

FREE STATE PROVINCE

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PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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GENERAL NOTICE 10 OF 2010

PUBLICATION OF THE FREE STATE NATURE CONSERVATION BILL

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 147 of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach him not later than **28 May 2010**.

TB PHITSANE
ACTING SECRETARY:
FREE STATE LEGISLATURE

ALGEMENE KENNISGEWING 10 VAN 2010

PUBLIKASIE VAN DIE VRYSTAATSE WET OP NATUURBEWARING

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 147 van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om hom nie later as **28 Mei 2010** te bereik nie.

TB PHITSANE
WAARNEMENDE SEKRETARIS: VRYSTAATSE
WETGEWER

BILL

To repeal the Nature Conservation Ordinance, 1969 (Ordinance No. 8 of 1969) and to provide regulatory mechanisms for the conservation of biodiversity and other matters related thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:

ARRANGEMENT OF SECTIONS

5

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WETSONTWERP

Om die Vrystaat Natuurbewaringsordonnansie, 1969 (Ordonnansie Nr. 8 van 1969) te herroep en om regulerende meganismes te voorsien vir die bewaring van biodiversiteit en aanverwante sake.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:

INDELING VAN ARTIKELS

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HOOFSTUK	INHOUD
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8	Diere wat skade aanrig
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CHAPTER 1

DEFINITIONS AND APPLICATION OF THE ACT

Definitions	5
1. (1) In this Act, unless the context specifies otherwise –	
“accredited instructor” , means a competent hunter who has been accredited by the MEC and who can provide training to other persons regarding the management of animals causing damage;	10
“adequate game-proof fence” , means any fence out of which, or through which an animal of a game species, as specified in a certificate of adequate fencing issued in terms of the provisions of the Game Theft Act, 1991 (Act 105 of 1991), cannot escape without breaking through it;	15
“alien species” , means –	20
(a) a species that is not an indigenous species to the Province;	
(b) an indigenous species to the Province translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention;	25
(c) an animal species as defined in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);	30
“angling” , means the catching of fish in public waters by means of a line and hook, whether or not a rod is used, and includes the use of a landing-net or keep-net to land and keep fish caught by means of a line and fish-hook;	35
“animal” , means any vertebrate animal and includes those invertebrate animals listed in the schedules hereto;	40
“animal causing damage” , means any specific animal or animals that, when interacting with human activities, there is substantial proof that it –	
(a) causes losses to livestock or other wild specimens;	45
(b) causes excessive damage to cultivated trees, crops, natural fauna and flora or other property;	

HOOFSTUK 1

OMSKRYWING EN TOEPASSING VAN DIE WET

5 Woordomskrywings

1. (1) In hierdie Wet, tensy die konteks anders bepaal, beteken -

10 “**akwatiese plantegroei**”, enige plant wat vir sy hele lewensduur of ‘n gedeelte daarvan in water leef en sluit in die bloeisel, saad, kegel, vrug, knol, stingel en wortel daarvan;

15 “**beroepsjagregister**”, ‘n register of ‘n voorgeskrewe formaat waar alle inligting betreffende ‘n jagtog met ‘n jagkliënt opgeteken word;

20 “**beroepsjagter**”, enige persoon wat gemagtig is ingevolge hierdie Wet om as beroepsjagter op te tree en wat aanbied of instem om as gids op te tree vir ‘n jagkliënt op ‘n wyse wat sodanige persoon in staat stel om te jag;

“**besit**”, om in besit of beheer te wees van enige wilde dier, voël, vis of plantspesie of enige gedeelte of enige derivaat daarvan;

25 “**bevoegde beampte**”, ‘n Natuurbewaringsbeampte of Omgewingsake-beampte in diens van ‘n provinsiale of nasionale bewaring of omgewingsake departement ingevolge die Staatsdienswet, 1994;

30 “**bevoegde jagter**”, ‘n persoon gemagtig om, nadat hy of sy getoets en bevoegd gevind is ingevolge hierdie Wet, om sekere gespesifiseerde middele of toestelle te gebruik om diere wat skade berokken te beheer;

35 “**bevoegdheidsertifikaat**”, ‘n sertifikaat uitgereik deur die LUR aan ‘n persoon wat met wetslae ‘n voorgeskrewe kursus afgelê het oor die bestuur van diere wat skade berokken;

40 “**biodiversiteit**”, die veranderlikheid onder lewende organismes uit alle bronne met inbegrip van terrestriële en akwatiese ekosisteme en die ekologiese komplekse waarvan hulle deel uitmaak en sluit ook in diversiteit binne spesies, tussen spesies en van ekosisteme;

45 “**buitelander**”, enige persoon wat nie ‘n burger van Suid-Afrika is nie of nie ‘n permanente inwoner van Suid-Afrika of wat nie in besit is van ‘n gespesifiseerde Werkpermit vir Suid-Afrika;

50 “**bylae**”, ‘n bylae van hierdie Wet of ‘n bylae van die Spesifieke Omgewingsbestuurwette;

- (c) presents a threat to human life; or
- (d) is present in such numbers that agricultural grazing is materially depleted;

5

“aquatic flora”, means any plant that naturally lives for its entire life span or for a part of its life span in water and includes the flower, seed, cone, fruit, bulb, stem and root thereof;

“biodiversity”, means the variability among living organisms from all sources including terrestrial and aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species and of ecosystems;

10

“Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

15

“captivity”, in relation to a wild animal, means the confinement or incapacitation of such animal to such an extent that it is entirely dependant on humans for its survival, with the exclusion of dependency on the provisioning of water;

20

“capture”, in relation to a wild animal, includes the use of any means or method of catching, taking (whether alive or dead), injuring or immobilizing a wild animal or an alien species;

25

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

30

“CITES”, as referred to in section 41(9) means the Convention on the International Trade in Endangered Species of Wild Fauna and Flora, 1975;

“certificate of adequate fencing”, means a certificate issued in terms of the provisions of the Game Theft Act, 1991 (Act No. 105 of 1991);

35

“competent hunter”, means a person authorised, after having been tested and found competent in terms of this Act, to use certain specified means of control or devices to manage animals causing damage;

40

“competent officer”, means a Nature Conservation or Environmental Affairs Officer in the employ of a provincial or national conservation or environmental affairs department in terms of the Public Service Act, 1994;

45

“CITES”, soos verwys na in artikel 41(9) beteken die Konvensie oor Internasionale Handel in Bedreigde Fauna- en Floraspesies, 1975;

5 **“Departement”**, die Departement verantwoordelik vir Omgewingsake in die Provinsie;

“dier” enige gewerwelde dier en sluit in daardie ongewerwelde diere wat in die bylae hierby gelys is;

10 **“diere wat skade aanrig”**, enige bepaalde dier of diere wat, wanneer hulle met menslike aktiwiteite in wisselwerking tree, daar genoegsame bewys is dat hulle -

15 (a) verliese veroorsaak aan vee of ander wildspesies;

(b) buitensporige skade veroorsaak aan aangeplante bome, gesaaides, natuurlike plante- en dierelewe of ander eiendom;

20 (c) 'n bedreiging inhou vir menselewe; of

(d) in sulke groot getalle teenwoordig is dat landbouweiding wesenlik uitgeput word;

25 **“eienaar”**, met betrekking tot enige grond, beteken -

30 (a) in die geval van grond wat verhuur word aan 'n persoon waar sodanige huurder nie verhinder word deur sodanige eienaar om die regte van 'n eienaar ingevolge hierdie Wet uit te oefen, sodanige huurder;

35 (b) in die geval waar die eienaar dood is of van die grond afstand gedoen het, sy opvolger in titel voor die registrasie van die oordrag van die grond;

(c) in die geval van grond onderhewig aan 'n vruggebruik, die vruggebruiker daarvan,

40 (d) in die geval waar dit in die Aktereregister aangeteken is dat die eienaarskap van sodanige grondgebied in 'n bepaalde persoon vestig, sodanige persoon;

45 (e) in alle ander gevalle, die geregistreerde eienaar daarvan,

en ook, in die geval van grond wat nie deur die eienaar geokkupeer word nie, die persoon wat dit werklik okkupeer, en algemene beheer oor sodanige grond uitoefen, mits hy skriftelik gemagtig is deur die eienaar om namens hom op te tree;

“competency certificate”, means a certificate issued by the MEC to a person who has successfully completed a prescribed course on the management of animals causing damage;

“Department”, means the Department responsible for Environmental Affairs in the Province; 5

“domesticated species”, means any animal or bird which is and which traditionally was kept, controlled and cared for, by humans for the production of food or to execute certain functions for the benefit of humans; 10

“export”, in relation to the province, means to take out or transfer, or attempt to take out or transfer, from a place within the province to another province or country or to national or international waters; 15

“falconer”, means a person who keeps, trains and uses a bird of prey for hunting and sporting purposes; 20

“fish”, means any indigenous aquatic organism of the Class Pisces, which is either alive or dead, and all derivatives thereof;

“fishing net”, means any fish trap, casting net, stretch net, gill net, drag net or funnel trap, or any other item used to trap fish; 25

“fishing tackle”, means any fishing gear, apparatus or other device or any part thereof usually used for catching fish or attempting to catch fish; 30

“foreigner”, means any person who is not a citizen of South African or is not a permanent resident of South Africa or who is not in possession of a specified Work Permit for South Africa;

“fork length”, means in the case of fish, the distance between the tip of the snout to the end of the middle most tail fin ray; 35

“free-living”, means a wild animal that is self-sustaining and can perform its natural social and reproductive behaviour; 40

“gin trap”, means a leg hold or foot-trap made up of two tightly closing jaws, a spring of sorts, and a trigger in the middle, without offset jaws or padded jaws that reduce the chances of injury to the animal;

Met dien verstande dat -

- 5 (i) wanneer twee of meer persone gesamentlike eienaars van die grond is, is slegs die een wat deur die meerderheid van sodanige persone skriftelik aangewys is vir die doel word geag die eenaar van sodanige grond te wees;
- 10 (ii) wanneer 'n regspersoon of 'n genootskap van persone die eenaar is van grond, die persoon wat skriftelik gemagtig is deur sodanige regspersoon of genootskap vir die doel, word geag die eenaar van sodanige grond te wees;
- 15 (iii) geen persoon word geag die eenaar van grond te wees bloot vanweë die feit dat hy jag- of hengelregte ten opsigte daarvan hou;

