-rooivlerkie	*Barbus erubeseens*
Namaqua Barb	Namakwa-ghieliemientjie	*Barbus hospes*
Gold Barb	Goud-ghieliemientjie	*Barbus pallidus*
Straightfin Barb	Lynvin-ghieliemientjie	*Barbus paludinosus*
Fiery Redfin	Vurige Rooivlerkie	*Pseudobarbus phlegethon*

Sawfin	Saagvin	*Barbus serra*
Slender Redfin	Slank Rooivlerkie	*Pseudobarbus tenuis*
Border Barb	Grens-ghieliemientjie	*Barbus trevelyani*
Threespot Barb	Driekol-ghieliemientjie	*Barbus trimaculatus*
Clanwilliam Sandfish	Clanwilliam-sandvis	*Labeo seeberi*
	Order/Orde: SILURIFORMES	
	Family/Familie: BAGRIDAE	
Barnard's Rock Catfish	Barnard se Klipbaber	*Austroglanis barnardii*
Clanwilliam Rock Catfish	Clanwilliam-klipbaber	*Austroglanis gilli*
Rock Catfish	Klipbaber	*Austroglanis sclateri*
	Order/Orde: PERCIFORMES	
	Family/Familie: ANABANTIDAE	
Eastern Province Rocky	Oostelike Provinsiekurper	*Sandelia bainsii*
Cape Kurper	Kaapse Kurper	*Sandelia capensis*
	CLASS/KLAS: INSECTA	
	Order/Orde: COLEOPTERA	
	Family/Familie: SCARABAEIDAE	
Cape Dung Beetle	Kaapse Miskruier	*Circellium bacchus*
	Family/Familie: LUCANIDAE	
Stag Beetle	Grootkaakkewer	Genus *Colophon*
All species	Alle spesies	
	CLASS/KLAS: ONYCHOPHORA	
	Family/Familie: PERIPATOPSIDAE	
Onychophora	*Onychophor*	*Genus Peripatopsus* en/
All species	Alle spesies	and Genus *Opisthopatus*

SCHEDULE 2/BYLAE 2

PROTECTED WILD ANIMALS/BESKERMDE WILDE DIERE

(The scientific names shown in the last column are the families or species of the class or order under which they appear./Die wetenskaplike name in die laaste kolom aangedui is die families of spesies van die klas of orde waaronder hulle voorkom.)

Common name (Where known)	***Volksnaam (Waar bekend)***	***Scientific name/ Wetenskaplike naam***
	CLASS/KLAS: MAMMALIA	
	Order/Orde: INSECTIVORA	
Elephant Shrew	Klaasneus	Family/Familie: MACROSCELIDIDAE
Shrews	Skeerbekmuise	Family/Familie:SORICIDAE
Hedgehog	Krimpvarkie	*Erinaceus frontalis*
	Order/Orde: PRIMATES	
Bush-baby	Nagapie	*Galago senegalensis*
Samango Monkey	Samango-aap	*Cercopithecus mitis*
	Order/Orde: CHIROPTERA	
All bats except	Alle vlermuise behalwe	
Fruit Bats of the	Vrugtevlermuise van die	
family PTEROPODIDAE	familie PTEROPODIDAE	
	Order/Orde: CARNIVORA	
African Lion	Leeu	*Panthera leo*
Leopard	Luiperd	*Panthera pardus*
Black-footed Cat	Miershooptier	*Felis nigripes*
Serval Cat	Tierboskat	*Felis serval*
Aardwolf	Maanhaarjakkals	*Proteles cristatus*
Brown Hyaena	Strandwolf	*Hyaena brunnea*