“eksemplaar”, -

- 20 (a) enige lewende of dooie individu van 'n wilde dier of plant;
- (b) 'n saad, eier, geslagsel of propagule of gedeelte van 'n organisme wat in staat is om te proageer of te reproduseer of op enige wyse genetiese eienskappe oor te dra;
- 25 (c) enige derivaat van enige organisme;

“ere-beampte”, enige persoon wat as ere-beampte aangestel is ingevolge hierdie wet;

30 **“familielid”,** met betrekking tot die eenaar van die grond; die gade, ouer, stiefouer, kind, kleinkind, stiefkind, broer, suster, skoonseun of skoondogter;

35 **“geakkrediteerde instrukteur”,** 'n bevoegde jagter wat deur die LUR geakkrediteer is en wat opleiding kan verskaf aan ander betreffende die bestuur van diere wat skade aanrig;

40 **“gevangenskap”,** met betrekking tot tot wilde diere, die inperking of buitestaatstelling van sodanige dier tot so 'n mate dat dit geheel en al van mense afhanklik is vir sy oorlewing, met uitsondering van afhanklikheid van die voorsiening van water;

“gewone wild”, die spesie soos beoog in artikel 14(1);

45 **“gif”,** enige voorbereiding of chemiese stof wat gebruik word om te vang, te jag, te immobiliseer, steriliseer of liggaamlike leed aan enige wilde dier, voël of vis te doen;

“hand-reared”, means the feeding, caring and causing the human-imprinting of any wild animal and includes the keeping of such wild animals as pets;

“head of department”, means the Head of the Department responsible for Environmental Affairs in the Province; 5

“honorary officer”, means any person appointed as an honorary officer in terms of this act; 10

“hunt”, in relation to any wild animal or fish, means to wilfully-

(a) kill or capture or to attempt to kill or capture; in any manner whatsoever; 15

(b) shoot at;

(c) search for, follow or ambush with the intent to kill or capture; 20

(d) disturb; or

(e) collect or try to collect or to destroy the eggs of;

“hunter”, means a competent person authorised, after having been tested and found competent in terms of this Act, to use certain specified means of control or devices to control damage causing animals; 25

“hunting agent”, means a person who is appointed in writing by a hunting outfitter, who acts in terms of section 23(3) of this Act, to advertise, offer or market overseas the hunting of a wild animal, whether for compensation or not; 30

“hunting client”, means any person who is a foreigner and who pays or compensates any other person for or in respect of the hunting of a wild animal in terms of this Act; 35

“hunting license”, means a license issued in terms of this Act for the hunting of a wild animal; 40

“hunting outfitter”, means any person who offers or arranges the hunting of a wild animal for a hunting client in return for compensation; 45

“hunting school director”, means the principal of a professional hunting school organizing or offering a prescribed course to candidate professional hunters and hunting outfitters;

- 5 **“gifhalsband”**, ‘n halsband met een of meer verseëelde kompartemente wat enige goedgekeurde geregistreerde gif bevat en wat om die nek van lewende hawe of ‘n wilde dier gehang word, vir die beheer van diere wat skade aanrig;
- “gifskiet apparaat”**, ‘n toestel wat enige gif uitskiet wanneer ‘n snellermeganisme geaktiveer word en of enige ander komponent daarvan, wat in staat is om ‘n dier dood te maak of te beseer;
- 10 **“groot roofdiere”**, enige leeu, luiperd, jagluiperd, wildehond, bruin hiëna en gevlekte hiëna, met inbegrip van enige uitheemse spesies van vleisetende diere en bere;
- “hans grootmaak”**, die voeding, versorging en die menslike inprenting op enige wilde dier met inbegrip van aanhouding van sulke diere as troeteldiere;
- 15 **“hengel”**, visvang in openbare waters deur middel van lyn en vishoek, hetsy gebruik gemaak word van ‘n visstok of nie, en sluit in die gebruik van ‘n skepnet of hounet om vis wat deur middel van ‘n lyn en vishoek gevang is na die oewer te bring en te hou;
- 20 **“hengelgerei”**, enige visgereedskap, apparaat of ander toestel of enige deel daarvan wat gewoonlik gebruik word om vis mee te vang of probeer vang;
- 25 **“hierdie Wet”**, ook enige regulasie, proklamasie, kennisgewing of norms en standaarde wat gepromulgeer is ingevolge hierdie Wet;
- 30 **“hoof van departement”** die Hoof van die departement verantwoordelik vir Omgewingsake in die Provinsie;
- “hounet”**, ‘n net of tipe hokstruktuur wat gewoonlik in die water geplaas word en wat uitsluitlik gebruik word om die visse wat deur ‘n persoon gevang word terwyl hy/sy besig is om te hengel, lewendig te hou;
- 35 **“inheemse spesie”**, -
- 40 (a) ‘n spesie wat natuurlik en vrylik in die natuur binne die grense van die Provinsie Vrystaat voorkom, of histories voorgekom het, met uitsondering van ‘n spesie wat die Provinsie binnegekom het as gevolg van menslike aksie;
- 45 (b) ‘n dierespesie soos omskryf in artikel 1 van die 1 van die Wet op Nasionale Omgewingsbestuur: Biodiversiteit, 2004 (Wet Nr 10 van 2004);

“hunting season”, means a designated period during the year when the hunting of specified species of wild animals may be authorized by proclamation issued in terms of section 16 of this Act;

5

“import”, in relation to the province means to –

(a) bring into or introduce into the province, or attempt to bring into or introduce into the province; and

10

(b) includes to bring into the province for re-export to a place outside the province; but

(c) excludes animals or plants in transit;

15

“indigenous species”, means -

(a) a species that occurs, or has historically occurred, naturally in a free state in nature within the borders of the Free State Province, but excludes a species that has been introduced in the Province as a result of human activity;

20

(b) an animal species which is an indigenous species as defined in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

25

“inspector”, means an officer appointed under section 34 of this Act and who is either-

(a) a Nature Conservation or Environmental Affairs Officer in the employ of a provincial or national conservation or environmental affairs department in terms of the Public Service Act, 1994 and appointed as a Peace Officer in terms of section 334 of the Criminal Procedures Act, 1977; or

30

35

(b) an Environmental Management Inspector appointed in accordance with section 29 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

40

“keep/keeping net”, means a net or cage structure of a sort which is generally submerged in water and which is used exclusively for the purpose of keeping fish alive which have been caught by a person while angling;

45

“landing net”, means a net, whether attached to a frame or handle or not, which is used exclusively for assisting with the landing of a fish caught by a person while angling;

“inspekteur”, ‘n beampte aangestel kragtens artikel 34 van hierdie Wet en wat òf –

5 (a) ‘n Natuurbewarings- of Omgewingsbeampte is in diens van ‘n provinsiale of nasionale bewarings- of omgewingsakedepartement ingevolge die Staatsdienswet, 1994 en aangestel is as ‘n Vredesbeampte ingevolge artikel 334 van die Strafproseswet, 1977; of

10 (b) ‘n Omgewingsbestuurinspekteur aangestel ooreenkomstig artikel 29 van die Wet op Biodiversiteit;

“invoer”, met betrekking tot die provinsie om -

15 (a) na die provinsie te bring of hier bekend te stel, of te probeer na die provinsie te bring of bekend te stel; en

(b) sluit ook in om na die provinsie te bring met die oog op heruitvoer na ‘n plek buite die provinsie;

20 (c) met uitsondering van diere of plante in transito;

“jag”, met betrekking tot wilde diere of vis, doelbewus -

25 (a) op watter wyse ook al dood te maak of probeer om dood te maak of te vang;

(b) om te skiet na;

30 (c) om te soek na, te agtervolg of voor te lê met die doel om dood te maak of te vang;

(d) om te versteur; of

35 (e) om die eiers daarvan te versamel of probeer versamel of te vernietig;

40 **“jag-agent”**, ‘n persoon wat skriftelik aangestel is deur ‘n jagorganiseerder, wat optree ingevolge artikel 23(3) van hierdie Wet, om die jag van ‘n wilde dier te adverteer, aan te bied of oorsee te bemark, hetsy vir vergoeding of nie;

45 **“jagkliënt”**, enige persoon wat ‘n buitelanders is en wat enige ander persoon betaal of vergoed vir of ten opsigte van jag van ‘n wilde dier ingevolge hierdie Wet;

“jaglisensie”, ‘n lisensie uitgereik ingevolge hierdie Wet vir die jag van ‘n wilde dier;

"large predators", means any lion, leopard, cheetah, African wild dog, brown hyaena and spotted hyaena, including any alien species of carnivorous animals and bears;

"licence", means a hunting licence issued in terms of this Act; 5

"MEC", means the Member of the Executive Council responsible for Environmental Affairs in the Province;

"natural bait", means any animal, fish or plant matter used for angling; 10

"night", means the period between half an hour after sunset to half an hour before sunrise; 15

"norms and standards", means any national or provincial norms and standards issued in terms of Specific Environmental Management Acts or section 43 of this Act;

"ordinary game", means the species as contemplated in section 14 (1); 20

"organism", means an individual, whether single- or multi-celled, constituted to carry out all life functions; 25

"owner", in relation to any land, means –

(a) in the case of land which is leased to a person where such lessee is not prohibited by such owner from exercising the rights of an owner in terms of this Act, such lessee; 30

(b) in the case where the owner is dead or has disposed of the land, his successor in title before the registration of the transfer of the land; 35

(c) in the case of land subject to a usufruct, the usufructuary thereof;

(d) in the case where it is recorded in the Deeds Registry that the ownership of such land vests in a particular person, such person; 40

(e) in all other cases, the registered owner thereof,

and also, in the case of land which is not occupied by the owner thereof, the person who is in actual occupation, and exercises general control over such land, provided he has been authorized in writing by the owner to act on his behalf; 45

“jagorganiseerder”, enige persoon wat die jag van ‘n wilde dier reël of aanbied aan ‘n jagkliënt vir vergoeding;

5 **“jagskool-direkteur”**, die hoof van ‘n beroepsjagskool wat ‘n voorgeskrewe kursus aan kandidaat-beroepsjagters en jagorganiseerders organiseer of aanbied;

10 **“jagseisoen”**, ‘n aangewese tydperk gedurende die jaar wanneer die jag van gespesifiseerde spesies wilde diere gemagtig kan word by wyse van proklamasie uitgereik ingevolge artikel 16 van hierdie Wet;