Honey Badger	Ratel	*Mellivora capensis*
Silver Jackal	Silwerjakkals	*Vulpes chama*
Bat-eared Fox	Bakoorjakkals	*Olocyon megalotis*
Snake Mongoose	Slangmuishond	*Poecilogale albinucha*
	Order/Orde: PROBOSCIDEA	
African Elephant	Olifant	*Loxodanta africana*
	Order/Orde: HYRACOIDEA	
Tree Dassie	Boomdassie	*Dendrohyrax arboreus*
	Order/Orde: TUBULIDENTATA	
Ant-bear	Erdvark	*Orycteropus afer*
	Order/Orde: PERISSODACTYLA	
Burchell's Zebra	Bontkwagga	*Equus burchelli*
Hartmann's Zebra	Suidwes-bergkwagga	*Equus zebra hartmannae*
	Order/Orde: ARTIODACTYLA	
Warthog	Vlakvark	*Phacochoerus aethiopicus*
Hippopotamus	Seekoei	*Hippopotamus amphibius*
Giraffe	Kameelperd	*Giraffa camelopardalis*
	Order/Orde: ARTIODACTYLA *(cont.)*	
Klipspringer	Klipspringer	*Oreotragus oreotragus*
Grey Duiker	Duiker	*Sylvicapra grimmia*
Blue Duiker	Bloubokkie	*Cephalophus monticola*
Steenbok	Steenbok	*Raphicerus campestris*
Grysbok	Grysbok	*Raphicerus melanotis*
Grey Rhebuck	Vaalribbok	*Pelea capreolus*
Kudu	Koedoe	*Tragelaphus strepsiceros*
Bush-buck	Bosbok	*Tragelaphus scriptus*
Impala	Rooibok	*Aepyceros melampus*
Reed-buck	Rietbok	*Redunca arundinum*
Mountain Rhebuck	Rooiribbok	*Redunca fulvorufula*
Springbok	Springbok	*Antidorcas marsupialis*
Oryx	Gemsbok	*Oryx gazella*
Eland	Eland	*Taurotragus oryx*
African Buffalo	Buffel	*Syncerus caffer*
Blue Wildebeest	Blouwildebees	*Connochaetes taurinus*
Black Wildebeest	Swartwildebees	*Connochaetes gnou*
Red Hartebeest	Rooihartbees	*Alcelaphus buselaphus*
Bontebok	Bontebok	*Damaliscus dorcas dorcas*
Blesbok	Blesbok	*Damaliscus dorcas phillipsi*
	CLASS/KLAS: AMPHIBIA	
	Order/Orde: ANURA	
All frogs and toads except those specified in Schedule 1.	Alle paddas behalwe dié In Bylae 1 bepaal.	
	CLASS/KLAS: REPTILIA	
	Order/Orde: LACERTILIA	
All lizards	Alle akkedisse	
	Order/Orde: TESTUDINATA	
All tortoises and turtles except those specified in Schedule 1.	Alle skilpaaie en waterskilpaaie behalwe dié in Bylae 1 bepaal.	
	Order/Orde: SQUAMATA	
	Sub-order/Suborde: SERPENTES	
	Family/Familie: COLUBRIDAE	
Water Snakes	Waterslange	*Genus Lycodonomorphus*
House Snakes	Huisslange	*Genus Lamprophis*

Wolf Snakes	Wolfslange	*Genus Lycophidion*
File Snakes	Vylslange	*Genus Mehelya*
Slug-eaters	Slakvreters	*Genus Duberria*
Egg-eaters	Eiervreters	*Genus Dasypeltis*
Mole Snakes	Molslange	*Genus Pseudaspis*
Green and Bush Snakes	Groen- en Bosslange	*Genus Philothamnus*
Shovel-snout snakes	Graafneusslange	*Genus Prosymna*
	CLASS/KLAS: AVES	
All birds except—	Alle voëls behalwe—	
(1) those specified in Schedule 1, and	(1) dié in Bylae 1 bepaal, en	
(2) the following:—	(2) die volgende:—	
All Colies	Alle Muisvoëls	Family/Familie: COLIIDAE
All Crows	Alle Kraaie	Family/Familie: CORVIDAE
Black-eyed Bulbul	Swartoog-tiptol	*Pycnonotus barbatus*
Cape Bulbul	Kaapse Tiptol	*Pycnonotus capensis*
Red-eyed Bulbul	Rooioog-tiptol	*Pycnonotus nigricans*
Cape Sparrow	Kaapse Mossie	*Passer melanurus*
European Sparrow	Engelse Mossie	*Passer domesticus*
Masked Weaver	Rietvink	*Ploceus velatus*
Cape Weaver	Geelvink	*Ploceus capensis*
[Cape Widow-bird] Yellow Rumped widow	Kaapse **[Kaffervink]** Flap	*Euplectes capensis*
Red Bishop**[-bird]**	Rooi **[Kaffer]**vink	*Euplectes orix*
European Starling	Europese Spreeu	*Sturnus vulgaris*
Red-billed Quelea	Rooibekvink	*Quelea quelea*
Red-winged Starling	Rooivlerkspreeu	*Onychognathus morio*
All exotic birds other than—	Alle uitheemse voëls, uitgesonderd—	
Exotic birds of the order ANSERIFORMES.	Uitheemse voëls van die orde ANSERIFORMES.	
Bobwhite Quail	‘Bobwhite’- kwartel	*Colinus virginianus*
Chukar Partridge	Chukarpatrys	*Alectoris graeca*
Andaman Mynah	Andamanse Spreeu	*Sturnus erythropygius andamanensis*
Pagoda Mynah	Pagodaspreeu	*Sturnus pagodarum*
Malabar Mynah	Malabaarse Spreeu	*Sturnus malabaricus*
Mandarin Mynah	Mandarynspreeu	*Sturnus sinensis*
Bank Mynah	Rivierspreeu	*Acridotheres ginginianus*
Common Mynah	Indiese Spreeu	*Acridotheres tristis*
Greater Hill Mynah	Groot Bergspreeu	*Gracula religiosa religiosa*
Lesser Hill Mynah	Klein Bergspreeu	*Gracula religiosa indica*
	CLASS/KLAS: INSECTA Order/Orde: LEPIDOPTERA Family/Familie: LYCAENIDAE	
—	—	*Aloeides egerides* (Riley)
—	—	*Aloeides lutescens* Tite and/en Dickson
Autumn Copper, Lion’s Head Copper	Leeukopkopervlerkie	*Argyrocupha malagrida malagrida* (Wallengren)
Wineland Blue	Wynlandblouetjie	*Lepidochrysops bacchus* Riley
Dickson’s Copper	Dickson se kopervlerkie	*Oxychaeta dicksoni* (Gabriel)
—	—	*Poecilmitis endymion* Pennington
Tsomo River Copper	Tsomorivierkopervlerkie	*Poedilmitis lyncurium* (Trimen)
Blue Jewel Copper	Bloujuweelkopervlerkie	*Poecilmitis nigricans Aurivillius*