15 **“jagter”**, ‘n bevoegde persoon gemagtig om, nadat hy of sy getoets en bevoegd gevind is ingevolge hierdie Wet, om sekere gespesifiseerde middele of toestelle te gebruik om diere wat skade aanrig te beheer;

“lisensie”, ‘n jaglisensie uitgereik ingevolge hierdie Wet;

20 **“LUR”** die Lid van die Uitvoerende Raad verantwoordelik vir Omgewingsake in die Provinsie;

25 **“mak spesie”**, enige dier of voël wat tradisioneel aangehou, beheer en versorg word deur mense vir die produksie van voedsel of om sekere funksies uit te voer tot voordeel van die mens;

“nag”, die tydperk tussen ‘n halfuur na sonsondergang tot ‘n halfuur vòòr sonsopkoms;

30 **“natuurlike aas”**, enige dierlike, vis of plantaardige materiaal wat by hengel gebruik word;

35 **“norms en standaarde”**, enige nasionale of provinsiale norme en standaarde uitgereik ingevolge Spesifieke Omgewingsbestuurswette of artikel 43 van hierdie Wet;

40 **“openbare pad”**, ‘n pad of gedeelte daarvan waartoe die publiek die reg van toegang het soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet Nr. 93 van 1996);

“openbare verkoping”, die verkoop, aankoop, uitruil of verhandeling van ‘n wilde dier op die ope mark waartoe die publiek toegang het;

45 **“openbare waters”**, enige waters wat nie beperk is in omvang tot die eiendom of eiendomme van ‘n enkele grondeienaar nie;

Provided that –

- (i) when two or more persons are joint owners of land, only the one who has been designated by the majority of such persons in writing for the purpose is deemed to be the owner of such land; 5
 - (ii) when a juristic person or an association of persons is the owner of land, the person designated in writing by such juristic person or association for the purpose, is deemed to be the owner of such land; 10
 - (iii) no person is deemed to be the owner of land merely by reason of his holding the hunting or angling rights in respect thereof; 15
- “permit”**, means a permit issued in terms of this Act or in terms of the Specific Environmental Management Acts; 20
- “pick”**, means pluck, pick, gather, cut, chop off, uproot, damage or destroy; 25
- “poison”**, means any preparation or chemical substance used to catch, hunt, immobilize, sterilise or to physically harm any wild animals, birds or fish; 30
- “poison collar”**, means a collar with one or more sealed compartments containing any approved registered poison and which is put around the neck of livestock or a wild animal, for the control of animals causing damage; 35
- “poison-firing apparatus”**, means a device which ejects any poison when a trigger mechanism is activated and or any other component thereof, which is able to kill or injure an animal; 40
- “possession”**, means to have in possession, or control, any wild animal, bird, fish or plant species or any part or derivative thereof; 45
- “prescribed or prescribe”**, means prescribed by regulation under this Act or any of the Specific Environmental Management Acts; 45
- “professional hunter”**, means any person, who is authorised in terms of this Act to act as a professional hunter and who offers or agrees to guide a hunting client in any way or manner in order to enable such person to hunt; 45

“organisme”, ‘n individu, hetsy een- of meersellig, wat instaat is om alle lewensfunksies uit te voer;

5 **“permit”**, ‘n permit uitgereik ingevolge hierdie Wet of ingevolge spesifieke Ongewingsbeheerwette;

“pluk”, afpluk, uitkies, versamel, afsny, afkap, ontwortel, beskadig of vernietig;

10 **“provinsiale beskermde spesies” -**

(a) die spesies waarna verwys word in artikel 3 van hierdie Wet en wat gespesifiseer word in Bylae 1 van hierdie Wet;

15 (b) alle spesies wat gelys word in ooreenstemming met artikel 97 van die Wet op Nasionale Omgewingsbestuur: Biodiversiteit, 2004 (Wet Nr. 10 van 2004), Regulasies vir Bedreigde en Beskermde Spesies kragtens Regeringskennisgewing Nr. 152 in *Staatskoerant* Nr. 29657 Februarie 2007;

20

“Provinsiale Koerant”, die *Provinsiale Koerant* wat deur die Vrystaatse Provinsiale Administrasie gedruk en uitgegee word;

25 **“Provinsie”**, die Provinsie Vrystaat soos gedefinieer in artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996;

“regulasie”, ‘n regulasie gepromulgeer kragtens hierdie Wet of die spesifieke Omgewingsbestuurwette;

30

“rehabilitasie”, slegs die grootmaak en behandeling van ‘n beseerde of siek wilde dier sonder dat menslike inprenting plaasvind, met die uitsluitlike doel om dit weer in die natuur vry te laat;

35

“roofvoël”, alle roofvoëls;

“SABS 0331”, die Suid-Afrikaanse Buro van Standaarde publikasie Nr. 0331 getiteld: “Translocation of certain species of wild herbivore”;

40

“SABS 10379”, die Suid-Afrikaanse Buro van Standaarde publikasie Nr. 10379 van 2005 getiteld: “Zoo and aquarium practice”;

45

“sertifikaat van voldoende omheining” ‘n sertifikaat uitgereik ingevolge die bepalings van die Wet op Wilddiefstal, 1991 (Wet nr. 105 van 1991);

“professional hunting register”, means a register of a prescribed format where all information regarding a hunt with a hunting client is recorded;

“Province”, means the Free State Province as defined in section 103 of the Constitution of the Republic of South Africa, 1996; 5

“Provincial Gazette”, means the *Provincial Gazette* printed and issued by the Free State Provincial Administration; 10

“provincial protected species”, means –

(a) the species referred to in section 3 of this Act and which are specified in Schedule 1 of this Act; 15

(b) all species listed in accordance with section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), Threatened and Protected Species Regulations under Government Notice No.152 in *Gazette* No. 29657 February 2007; 20

“public auction”, means the buying, selling, exchange or trading of a wild animal on the open market to which the public has access; 25

“public road”, means a road or section thereof to which the public has the right of access as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“public waters”, means any waters that is not restricted or limited in extent to the property or properties of a single land owner; 30

“raptor”, means all birds of prey;

“regulation”, means a regulation promulgated under this Act or the Specific Environmental Management Acts; 35

“rehabilitation”, means only the rearing and treatment of an injured or diseased wild animal without human imprinting for the sole purpose of releasing it back into nature; 40

“relative”, with regard to the owner of the land means the spouse, parent, step-parent, child, grandchild, stepchild, brother, sister, son-in-law or daughter-in-law; 45

“SANS 0331”, means the South African Bureau of Standards publication No. 0331 entitled: “Translocation of certain species of wild herbivore”;

“skepnet”, ‘n net, hetsy geheg aan ‘n raam of handvatsel of nie, wat uitsluitlik gebruik word om te help om die vis wat gevang word deur ‘n persoon wat hengel, aan wal te bring;

5

“skriftelike magtiging of toestemming” -

10

(a) skriftelike magtiging of toestemming gegee deur enige grondeienaar aan enige ander persoon in ooreenstemming met die bepalings van enige toepaslike wetgewing om enige dier te jag op daardie grondeienaar se grond, onderhewig aan ander bepalings van toepaslike wetgewing;

15

(b) skriftelike toestemming van, deur die LUR aan enige persoon wat voldoen aan die voorwaardes gestel deur die LUR;

(c) ‘n permit uitgereik deur die uitreikingsowerheid;

20

“slagyster”, ‘n been of voet vangtoestel wat bestaan uit twee kake, ‘n veer, en ‘n sneller in die middel, sonder teëwigkake of gekussingde kake wat die kanse op besering van die dier kan verminder;

25

“Spesifieke Omgewingsbestuurswette”,

30

(a) Wet op Nasionale Omgewingsbestuur, 1998 (Wet Nr. 107 van 1998);

(b) Nasionale Omgewingsbestuur: Wet op Beskermdede gebiede, 2003 (Wet Nr. 57 van 2003);

(c) Wet op Nasionale Omgewingsbestuur: Biodiversiteit, 2004 (Wet Nr 10 van 2004);

35

(d) Wet op Omgewingsbewaring, 1989 (Wet Nr. 73 van 1989);

(e) Wet op Lewende Mariene Hulpbronne, 1998 (Wet Nr. 18 van 1998);

40

(f) Nasionale Wet op Bosse, 1998 (Wet Nr. 84 van 1998);

(g) Nasionale Waterwet, 1998 (Wet Nr. 36 van 1998);

45

(h) Wet op Waterdienste, 1997 (Wet Nr. 108 van 1997);

(i) Wet op Wilddiefstal, 1991 (Wet Nr. 105 van 1991);

(j) Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet Nr. 43 van 1983);

- “SANS 10379”**, means the South African Bureau of Standards publication No. 10379 of 2005 entitled: “Zoo and Aquarium Practice”;
- “schedule”**, means a schedule of this Act or a schedule of the Specific Environmental Management Acts; 5
- “Scientific Authority”**, has the meaning as defined by the Threatened or Protected Species Regulations (Notice 1146 of 2007); 10
- “sell”**, means an act whereby a person disposes of something by offering for sale by means of advertising or exhibiting, or by forfeiting or trying to forfeit property by receiving an amount of money or any other compensation from another person; 15
- “set gun”**, means any device which, by means of a remote trigger system, is capable of discharging one or more cartridges and is set in any manner and left unattended with the intention of killing any animal; 20
- “set line”**, means a line and fish-hook which, when used for catching fish, is not under the direct control of a person but is attached to an object, but does not include a line and fishing rod attached to a reel and rod lying loose on the ground; 25
- “snare”**, means a noose of line or wire or any other material that is used or can be used to capture an animal;
- “Specific Environmental Management Acts”**, means - 30
- (a) National Environmental Management, 1998 (Act No. 107 of 1998);
 - (b) National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003); 35
 - (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004); 40
 - (d) Environment Conservation Act, 1989 (Act No. 73 of 1989);
 - (e) Marine Living Resources Act, 1998 (Act No. 18 of 1998);
 - (f) National Forest Act, 1998 (Act No. 84 of 1998); 45
 - (g) National Water Act, 1998 (Act No. 36 of 1998);
 - (h) National Water Services Act, 1997 (Act No. 108 of 1997);

(k) Wet op Dieriesiektes, 1984 (Wet Nr. 35 van 1984);

5 **“stelgeweer”**, enige opgestelde toestel wat, deur middel van ‘n afstandbeheerde snellersisteem, in staat is om een of meer patrone af te vuur en onbeman gelaat word met die doel om enige dier te dood;

10 **“stellyn”**, ‘n lyn of vishoek wat, wanneer gebruik word om vis te vang, nie onder die regstreekse beheer is van ‘n persoon maar aan ‘n voorwerp gekoppel is, maar sluit nie in ‘n lyn en hoek wat gekoppel is aan ‘n katrol en visstok wat loslê op die grond nie;

15 **“strik”**, ‘n strop van lyn of draad of enige ander materiaal wat gebruik word of kan word om ‘n dier te vang;

“vangtoestel”, enige toestel of apparaat wat gebruik kan word om ‘n wilde dier of vis te vang, probeer vang, doodmaak of beseer;

20 **“vleiland”**, land of grond wat ‘n oorgang is tussen terrestriële en akwatiese stelsels waar die watertafel gewoonlik by of naby die grond oppervlak is, of waar die grond periodiek met water bedek is, en wat onder normale omstandighede plantegroei wat aangepas is om te kan oorleef in water versadigde grond ondersteun of behoort te ondersteun;

25 **“uitheemse spesie”** -

 (a) ‘n spesie wat nie ‘n inheemse spesie is in die Provinsie nie;

30 (b) ‘n inheemse spesie van die Provinsie wat getranslokeer is of bedoel om getranslokeer te word na ‘n plek buite sy natuurlike verspreidingsgebied in die natuur, maar nie ‘n inheemse spesie wat sy natuurlike verspreidingsgebied uitgebrei het deur middel van natuurlike migrasie of verspreiding sonder menslike ingryping;

35 (c) ‘n dierspesie soos omskryf in artikel 1 van die Wet op Nasionale Omgewingsbestuur: Biodiversiteit, 2004 (Wet Nr 10 van 2004);

40 **“uitvoer”**, met betrekking tot die provinsie, om vanuit ‘n plek in die provinsie te neem of oor te dra, of poog om te neem of oor te dra na ‘n ander provinsie of land of na nasionale of internasionale waters;

45 **“valkenier”**, ‘n persoon wat ‘n roofvoël aanhou, oplei en gebruik vir jag- en sportdoeleindes;

50 **“vang”**, met betrekking tot ‘n wilde dier, sluit in die gebruik van enige middel of metode om ‘n wilde dier of uitheemse spesie te vang, te neem (hetsy dood of lewend), beseer of immobiliseer;

- (i) Game Theft Act, 1991 (Act No. 105 of 1991);
- (j) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983);
- (k) Animal Diseases Act, 1984 (Act No. 35 of 1984);
- “specimen”**, means –
- (a) any living or dead individual of a wild animal or plant;
- (b) a seed, egg, gamete or propagule or part of an organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any organism;
- “this Act”**, also means any regulation, proclamation, notice or norms and standards promulgated in terms of this Act;
- “trap”**, means a device or apparatus that can be used to capture, attempt to capture, kill or injure a wild animal or fish;
- “trap cage”**, means a cage with a trapdoor and a triggering mechanism to activate the trap for capturing an animal, a wild animal;
- “waters”**, means natural and artificial water bodies including the water in a river, stream, creek, lake, pan, vlei, dam, reservoir, furrow, pond, marsh or ditch;
- “weapon”**, means a firearm or any other weapon or instrument with which a projectile can be propelled in such manner that it can kill, injure or immobilize a wild animal and includes ammunition for use in such firearm and any projectile for use in connection with such other weapon or instrument as well as any chemical substance or preparation for use in connection with such projectile;
- “wetland”**, means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in water saturated soil;
- “wild animal”**, means any animal belonging to a non-domestic species, and includes the carcass, egg, meat (fresh or cured), biltong and the unprocessed, partly or fully processed hide, skin, thong, tooth, bone, horn, shell, scale, quill, claw, nail, hoof, paw, tail, hair, feather or any other identifiable derivative of such animal;

“vang”, met betrekking tot vis, sluit in die gebruik van enige middel of metode om vis te neem (hetsy lewendig of dood), te beseer, te immobiliseer of te dood;

5 **“vanghok”**, ‘n hok met ‘n valdeur en ‘n sneller meganisme om die val te aktiveer om ‘n dier of wilde dier te vang;

10 **“verkoop”**, enige handeling waardeur ‘n persoon iets van die hand sit deur dit te koop aan te bied by wyse van advertensie of uitstalling, of deur daarvan ontslae te raak of probeer ontslae raak deur ‘n bedrag geld of enige ander vergoeding van ‘n ander persoon te ontvang;

15 **“vis”**, enige inheemse waterleiwende organisme van die Klas Pisces, wat lewend of dood is, en alle derivate daarvan;

20 **“visnet”**, enige visfuis, werpnet, stelnet, kiefnet, sleepnet of tregtervangtoestel, of enige ander item wat gebruik word om vis mee te vang;

25 **“voldoende wildwerende heining”**, enige heining waaruit, of waardeur, ‘n dier van die wildspesies, soos omskryf in ‘n sertifikaat van voldoende omheining uitgereik ingevolge die bepalings van die Wet op Wilddiefstal, 1991 (Wet Nr. 105 van 1991), nie kan ontsnap sonder om daardeur te breek nie;

“voorgeskryf of voorskryf”, voorgeskryf deur regulasie kragtens hierdie Wet of enige van die Spesifieke Omgewingsbeheerwette;

30 **“vryleiwende”**, ‘n wilde dier wat selfonderhoudend is en sy natuurlike sosiale en reprodutiewe gedrag handhaaf;

35 **“vurklengte”**, in die geval van vis, die afstand tussen die punt van die snoet tot by die binnekant van die stertvinvurk;

40 **“wapen”**, ‘n vuurwapen of enige ander wapen of instrument waarmee ‘n projektiel op sodanige wyse afgevuur kan word dat dit ‘n wilde dier kan doodmaak, beseer of immobiliseer en sluit in ammunisie vir gebruik in sodanige vuurwapen en enige projektiel vir gebruik in verband met sodanige ander wapen of instrument asook enige chemiese stof of preparaat vir gebruik in verband met sodanige projektiel;

45 **“waters”**, natuurlike en kunsmatige waterliggame met inbegrip van water in ‘n rivier, stroom, spruit, meer, pan, vlei, dam, reservoir, voor, poel, moeras of sloot;

“Wet op Biodiversiteit”, die Nasionale Wet op Omgewingsbestuur: Biodiversiteit, 2004 (Wet Nr. 10 van 2004);

“written authorisation or permission”, means –

- (a) written authorisation or permission given by any landowner to any other person in accordance with the provisions of any applicable legislation to hunt any animal on that landowner’s land, subject to any other provisions of applicable legislation; 5
- (b) written authorisation of, by the MEC to any person who complies with the conditions set by the MEC; 10
- (c) a permit issued by the issuing authority;
- (2) Excluding definitions in this Act, the definitions as set out in the Specific Environmental Management Acts apply. 15

Application and interpretation

- 2. (1) This Act applies, together with all applicable national legislation to biodiversity aspects in the Free State Province. 20
- (2) In the event of any conflicting provisions between this Act and the national legislation, the prevailing Act will be determined subject to section 146 of the Constitution of the Republic of South Africa, 1996. 25

CHAPTER 2**PROVINCIAL PROTECTED SPECIES**

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Protected Species

- 3. The species listed in Schedule 1 of this Act are declared provincial protected species. 35

Restricted Activities

- 4. Unless authorised by means of a permit issued by the MEC, no person may engage in a restricted activity involving a provincial protected species, which include - 40
 - (a) hunt, catch, capture, or kill any living specimen of a listed provincial protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen; 45

“Wetenskaplike Owerheid”, het die betekenis soos omskryf deur die Bedreigde Spesies Regulasies (Kennisgewing 1146 van 2007);

“wilde dier”, enige dier behorende tot ‘n nie-huisdier spesie, en sluit in die karkas, eier, vleis (vars of berei), biltong en die onverwerkte, gedeeltelik of ten volle verwerkte huid, vel, riem, tand, been, horing, dop, skub, pen, klou, nael, hoef, poot, stert, haar, veer of enige ander identifiseerbare derivaat van sodanige dier;

- (2) Met uitsondering van woordomskrywings in hierdie Wet, is die woordomskrywings soos uiteengesit in die Spesifieke Omgewingsbestuurswette van toepassing.

Toepassing en interpretasie

2. (1) Hierdie Wet is van toepassing, tesame met alle toepaslike nasionale wetgewing op biodiversiteitsaspekte in die Provinsie Vrystaat.
- (2) In die geval van enige teenstrydige bepalings tussen hierdie Wet en die nasionale wetgewing, sal die geldende Wet bepaal word onderhewig aan artikel 146 van die Grondwet van die Republiek van Suid-Afrika, 1996.

HOOFSTUK 2

PROVINSIALE BESKERMDE SPESIES

Beskermdde Spesies

3. Die spesies wat gelys is in Bylae 1 van hierdie Wet word as provinsiale beskermdde spesies verklaar.

Beperkte Aktiwiteite

4. Tensy gemagtig by wyse van ‘n permit uitgereik deur die LUR, mag geen persoon betrokke raak by ‘n beperkte aktiwiteit met betrekking tot ‘n provinsiale beskermdde spesie nie, wat die volgende insluit -
- (a) enige lewende eksemplaar van ‘n gelyste provinsiale beskermdde spesie jag, vang, gevange neem, of doodmaak deur van enige middel, metode of toestel gebruik te maak, met inbegrip van opsporing, agtervolging, aandrywing, voor te lê, uitlokking, aanlokking, afvuring van ‘n missiel of besering met die doel om sodanige eksemplaar te jag, te vang, gevange te neem of dood te maak;

- (b) gather or collect any such plant specimen;
 - (c) pick parts of, or cut, chop off, uproot, damage or destroy any such plant specimen;
 - (d) import into the province any such specimen;
 - (e) export from the province, including re-exporting from the province, any such specimen;
 - (f) convey, move or otherwise translocate any such specimen;
 - (g) sell or otherwise trade in, buy, receive, give, donate or accept as a gift, or in any way acquire or dispose of, or possess any such specimen.
- 5
10
15

CHAPTER 3

CAPTIVITY, KEEPING AND PROTECTING OF WILD ANIMALS

Captivity of wild animals

5. (1) Unless authorized by a permit issued by the MEC, no person may -
- (a) keep any wild animal in captivity;
 - (b) exhibit a wild animal in any public place;
 - (c) engage in the hand-rearing of any wild animal.
- (2) No person shall keep any wild animal in captivity unless kept under conditions as prescribed in the Regulations to this Act.
- 20
25
30

Prohibition of opening or damaging a section of a fence

6. No person may open or damage a section of a fence which is registered by the Department as an adequate game-proof fence in terms of the Game Theft Act, 1991 (Act No. 105 of 1991).