—	—	*Poecilmitis rileyi* Dickson
Dickson's Thestor	Dickson se skollie	*Thestor dicksoni dicksoni* Riley
Kaplan's Thestor	Kaplan se skollie	*Thestor kaplani* Dickson and/en Stephen
Wallengren's Copper	Wallengren se kopervlerkie	*Trimenia wallengrenii* (Trimen)
	Family/Familie: HESPERIIDAE	
Bamboo Sylph	Bamboeswaksertjie	*Metisella syrinx* (Trimen)
Dickson's Sylph	Dickson se waksertjie	*Tsitana dicksoni* Evans
	Family/Familie: NYMPHALIDAE	
(Western) Forest Emperor, Forest King Charaxes	Boskoningdubbelstert	*Charaxes xiphares xiphares f. occidentalis* van Son
	Family/Familie: SATYRIDAE	
Dickson's Brown	Dickson se bruintjie	*Stygionympha dicksoni* (Riley)
	Family/Familie: HEPIALIDAE	
Silver-spotted Ghost Moth	Keurboomspookmot	*Leto venus* Stoll

SCHEDULE 3/BYLAE 3

ENDANGERED FLORA/BEDREIGDE FLORA

(The scientific names shown in the third column are the species of the family under which they appear./Die wetenskaplike name in die derde kolom aangedui is die spesies van die familie waaronder hulle voorkom.)

Common name (Where known)	***Volksnaam (Waar bekend)***	***Scientific name/ Wetenskaplike naam***
	Family/Familie: APOCYNACEAE	
	Halfmens	*Pachypodium namaquanum*
	Family/Familie: GESNERIACEAE	
	Cape Gloxinia	*Charadrophila capensis*
	Family/Familie: LILIACEAE	
		Aloe pillansii
		Aloe buhrii
		Aloe erinacea
	Family/Familie: PROTEACEAE	
		Mimetes capitulatus
		Mimetes hottentoticus
		Mimetes stokoei
Mountain Rose	Vleiroos	*Orothamnus zeyheri*
		Protea odorata
	Family/Familie: STANGERIACEAE	
Bobbejaankos		*Stangeria eriopus*
	Family/Familie: ZAMIACEAE	
Cycad	Broodboom	*Encephalartos* spp.

SCHEDULE 4/BYLAE 4

PROTECTED FLORA/BESKERMDE FLORA

(The scientific names shown in the third column are the species of the family under which they appear./Die wetenskaplike name in die derde kolom aangedui is die spesies van die familie waaronder hulle voorkom.)