Protection or management of species of wild animals

7. The MEC may by proclamation in the *Provincial Gazette* introduce measures for the protection or management of any species of wild animal.
- 35
40

- 5
- (b) enige sodanige planteksemplaar te versamel of bymekaarmaak;
- (c) gedeeltes van sodanige planteksemplaar pluk, of afsny, afkap, ontwortel, beskadig of vernietig;
- 10
- (d) enige sodanige eksemplaar na die provinsie invoer;
- (e) enige sodanige eksemplaar uit die provinsie uitvoer, insluitende her-uitvoer uit die provinsie;
- (f) enige sodanige eksemplaar vervoer, skuif of andersins translokeer;
- 15
- (g) enige sodanige eksemplaar verkoop of andersins handeldryf met, dit aankoop, ontvang, gee, skenk of as geskenk aanvaar, of op enige wyse verkry of van die hand sit.

HOOFSTUK 3

20 INPERKING, AANHOUDING EN BESKERMING VAN WILDE DIERE

Inperking van wilde diere

- 25
5. (1) Tensy gemagtig deur 'n permit uitgereik deur die LUR, mag geen persoon -
- (a) enige wilde dier in gevangenskap aanhou nie;
- (b) 'n wilde dier in enige openbare plek vertoon nie;
- 30
- (c) betrokke wees by die hans grootmaak van enige wilde dier nie.
- (2) Geen persoon mag enige wilde dier in gevangenskap aanhou tensy dit geskied onder toestande soos voorgeskryf in die Regulasies van hierdie Wet.
- 35

Verbodsbepaling op die oopmaak of beskadiging van 'n heining

- 40
6. Geen persoon mag 'n gedeelte van 'n heining oopmaak of beskadig wat by die Departement geregistreer is as 'n voldoende wildwerende heining ingevolge die Wet op Wilddiefstal, 1991 (Wet Nr. 105 van 1991).

Beskerming of bestuur van wilde dier spesies

- 45
7. Die LUR kan deur proklamasie in die *Provinsiale Koerant* maatreëls instel vir die beskerming van enige wilde dier spesie.

CHAPTER 4

ALIEN AND RESTRICTED SPECIES

Restricted species	5
8. (1) The species specified in Schedule 3 of this Act are declared as restricted species.	
(2) Unless authorised by a permit, no person may engage in a restricted activity involving a restricted species which includes the importing, buying, receiving, possessing, transporting, keeping in captivity, releasing into the wild, planting, trading with, selling, donating, or exporting of such an organism.	10
(3) All restricted species of animals may only be kept in captivity under such conditions and in such prescribed cages or enclosures in accordance with the guidelines issued by the MEC for the keeping in captivity of such restricted species of animals.	15
Prohibited alien species	20
9. (1) The species specified in Schedule 4 of this Act are declared as prohibited alien species.	
(2) No person may engage in a restricted activity involving a prohibited alien species which includes the importing, buying, receiving, possessing, keeping in captivity, releasing into the wild, planting, trading with, selling, donating, or exporting of such an organism.	25
(3) Notwithstanding the provisions stipulated in subsection (2), a permit authorising a restricted activity involving a prohibited alien species may be considered only if the applicant is or represents a recognised scientific research institution or an educational facility for the exhibition of species which is owned and managed by one of the tiers of government.	30
(4) The unauthorised presence or occurrence of any prohibited alien species, as per Schedule 4 of this Act, on any land, property or premises, must be reported by the owner of such land, property or premises to the Department within one (1) month after the presence or occurrence became known.	35
	40

HOOFSTUK 4

UITHEEMSE EN BEPERKTE SPESIES

5 **Beperkte spesies**

8. (1) Die spesies wat gelys is in Bylae 3 van hierdie Wet word as beperkte spesies verklaar.

10 (2) Tensy gemagtig deur 'n permit, mag geen persoon betrokke wees by 'n aktiwiteit met betrekking tot 'n beperkte spesie wat insluit die invoer, aankoop, ontvangs, besit, vervoer, aanhouding, vrylating in die natuur, plant, handeldryf in, verkoop, skenk of uitvoer van sodanige organisme.

15 (3) Alle beperkte spesies diere mag slegs in aanhouding verkeer onder sodanige toestande en in sodanige voorgeskrewe hokke of omheinings in ooreenstemming met die riglyne uitgereik deur die LUR vir die aanhouding van sodanige beperkte spesies diere.

20

Verbode uitheemse spesies

9. (1) Die spesies wat gelys is in Bylae 4 van hierdie Wet word as verbode uitheemse spesies verklaar.

25

(2) Geen persoon mag betrokke wees by 'n aktiwiteit met betrekking tot 'n verbode uitheemse spesie wat insluit die invoer, aankoop, ontvangs, besit, vervoer, aanhouding, vrylating in die natuur, plant, handeldryf in, verkoop, skenk of uitvoer van sodanige organisme.

30

(3) Nieteenstaande die bepalings vervat in subartikel (2), kan 'n permit wat 'n beperkte aktiwiteit magtig met betrekking tot 'n verbode uitheemse spesie slegs oorweeg word indien die aansoeker 'n erkende wetenskaplike instelling of opvoedkundige fasiliteit vir die uitstalling van spesies wat besit en bestuur word deur een van die vlakke van regering is, of dit verteenwoordig.

35

(4) Die ongemagtigde aanwesigheid of voorkoms van 'n verbode uitheemse spesie, soos per Bylae 4 van hierdie Wet, op enige grond, eiendom of perseel, moet aangemeld word deur die eienaar van sodanige grond, eiendom of perseel by die Departement binne een (1) maand nadat die aanwesigheid of voorkoms bekend geraak het.

40

CHAPTER 5

FISH

Restricted Activities in relation to freshwater fish	5
10. (1) No person may engage in the following restricted activities involving fish unless authorised by a permit issued by the MEC -	
(a) place or cause to be placed or allowing to be placed in any public waters an object of any kind which may obstruct the free movement or passage of fish in such waters;	10
(b) place a marker, buoy, float or any similar device on or in any public waters to indicate an angling place or a feeding place for fish;	15
(c) make a feeding place in public waters by placing any animal, plant, bait or other matter that attracts fish by its edibility, smell or taste, in such waters;	20
(d) wilfully injure, disturb or destroy –	
(i) the eggs of any fish; or	25
(ii) any spawning area of any fish;	
(e) possess, sell or offer for sale a fishing net except a landing net or keep net designed for the purpose of landing or holding fish caught by a fishing method contemplated in section 12 of this Act;	30
(f) release an alien species of fish in any waters;	
(g) commercially produce or trade with live fish;	35
(h) import into, export out of or transport within the Province any live fish;	
(i) catch fish in any public waters in any manner other than by angling.	40

Limitations**11. The MEC may by proclamation -**

- (a) prohibit any person from catching fish or catching fish of a specified species or catching fish during a specified period in waters or in a specified area of the Province; 5
- (b) determine size limits and daily catch limits for any specified species of fish; 10
- (c) determine whether fish of a specified species may be kept, may or may not be released back into the water.

Fishing Methods 15**12. No person may –**

- (a) angle in any other manner than by using not more than two lines to each of which are attached - 20
 - (i) not more than two single hooks with natural bait; or
 - (ii) not more than two non-spinning artificial flies; or
 - (iii) not more than one artificial lure or spoon; 25
- (b) while angling wilfully employ any method calculated to hook a fish in any part of its body other than in the mouth; 30
- (c) catch or attempt to catch fish by means of a set line or fishing net;
- (d) use any live vertebrate as bait.

Record Keeping 35

- 13.** A person selling fishing tackle must keep record of any fishing nets other than landing and keep-nets, sold in a manner as determined by the MEC.

CHAPTER 6 40**HUNTING****Ordinary game and restricted species 45**

- 14. (1)** The species listed in Schedule 2 of this Act are declared as ordinary game species.

Beperkings**11.** Die LUR kan deur proklamasie -

- 5 (a) enige persoon verbied om vis te vang of vis van 'n gespesifiseerde spesie te vang of vis te vang gedurende 'n gespesifiseerde tydperk in waters van of in 'n gespesifiseerde area van die Provinsie;
- 10 (b) die grootte en daaglikse vanglimiet vir enige gespesifiseerde spesie vis bepaal;
- (c) bepaal of vis van 'n gespesifiseerde spesie behou kan word, of terug in die water gelaat kan word of nie.

15 Hengelmetodes**12.** Geen persoon mag -

- 20 (a) op enige manier hengel behalwe deur gebruik te maak van hoogstens twee lyne waaraan elk gekoppel is -
- (i) nie meer as twee enkelvishoeke met natuurlike aas; of
- 25 (ii) nie meer as twee nie-ronddraaiende kunsvlieë; of
- (iii) nie meer as een kunslokmiddel of lepel;
- (b) terwyl gehengel word willens en wetens enige metode aanwend wat daarop gemik is om 'n vis op enige gedeelte van sy liggaam
- 30 behalwe in die bek, te haak nie;
- (c) vis deur middel van 'n stellyn of visnet vang of probeer vang nie;
- (d) enige lewendige werweldier as aas gebruik nie.
- 35

Rekordhouding

- 40 **13.** 'n Persoon wat hengelgerei verkoop moet rekord hou van enige visnette behalwe skep- en hounette, wat verkoop word op 'n wyse soos deur die LUR bepaal.

HOOFSTUK 6**JAG**

45

Gewone wild en beperkte spesies

- 14.** (1) Die spesies wat gelys is in Bylae 2 van hierdie Wet word as gewone wild verklaar.

- (2) The species specified in Schedule 3 of this Act are declared as restricted species.

Restricted Activities

15.	Unless authorized by means of a hunting license issued by the MEC, no person may engage in a restricted activity with relation to ordinary game or restricted species, which include -	5
(a)	hunting ordinary game or restricted species in the Province, unless -	10
(i)	the hunt is authorized by a proclamation issued in terms of section 16 of this Act; and	15
(ii)	such person is in possession of a valid hunting license issued in accordance with the provisions of this Act and which authorizes such person to hunt ordinary game or a restricted species and also has such hunting license with him/her while hunting; or	20
(iii)	the person is the owner of the property on which the hunt will take place; or	
(iv)	the person is under the direct supervision of the owner or representative or full time worker of such owner of the relevant property; or	25
(v)	he or she carries with him or her the original written letter of permission of the land owner, while he or she hunts on such land, if the owner of the land does not accompany him or her;	30
(b)	hunting of ordinary game or restricted game species at night except where a fence is registered by the Department as an adequate game-proof fence in terms of the Game Theft Act, 1991 (Act No. 105 of 1991);	35
(c)	buying, receiving, giving, donating or accepting as a gift any non-living specimen of ordinary game or restricted species unless in possession of a receipt or letter proving the legitimate origin of such.	40

- (2) Die spesies wat gelys is in Bylae 3 van hierdie Wet word as beperkte spesies verklaar.

Beperkte Aktiwiteite

5

15. Tensy gemagtig by wyse van 'n permit uitgereik deur die LUR, mag geen persoon betrokke raak by 'n beperkte aktiwiteit met betrekking tot gewone wild of beperkte spesies nie, wat die volgende insluit -

10

- (a) jag van gewone wild of beperkte spesies in die Provinsie, tensy -

(i) die jag gemagtig word deur 'n proklamasie uitgereik ingevolge artikel 16 van hierdie Wet; en

15

(ii) sodanige persoon in besit is van 'n geldige jaglisensie uitgereik in ooreenstemming met die bepalings van hierdie Wet en wat sodanige persoon magtig om gewone wild of 'n beperkte spesie te jag en ook sodanige jaglisensie by hom/haar het terwyl daar gejag word; of

20

(iii) die persoon die eienaar is van die eiendom waarop die jag sal plaasvind; of

25

(iv) die persoon onder die regstreekse toesig is van die eienaar of verteenwoordiger of voltydse werker van sodanige eienaar van die betrokke eiendom; of

30

(v) hy of sy by hom of haar die oorspronklike toestemmingsbrief van die grondeienaar saamdra, terwyl hy of sy op sodanige grond jag, indien die eienaar hom of haar nie vergesel nie;

35

- (b) jag van gewone wild of beperkte wildspesies in die nag behalwe waar 'n heining by die Departement geregistreer is as 'n voldoende wildwerende heining ingevolge die Wet op Wilddiefstal, 1991 (Wet Nr. 105 van 1991).

40

- (c) enige nie-lewende eksemplaar van gewone wild of beperkte spesies aankoop, ontvang, gee, skenk of as geskenk aanvaar tensy in besit van 'n kwitansie of brief wat die wettige oorsprong daarvan bewys.

Hunting and capturing seasons

16. (1) The MEC may determine by proclamation in the *Provincial Gazette* that during a specified period of the year, restricted species or ordinary game species, ordinary or restricted species of a specified species, a specified number of such game or species, may be hunted in the Province, in a specified area of the Province, or subject to a specific fencing prescription, by any person or persons of a specified category, excluding capturing. 5
- (2) The MEC may by proclamation in the *Provincial Gazette* determine periods of the year when wild animals may be captured. 10

Hunting of alien animal species

17. No person may hunt an alien animal species on any land unless he is the owner of the land, or hunts under the direct supervision of such owner or, while he hunts, has with him the written permission containing the prescribed particulars of such owner to hunt such animal with the provision that no large predator species may be hunted. 15
- 20

Entry upon land with weapon and hunting on public road

18. No person may - 25
- (1) while he is in possession of a weapon, without lawful reason, enter upon or be on land, except a public road, on which a wild animal are likely to be found, unless he has with him the written permission of the owner of such land to do so; or 30
- (2) hunt a wild animal on or from a public road or in the road reserve of a public road except under a permit issued by the MEC.

The MEC may permit a wild animal to be hunted

19. (1) The MEC may permit a wild animal to be hunted whenever it is found that such an animal - 35
- (a) is detrimental to the preservation of any other wild animal or plant; 40
- (b) is likely to be dangerous to human life;
- (c) is wounded, diseased or injured; or

Jag en vangseisoene

- 5 16. (1) Die LUR mag by wyse van proklamasie in die *Provinsiale Koerant* bepaal dat daar gedurende 'n gespesifiseerde tydperk van die jaar, beperkte spesies of gewone wildspesies, gespesifiseerde gewone of beperkte spesies, 'n gespesifiseerde getal van sodanige wild of spesies, gejag mag word in die Provinsie, in 'n spesifieke gebied van die Provinsie, of onderhewig aan 'n spesifieke heiningsvoorskrif, deur enige persoon of persone van 'n spesifieke kategorie, uitgesluit die vang van sodanige wild of spesies.
- 10
- (2) Die LUR kan by wyse van proklamasie in die *Provinsiale Koerant* tydperke van die jaar bepaal wanneer wilde diere gevang mag word.
- 15

Jag van uitheemse dierspesies

- 20 17. Geen persoon mag 'n uitheemse dierspesie op enige grond jag nie tensy hy die eienaar is van daardie grond, of jag onder die toesig van sodanige eienaar of, terwyl hy jag, hy in besit is van die skriftelike toestemming van die eienaar, wat die voorskrifte bevat ten opsigte van die jag van sodanige dier, met die voorbehoud dat geen groot roofdierspesies gejag mag word nie.
- 25

Betreding van grond met wapen en jag op openbare pad

18. Geen persoon mag -
- 30 (1) terwyl hy in besit is van 'n wapen, sonder wettige rede, grond betree of op grond wees, behalwe 'n openbare pad, waarop 'n wilde dier moontlik gevind kan word, tensy hy die skriftelike toestemming van die eienaar van sodanige grond by hom het om so te doen nie; of
- 35 (2) 'n wilde dier op of vanaf 'n openbare pad of in die padreserwe van 'n openbare pad jag nie, behalwe kragtens 'n permit uitgereik deur die LUR.

Die LUR kan toestemming gee vir 'n wilde dier om gejag te word

- 40 19. (1) Die LUR kan toestemming gee vir 'n wilde dier om gejag te word waar dit ook al bevind word dat sodanige dier -
- 45 (a) nadelig is vir die bewaring van enige ander wilde dier of plant;
- (b) moontlik 'n gevaar kan inhou vir menslike lewe;
- 50 (c) gewond, siek of beseer is; of

- (d) ought to be hunted in the interest of indigenous biodiversity.

CHAPTER 7

PROFESSIONAL HUNTING

5

Operating as a Professional Hunter, Hunting Outfitter and/or a Hunting School Director

- 20.** (1) No person may act as a – 10
- (a) professional hunter;
- (b) hunting outfitter; or 15
- (c) hunting school director;
- unless the person is the holder of a permit issued by the MEC.
- (2) A person referred to in subsection (1) must comply with requirements as determined by the MEC. 20

Hunting of animals by a hunting client

- 21.** (1) A hunting client may not hunt an animal unless - 25
- (a) the hunt is organized by a hunting outfitter; and
- (b) the hunting client is accompanied by a professional hunter for the duration of the hunt. 30
- (2) A professional hunter must ensure that his hunting client hunts within the provisions of this Act.
- (3) A hunting client must obey any lawful direction or instruction in terms of subsection (2). 35
- (4) A professional hunter may, while accompanying a hunting client, and if it is deemed necessary, destroy any animal that is wounded by his hunting client. 40

Hunting rights

- 22.** A hunting outfitter may not organize, arrange or present a hunt, unless he can produce proof of a written agreement concluded with a landowner who makes a wild animal available to a hunting client for hunting, provided that the provisions of this section do not apply to a landowner registered as a hunting outfitter who operates on his own registered property. 45

- (d) gejag behoort te word in die belang van inheemse biodiversiteit.

HOOFSTUK 7

BEROEPSJAG

Optrede as 'n Beroepsjagter, Jagorganiseerder en/of 'n Jagskooldirekteur

- 5
- 10 **20.** (1) Geen persoon mag optree as 'n -
- (a) beroepsjagter;
- (b) jagorganiseerder; of
- 15 (c) jagskooldirekteur nie;
- tensy die persoon die houer is van 'n permit uitgereik deur die LUR.
- 20 (2) 'n Persoon waarna verwys in subartikel (1) moet aan die vereistes voldoen soos deur die LUR bepaal.

Jag van diere deur 'n jagkliënt

- 25 **21.** (1) 'n Jagkliënt mag nie 'n dier jag tensy -
- (a) die jag deur 'n jagorganiseerder gereël is nie; en
- 30 (b) die jagkliënt vergesel word deur 'n beroepsjagter vir die duur van die jag nie.
- (2) 'n Beroepsjagter moet sorg dat sy jagkliënt binne die bepalings van hierdie Wet jag.
- 35 (3) 'n Jagkliënt moet enige wettige aanwysings en instruksies ingevolge subartikel (2) gehoorsaam.
- 40 (4) 'n Beroepsjagter kan, onderwyl hy 'n jagkliënt vergesel, en indien dit nodig geag word, enige dier wat deur sy kliënt gekwes is, vernietig.

Jagregte

- 45 **22.** 'n Jagorganiseerder mag nie 'n jag organiseer, reël of aanbied nie, tensy hy 'n bewys kan voorlê van 'n skriftelike ooreenkoms aangegaan met die grondeienaar wat die wild beskikbaar stel aan 'n jagkliënt om gejag te word, met dien verstande dat die bepalings van hierdie artikel nie van toepassing is op 'n grondeienaar wat as jagorganiseerder geregistreer is
- 50 wat op sy eie geregistreerde eiendom operasioneel is nie.