Common name (Where known)	***Volksnaam (Waar bekend)***	***Scientific name/ Wetenskaplike naam***
	Family/Familie: AMARYLLIDACEAE All species/Alle spesies	
All species except those specified in Schedule 3.	Family/Familie: APOCYNACEAE Alle spesies behalwe dié in Bylae 3 bepaal.	*Pachypodium* spp.
Cape Holly	Family/Familie: AQUIFOLIACEAE Waterhout	*Ilex mitis*
Yellow Arum Lily	Family/Familie: ARACEAE Geelvarkblom	*Zantedeschia elliotiana*
	Family/Familie: ASCLEPIADACEAE All species/Alle spesies	
	Family/Familie: BORAGINACEAE	*Echiostachys spicatus*
	Family/Familie: BRUNIACEAE All species/Alle spesies	
	Family/Familie: COMPOSITAE	*Senecio coleophyllus* *Cotula duckitteae*
Red Crassula Pointed-leaf Crassula Red Crassula	Family/Familie: CRASSULACEAE Koesnaatjie Klipblom, ook bekend Keiserskroon.	*Crassula columnaris* *Crassula falcata* *Crassula perfoliata* *Crassula pyramidalis* *Kalanchoe thyrsiflora* *Rochea coccineaas*
	Family/Familie: CUNONIACEAE Rooi-els	*Cunonia capensis* *Platylophus trifoliatus*
Elephant’s Foot	Family/Familie: DIOSCOREACEAE Skilpad Olifantsvoet	*Testudinaria sylvatica* *Testudinaria elephantipes*
	Family/Familie: ERICACEAE All species/Alle spesies	
[Kaffir Hut] Vetmensie	Family/Familie: EUPHORBIACEAE Eselkos of Pol **[Kafferhut]** Vetmensie	*Euphorbia bupleurtfolia* *Emphorbia fasciculata* *Euphorbia globosa* *Euphorbia horrida* *Euphorbia meloformis* *Emphorbia obesa* *Euphorbia schoenlandii*

[Kaffir Hut] Vetmensie	**[Kafferhut]** Vetmensie	*Euphorbia symmetrica* *Euphorbia valida*
	Family/Familie: GEISSOLOMACEAE All species/Alle spesies	
	Family/Familie: GESNERIACEAE	
Cape Primrose, also known as Rexia, Nodding Bells, Twin Sisters or Wild Gloxinia.		Alle spesies van die genus *Streptocarpus* All species of the genus *Streptocarpus*
	Family/Familie: GRAMINEAE	
Mountain Bamboo	Bergbamboes	*Arundinaria tessellata*
Wild Rye Grass	Wilde Rog	*Secale africanum*
	Family/Familie: GRUBBIACEAE All species/Alle spesies	
	Family/Familie: IRIDACEAE All species/Alle spesies	
	Family/Familie: LEGUMINOSAE	
Tambookie Thorn	Tamboekiedoring	*Erythrina acanthocarpa* *Erythrina humeana*
	Klipblom	*Liparia comantha*
Orange Nodding Head, also known as Mountain Dahlia.	Geelkoppie	*Liparia sphaerica* *Liparia splendens*
Wild Sweet Pea	Keurtjie	*Podalyria calyptrata* *Priestleya vestita*
Silver Pea	Silwerertjie	*Priestleya tomentosa*
	Family/Familie: LILIACEAE	
All species of the genus ALOE except those specified in Schedule 3 and the species *Aloe ferox*./Alle spesies van die genus ALOE behalwe dié in Bylae 3 bepaal en die spesie *Aloe ferox*.		
		Gasteria beckeri
Gloriosa Lily, also known as Turk's Cap.		*Gloriosa superba*
Haworthia, also known as Window Plant.		Alle spesies van die genus *Haworthia* All species of the genus *Haworthia*
Red-hot Poker	Vuurpyl	Alle spesies van die genus *Kniphofia* All species of the genus *Kniphofia*
	Viooltjies	Alle spesies van die genus *Lachenalia* All species of the genus *Lachenalia*
Climbing Bells	Geelklokkie	*Littonia modesta*
Christmas Bells		*Sandersonia aurantiaca*
Forest Lily		Alle spesies van die genus *Veltheimia* All species of the genus *Veltheimia*
		Agapanthus walshii
		Daubenya aurea