Prohibition of certain acts

- 23.** (1) No person may advertise his willingness or the willingness of someone else to act as hunting outfitter, unless - 5
- (a) the hunting outfitter is the holder of -
- (i) a permit issued in terms of section 20 of this Act; 10
- (ii) the hunting rights in respect of the land on which he or she presents or arranges the hunt; 15
- (b) the species, number and gender of wild animals advertised for hunting purposes are found in a free and natural environment. 15
- (2) A hunting outfitter may only use the services of a hunting agent if the hunting agent has been appointed in writing by the hunting outfitter. 20
- (3) A hunting agent may only use hunting brochures and other advertising material and methods made available by the hunting outfitter who appointed him. 25
- (4) It is prohibited for any person to present, arrange or conduct a hunt under false pretences. 25

CHAPTER 8**DAMAGE CAUSING ANIMALS 30****Contrivances for the control of damage causing animals**

- 24.** (1) Except in terms of a permit issued by the MEC, no person may - 35
- (a) sell, acquire or use a poison-firing apparatus or similar apparatus to hunt an animal that causes damage; 40
- (b) own a poison-firing apparatus or similar apparatus or any part thereof, except if -
- (i) the person is in possession of a competency certificate issued by the Department; or 45
- (ii) the person is authorised by a permit to sell such contrivances. 45

Verbodsbepalings op sekere optredes

- 5
23. (1) Geen persoon mag sy bereidwilligheid of dié van iemand anders adverteer om as jagorganiseerder op te tree, tensy -
- (a) die jagorganiseerder die houer is van -
- (i) 'n permit uitgereik ingevolge artikel 20 van hierdie Wet;
- 10
- (ii) die jagregte ten opsigte van die grond waarop hy of sy die jag aanbied of reël;
- (b) die spesies, getal en geslag van die wilde diere wat vir jagdoeleindes geadverteer word voorkom in 'n vry en natuurlike omgewing.
- 15
- (2) 'n Jagorganiseerder mag slegs gebruik maak van die dienste van 'n jagagent indien die jagagent skriftelik deur die jagorganiseerder aangestel is.
- 20
- (3) 'n Jagagent mag slegs van jagbrosjures en ander advertensiemateriaal en metodes gebruik maak wat beskikbaar gestel is deur die jagorganiseerder wat hom aangestel het.
- 25
- (4) Dit is verbode vir enige persoon om onder valse voorwendsels 'n jag aan te bied, te reël of te onderneem.

HOOFSTUK 8

30

DIERE WAT SKADE AANRIG**Middels vir die beheer van diere wat skade aanrig**

- 35
24. (1) Behalwe ingevolge 'n permit uitgereik deur die LUR, mag geen persoon -
- (a) 'n gifskiet apparaat of soortgelyke apparaat verkoop of gebruik om 'n dier te jag wat skade aanrig nie;
- 40
- (b) 'n gifskiet apparaat of soortgelyke apparaat of enige gedeelte daarvan besit, behalwe indien -
- (i) die persoon in besit is van 'n bevoegdheidsertifikaat uitgereik deur die Departement; of
- 45
- (ii) die persoon deur 'n permit gemagtig word om sodanige middel te verkoop nie.

- (2) No person may manufacture, sell or offer for sale any poison-firing apparatus or similar apparatus or any component thereof, except the cartridge, without prior testing and approval by the Department.

5

- (3) A person referred to in subsection (1), must comply with the requirements as determined by the MEC.

Hunter who hunts an animal causing damage

10

25. (1) A hunter may not enter any private land to hunt an animal that causes damage without having obtained the prior permission of the landowner:

Provided that –

15

the MEC may authorize a competent hunter accompanied by a competent officer to pursue an animal that causes damage across a boundary fence to another landowner's land from where he originally hunted, in order to hunt that animal, when such an animal poses a threat to human life.

20

- (2) No person may hang or cause to hang a dead animal over a fence and leave it there or exhibit it in public in any other manner.

25

Dogs

26. (1) A competent officer, landowner and competent hunter may destroy a dog found on land, which without supervision, hunts or causes damage to livestock and animals, without obtaining any further authorization to do so.

30

- (2) When using a dog to hunt an animal on private land, the competent hunter hunting in terms of the authorization of this legislation is not exempt from any damages if such dog causes damage to livestock or animals other than animals that cause damage.

35

Operating as an accredited instructor

40

27. Subject to the provisions of this Act -

- (a) no person may operate as an accredited instructor, unless the person is in possession of a permit issued by the MEC;

45

- (b) a person referred to in subsection (a), must comply with the requirements as determined by the MEC.

- (2) Geen persoon mag enige gifskiet apparaat of soortgelyke apparaat of enige komponent daarvan vervaardig, verkoop of te koop aanbied nie, behalwe die patroon, sonder die vooraf toetsing en goedkeuring deur die Departement.

- (3) 'n Persoon waarna verwys word in subartikel (1), moet aan die vereistes voldoen soos deur die LUR bepaal.

Jagter wat diere wat skade aanrig jag

25. (1) 'n Jagter mag nie enige privaat grond betree om 'n dier wat skade aanrig te jag sonder vooraf toestemming van die grondeienaar nie:

Met dien verstande dat –

Die LUR 'n bevoegde jagter, vergesel van 'n bevoegde beampte, kan magtig om 'n dier wat skade aanrig oor 'n grensdraad na 'n ander grondeienaar se grond te agtervolg vanwaar hy oorspronklik gejag het, om sodanige dier te jag wanneer die dier menselewens bedreig.

- (2) Niemand 'n dooie dier oor 'n heining mag hang of laat hang en dit daar los of dit in die openbaar op enige ander manier ten toon stel nie.

Honde

26. (1) 'n Bevoegde beampte, grondeienaar en bevoegde jagter mag 'n hond, wat op die grond gevind word, en wat sonder toesig vee en diere jag of skade aanrig, vernietig sonder om enige verdere magtiging te verkry om dit te doen.

- (2) Wanneer 'n hond gebruik word om 'n dier op privaat grond te jag, is die bevoegde jagter wat ingevolge die magtiging van hierdie wetgewing jag, nie gevrywaar van enige skadevergoeding indien sodanige hond skade berokken aan vee of ander diere as die wat skade aanrig.

Optrede as geakkrediteerde instrukteur

27. Behoudens die bepalings van hierdie Wet -

- (a) mag niemand as geakkrediteerde instrukteur optree nie, tensy hy in besit is van 'n permit uitgereik deur die LUR;
- (b) moet iemand bedoel in subartikel (a) voldoen aan die vereistes soos deur die LUR bepaal.

General powers in relation to animals causing damage

28. The MEC may -

- (a) undertake research to investigate solutions to limit the damage caused by an animal or a species of animal; 5
- (b) establish a training unit to equip landowners and full-time employees through training and information to control damage causing animals on their land at a tariff as determined by the MEC; and 10
- (c) authorise an accredited instructor to offer training in the control of damage causing animals. 15

CHAPTER 9

SPECIALISED UTILISATION OF BIODIVERSITY

Rehabilitation and sanctuary of wild animals 20

29. Except in terms of a permit issued by the MEC, no person may undertake the rehabilitation or sanctuary of any wild animal.

Raptors 25

30. Except in terms of a permit issued by the MEC, no person may keep, unnecessarily restrict or handle any raptor.

CHAPTER 10 30

CONSERVATION OF BIODIVERSITY AND VOLUNTARY COLLECTIVE MANAGEMENT OF THE ENVIRONMENT

Wetlands 35

31. Except on authority of a permit issued by the MEC or under environmental authorisation no person may -
- (a) drain or mechanically disturb any wetland or portion thereof; 40
 - (b) utilise a wetland or portion thereof in a manner that would damage the hydrological or ecological functioning thereof;
 - (c) engage in activities outside but adjacent to the wetland which would damage the hydrological or ecological functioning of such wetland. 45

Algemene bevoegdhede ten opsigte van diere wat skade aanrig**28. Die LUR kan -**

- 5 (a) navorsing doen om oplossings te ondersoek om die skade wat 'n dier of diersoort aanrig, te beperk;
- 10 (b) 'n opleidingseenheid instel om grondeienaars en voltydse werknemers deur opleiding en inligting toe te rus om diere wat skade aanrig op hul grond te beheer, teen 'n tarief bepaal deur die LUR; en
- 15 (c) 'n geakkrediteerde instrukteur magtig om opleiding in die beheer van diere wat skade aanrig, aan te bied.

HOOFSTUK 9**GESPESIALISEERDE AANWENDING VAN BIODIVERSITEIT**

20

Rehabilitasie en beskermde sorg vir wilde diere

- 25 29. Behalwe ingevolge 'n permit uitgereik deur die LUR mag niemand die rehabilitasie of beskermde sorg van enige wilde dier onderneem nie.

25

Roofvoëls

- 30 30. Behalwe ingevolge 'n permit uitgereik deur die LUR mag niemand enige roofvoël aanhou, onnodig inperk of hanteer nie.

30

HOOFSTUK 10**BEWARING VAN BIODIVERSITEIT EN VRYWILLIGE KOLLEKTIEWE BESTUUR VAN DIE OMGEWING**

35

Vleilande

- 40 31. Behalwe indien gemagtig deur 'n permit uitgereik deur die LUR of kragtens omgewingsmagtiging, mag niemand -
- (a) 'n vleiland of gedeelte daarvan dreineer of meganies versteur nie;
- 45 (b) 'n vleiland of gedeelte daarvan gebruik op 'n wyse wat die hidrologiese of ekologiese funksionering van die vleiland skade aandoen nie;
- 50 (c) aktiwiteite buite maar aangrensend aan die vleiland uitvoer wat die hidrologiese of ekologiese funksionering van die vleiland skade aandoen nie.

Biodiversity

32. No person may undertake any activity involving any species of wild animal or plant which causes or has the potential to cause a degradation in the natural state of the indigenous biodiversity of that area. 5

Collective Management

33. The MEC may - 10
- (a) facilitate a process to enable owners of private land to take collective action to conserve biodiversity on their land; 10
 - (b) identify elements of biodiversity or natural phenomenon, the conservation of which would contribute to the conservation of the natural heritage of the Province; 15
 - (c) negotiate measures for the conservation of biodiversity on identified private land not formally protected and render such support for the conservation activities as may be determined; 20
 - (d) facilitate a process to enable -
 - (i) inhabitants of an area, or 25
 - (ii) industries in a demarcated area,

to take collective action to manage the environment in a manner that contributes to the wellbeing of the inhabitants of the area or the workers at the industries, and may render such support for the action as may be determined. 30

CHAPTER 11

ENFORCEMENT

35

Appointment of officers and honorary officers and their powers

34. (1) The MEC may appoint any person in the service of the Department as an inspector, competent officer and any other person as an honorary officer. 40
- (2) Every inspector or honorary officer must be issued with a certificate of appointment which must be available for inspection on request when exercising a power in terms of this Act. 45

Biodiversiteit

- 5 32. Niemand mag enige aktiwiteit met betrekking tot enige soort wilde dier of plant uitvoer wat agteruitgang in die natuurlike staat van die inheemse biodiversiteit van die gebied veroorsaak of potensieel kan veroorsaak nie.