	Family/Familie: MELIACEAE	
Chinese Lantern	Klapperbos	*Nymania capensis*
	Family/Familie: MESEMBRYANTHEMACEAE	
	All species/Alle spesies	
	Family/Familie: MUSACEAE	
		Alle spesies van die genus *Strelitzia* All species of the genus *Strelitzia*
	Family/Familie: NYMPHAEACEAE	
Blue Water-lily	Blou Waterlelie, ook bekend as Kaaimanblom.	*Nymphaea capensis*
	Family/Familie: ORCHIDACEAE	
	All species/Alle spesies	
	Family/Familie: OXALIDACEAE	
	Watersuring	*Oxalis nutans*
	Family/Familie: PEDALIACEAE	
	Kloudoring (Duiwelsklou)	*Harpagophytum procumbens*
	Family/Familie: PENAEACEAE	
	All species/Alle spesies	
	Family/Familie: POLYGALACEAE	
		Muraltia minuta
	Family/Familie: POLYPODIACEAE	
Maidenhair Fern	Vrouehaar	Alle spesies van die genus *Adiantum* All species of the genus *Adiantum*
Tree Ferns	Boomvarings	*Hemitelia capensis*
Seven Weeks Fern	Seweweeksvaring	*Polystichum adiantiforme*
	Family/Familie: PORTULACACEAE	
Love-plant	Hasieskos	Alle spesies van die genus *Anacampseros* All species of the genus *Anacampseros*
	Family/Familie: PROTEACEAE	

All species except those specified in Schedule 3./Alle spesies behalwe dié in Bylae 3 bepaal.

	Family/Familie: RANUNCULACEAE	
Anemone	Anemoon	*Anemone capensis*
	Family/Familie: RESTIONACEAE	
		Alle spesies van die genus *Chondropetalum* All species of the genus *Chondropetalum* *Acockii pillans* *Elegia fenestrata* *Restio acockii* *Restio micans* *Restio sabulosus*

	Family/Familie: RETZIACEAE	
		Retzia capensis
	Family/Familie: RHAMNACEAE	
		Phylica pubescens
	Family/Familie: RORIDULACEAE All species/Alle spesies	
	Family/Familie: RUTACEAE All species/Alle spesies	
	Family/Familie: SCROPHULARIACEAE	
		Alle spesies van die genus *Diascia* All species of the genus *Diascia*
Harveya	Inkblom	Alle spesies van die genus *Harveya* All species of the genus *Harveya*
Nemesia	Rooileeubekkie	*Nemesia strumosa*
		Alle spesies van die genus *Halleria* All species of the genus *Halleria*
	Family/Familie: THYMELAEACEAE	
		Lachnaea aurea

SCHEDULE 5/BYLAE 5

NOXIOUS AQUATIC GROWTHS/SKADELIKE WATERGEWASSE

Common name (Where known)	***Volksnaam (Waar bekend)***	***Scientific name/ Wetenskaplike naam***
Water Hyacinth	***Waterhiasint***	*Eichhornia* spp.
Parrot's Feather	Duisendblaar	*Myriophyllum* spp.
Water Fern	Watervaring	*Salvinia* spp.

SCHEDULE 6/BYLAE 6

ORDINANCES REPEALED

No. and Year	***Short Title***
26 of 1965	Nature Conservation Ordinance, 1965.
16 of 1967	Nature Conservation Amendment Ordinance, 1967.
30 of 1968	Nature Conservation Amendment Ordinance, 1968.
32 of 1970	Nature Conservation Amendment Ordinance, 1970.

SCHEDULE 2

ACT	AMENDMENT OF ACT
Environmental Conservation Act, 1989 (Act 73 of 1989), as assigned in terms of Proclamation No. R.29, 1995 of 7 April 1995.	1. Amendment of section 1 — by the insertion after the definition of ''administrative body'' of the following definition: '' 'Board' '' means the Western Cape Nature Conservation Board established in terms of section 2 of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998); 2. Amendment of section 16 — *(a)* by the substitution in subsections (1)*(a)*, (1A) and (6) for the words ''A competent authority'' of the words ''The Board'', and *(b)* by the substitution in subsections (1)*(b)* (4) and (5) for the words ''competent authority'' of the word ''Board'', and *(c)* by the substitution in subsection (1)*(b)* for the words ''Director-General of that province'' of the words ''chief executive officer of the Board''. 3. Amendment of section 17 — *(a)* by the substitution in subsections (1) and (4) for the words ''A competent authority'' and ''a competent authority'' of the words ''The Board'' and ''the Board'' respectively, and *(b)* by the substitution in subsections (2), (3)*(a)* and *(b)*, (5) and (6) for the words ''competent authority'' of the word ''Board''; *(c)* by the substitution in the proviso to subsection (6) for the word ''his'' of the word ''its'', and *(d)* by the substitution for subsection (7) of the following subsection: ''(7) The chief executive officer of the Board must designate as many of the Board's employees as may be necessary to assist a management advisory committee in the administrative work connected with the performance of the functions of the committee: Provided that where the control and management of a protected natural environment has been assigned to another local authority or government institution in terms of section 16(6) the chief executive officer of such local authority or government institution must designate as many employees of the relevant local authority or government institution as may be necessary to assist a management advisory committee with the said administrative work: Provided further that with the approval of the Board such administrative work may be performed by any person other

ACT	AMENDMENT OF ACT
	than such an employee at the remuneration and allowances which the competent authority with the concurrence of the Minister of State Expenditure may determine.''. 4. Amendment of section 28A — by the substitution in subsections (1), (2), (3), (4), and (5) for the words ''a competent authority'' of the words ''the Board''. 5. Amendment of section 32 — *(a)* by the insertion in subsection (1) after the words ''a competent authority'' of the words ''the Board'', and *(b)* by the insertion in subsection (3), after the words ''competent authority'' of the word ''Board''. 6. Section 35 is amended in subsection (2), by the substitution for the words ''officer or employee'' of the words ''employee of the Board''. 7. Amendment of section 41A — by the insertion in subsection (1) after the words ''a competent authority'' of the words ''or the Board''.

SCHEDULE 3

ACT	AMENDMENT OF ACT
The Sea Shore Act, 1935 (Act 21 of 1935), as assigned in terms of Proclamation No. R.27, 1995 of 7 April 1995.	1. Section 1 of the Act is amended by the insertion before the definition of ''high-water mark'' of the following definition: '' 'Board' means the Western Cape Nature Conservation Board established in terms of section 2 of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998);'' 2. Section 3 of the Act is amended by the substitution for the word ''Minister'' wherever it appears, of the word ''Board''. 3. Section 11 of the Act is amended by the substitution for subsection (1) of the following subsection: ''(1) The Board may delegate to any of its employees the powers conferred on it by section 3(1) or (2), but shall not thereby be divested of its powers so delegated, and may modify or withdraw any decision of any such employee.''

SCHEDULE 4

ACT	AMENDMENT OF ACT
Mountain Catchment Areas Act, 1970 (Act 63 of 1970), as assigned in terms of Proclamation No. R.28, 1995 of 7 April 1995.	1. Amendment of the Act — *(a)* by the substitution for the word ''Minister'' in sections 6 (except subsection (3)*(b)*), 7, 9, 10 and 12 of the word ''Board, and *(b)* where applicable in any of the sections referred to in paragraph *(a)*, by the substitution for the word ''he'' or ''him'' of the word ''it''. 2. Amendment of section 1 — *(a)* by the insertion after the definition of ''advisory committee'' of the following definition: '' 'Board' means the Western Cape Nature Conservation Board established in terms of section 2 of the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998)″, and *(b)* by the deletion of the definition of ''Director-General''. 3. By the substitution for section 2A of the following section: ''The Board may, for the purposes of the definition of any area by it under section 2, cause beacons to be erected on the land concerned at places designated by the Board.'' 4. Amendment of section 6 — *(a)* by the substitution in subsection (2)*(c)* for the word ''chairman'' of the word ''chairperson'', and *(b)* by the substitution for subsection (7) of the following subsection: ''(7) If a member of an advisory committee — *(a)* resigns; *(b)* is, without the permission of the chairperson of the advisory committee concerned, absent from two consecutive meetings of such committee, or *(c)* is removed from office under section (5), that member must vacate his or her office.''. 5. Amendment of section 8 — *(a)* by the substitution in subsection (1) for the word ''Director-General'' of the word ''Board'', and *(b)* by the substitution in subsection (3), for the words ''Director-General'' of the word ''Board'' and in paragraph *(b)* of that subsection for the words ''he deems'' and ''known to him'' of the words ''it deems'' and ''known to it'', respectively.

ACT	AMENDMENT OF ACT
	6. Amendment of section 9 by the substitution for the word ''Director-General'' of the word ''Board''. 7. The following section is substituted for section 17: ''The Board may delegate to any of its employees all or any of the powers conferred on it by this Act, other than the powers referred to in section 2A.''.