Kollektiewe bestuur

- 10 33. Die LUR kan -

- 15 (a) 'n proses fasiliteer om eienaars van privaat grond in staat te stel om kollektief op te tree om biodiversiteit op hul grond te bewaar;
- 20 (b) elemente van biodiversiteit of natuurlike verskynsels identifiseer waarvan die bewaring sal bydra tot die bewaring van die natuurêre erfenis van die Provinsie;
- 25 (c) onderhandel oor maatreëls vir die bewaring van biodiversiteit op geïdentifiseerde privaat grond wat nie formeel beskerm is nie en ondersteuning verleen vir bewaringsaktiwiteite soos bepaal word;
- 30 (d) 'n proses fasiliteer wat dit moontlik maak vir -
- (i) inwoners van 'n gebied, of
- (ii) nywerhede in 'n afgebakende gebied,
- om kollektief op te tree om die omgewing te bestuur op 'n wyse wat bydra tot die welstand van die inwoners van die gebied of die werknemers by die nywerhede, en kan ondersteuning verleen vir die optrede, soos bepaal word;

HOOFSTUK 11**TOEPASSING****Aanstelling van beamptes en erebeamptes en hul bevoegdhede**

- 40 34. (1) Die LUR kan enigiemand in diens van die Departement aanstel as inspekteur, bevoegde beampte en enigiemand anders as erebeampte.
- 45 (2) 'n Sertifikaat van aanstelling moet uitgereik word aan elke inspekteur of erebeampte en moet op aanvraag beskikbaar wees vir inspeksie wanneer 'n bevoegdheid ingevolge hierdie Wet uitgeoefen word.

(3) An inspector or competent officer may -

- | | | |
|-----|---|----|
| (a) | if there is a reasonable suspicion that any provisions of this Act have been contravened, enter any private land, premises, place, building, tent, vehicle, vessel, float or aircraft and inspect it and also any container or other thing found thereon or therein; | 5 |
| (b) | if it is suspected that there is on any vehicle, vessel, float or aircraft anything, which may furnish proof of a contravention of a provision of this Act, order the driver or pilot to stop such vehicle, vessel or aircraft and to keep it stationary until it has been searched; | 10 |
| (c) | attach anything which may furnish proof of a contravention of a provision of this Act; | 15 |
| (d) | remove any snare, set gun, gin trap, trap cage, net, birdlime, fishing net, set line, snare, holding pen, poison, poison collar, poison-firing apparatus or any other similar substance or contrivance which is suspected of being used to unlawfully hunt or catch any wild animal or fish, remove from the place where it was found or, if such removal is impossible, destroy or render it harmless; | 20 |
| (e) | destroy any dog which is pursuing or in search of any wild animal on any property or private land and which is not under the direct control of the owner of such dog; | 25 |
| (f) | demand the name and address or any other particulars necessary for identification from any person whom is suspected – | 30 |
| | (i) of having contravened any provision of this Act; or | 35 |
| | (ii) of being able to furnish information in connection with a contravention of any provision of this Act; | |
| (g) | at any time question any person whom is suspected of having information in connection with a contravention of any provision of this Act; | 40 |
| (h) | demand from any person performing or whom is suspected as having performed, any act in respect of which such person is required to be the holder, or be in possession of a permit, license, exemption, permission or other documents in terms of this Act. | |

(3) 'n Inspekteur of bevoegde beampte kan -

- 5 (a) indien daar 'n redelike vermoede bestaan dat enige
bepalings van hierdie Wet oortree is, enige privaat grond,
terrein, plek, gebou, tent, voertuig, vaartuig, vlot of vliegtuig
betree en dit inspekteer, asook enige houer of enigiets
anders wat daarop of daarin gevind word;
- 10 (b) indien vermoed word dat daar enigiets op 'n voertuig,
vaartuig, vlot of vliegtuig is wat bewys kan lewer van 'n
oortreding van 'n bepaling van hierdie Wet, die bestuurder
of loods beveel om sodanige voertuig, vaartuig of vliegtuig
te stop en dit stilstaande te hou totdat dit deursoek is;
- 15 (c) beslag lê op enigiets wat bewys kan lewer van 'n oortreding
van 'n bepaling van hierdie Wet;
- 20 (d) enige strik, stelgeweer, slagyster, vanghok, net, voëlgom,
visnet, stellyn, vangtoestel, hok of kampie, gif, gifhalsband,
gifskiet apparaat of enige soortgelyke middel of apparaat
verwyder van die plek waar dit gevind is of indien sodanige
verwydering onmoontlik is, dit vernietig of skadeleous te
stel waar vermoed word dat dit gebruik word om enige wilde
25 dier of vis onwettig te jag of te vang;
- (e) enige hond vernietig wat 'n wilde dier op enige eiendom of
privaat grond agtervolg of daarna soek en wat nie onder
direkte beheer van die hond se eienaar is nie;
- 30 (f) die naam en adres of enige ander identifiserende
besonderhede eis van enigiemand waar vermoed word dat
hy of sy –
 - 35 (i) enige bepaling van hierdie Wet oortree het; of
 - (ii) in staat is om inligting te verskaf in verband met 'n
oortreding van enige bepaling van hierdie Wet;
- 40 (g) enige tyd enigeen wat vermoedelik oor inligting in verband
met 'n oortreding van enige bepaling van hierdie Wet
beskik, ondervra;
- 45 (h) enige permit, lisensie, vrywaring, toestemming of ander
dokumente ingevolge hierdie Wet aanvra van enigeen wat
'n daad uitvoer of vermoedelik uitgevoer het waar van die
persoon vereis word dat hy 'n houer moet wees of in besit
moet wees van sodanige dokument of dokumente.

- (4) An honorary officer has the same power, excluding those mentioned in paragraphs (a) and (b) of subsection (3), which is granted, designated or imposed on a competent officer in terms of that subsection. 5
- (5) A competent officer may, in the exercise of a power in terms of this Act, be accompanied by a person to assist as an interpreter or in any other manner and such person, while acting under the direction of such competent officer, is deemed to be a competent officer. 10
- (6) An owner of private land has the same powers as a competent officer in terms of subsection (3) (a), (c), (d), (e), (f) and (h) while on their own land. 15
- (7) A competent officer is exempt from any provision of this Act during the execution of their authorized duties.

Offences and penalties

35. (1) Any person who -

- (a) contravenes or fails to comply with any provision of this Act;
- (b) is without a permit engaged in a restricted activity in terms of this Act; 25
- (c) hinders or obstructs a person in the exercise of any power in terms of section 34 or an inspector or an owner of private land in the exercise of any power in terms of section 34 or refuses or fails to answer to the best of his ability any question lawfully put to him by such officer or owner; 30
- (d) falsely pretends that he or she is an inspector or competent officer; 35
- (e) falsely pretends that a certain act may be performed on such land; or
- (f) makes a false statement in an application for a permit, license or exemption in terms of this Act, 40

is guilty of an offence and liable upon conviction –

- (i) in the case of an offence referred to in subsection 1 (a) to (f) to a fine or imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment; 45

- (4) 'n Erebeampte het dieselfde bevoegdheid, met uitsluiting van die genoem in paragrawe (a) en (b) van subartikel (3), wat toegeken, aangewys of opgedra word aan 'n bevoegde beampte ingevolge daardie subartikel.
- (5) 'n Bevoegde beampte, in die uitoefening van 'n bevoegdheid ingevolge hierdie Wet, kan vergesel word deur iemand om te help as tolk of op enige ander wyse en sodanige persoon, terwyl hy optree onder bevel van die bevoegde beampte, word geag 'n bevoegde beampte te wees.
- (6) 'n Eienaar van privaat grond het dieselfde bevoegdhede as 'n bevoegde beampte ingevolge subartikels (3) (a), (c), (d), (e), (f) en (h) op sy eie grond.
- (7) 'n Bevoegde beampte is vrygestel van enige bepaling van hierdie Wet gedurende die uitvoering van sy gemagtigde pligte.

Oortredings en strawwe

35. (1) Enigiemand wat -

- (a) enige bepaling van hierdie Wet oortree of in gebreke bly om daaraan te voldoen;
- (b) sonder permit besig is met 'n beperkte aktiwiteit ingevolge hierdie Wet;
- (c) iemand in die uitoefening van enige bevoegdheid ingevolge artikel 34, of 'n inspekteur of 'n eienaar van privaat grond, in die uitoefening van enige bevoegdheid ingevolge artikel 34 verhinder of belemmer of weier of in gebreke bly om na sy beste vermoë enige vraag wat sodanige beampte of eienaar wettig aan hom stel, te beantwoord;
- (d) valslik voorgee dat hy of sy 'n inspekteur of bevoegde beampte is;
- (e) valslik voorgee dat 'n bepaalde daad op sulke grond uitgevoer mag word; of
- (f) 'n vals verklaring maak in 'n aansoek om 'n permit, lisensie of vrywaring ingevolge hierdie Wet,

is skuldig aan 'n oortreding en met skuldigbevinding onderworpe aan -

- (i) in geval van 'n oortreding genoem in subartikel 1 (a) tot (f), 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 5 jaar of aan beide sodanige boete en gevangenisstraf;

- (ii) a fine in terms of subsection (1)(f)(i) may not exceed an amount prescribed in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991);
 - (iii) in the case of conviction of an offence involving a specimen listed in the schedules to this Act; an amount determined in terms of paragraph (ii) or which is equal to three times the commercial value of the specimen in respect of which the offence was committed, whichever is the greater. 5
- 10

Forfeitures

36. (1) (a) When ever any person is convicted of an offence in terms of this Act, the court must declare - 15
- (i) any organism;
 - (ii) any weapon, firearm, lamp, battery, fishing tackle, net, fishing net, trap, trap cage, gin trap, device or article, 20
- in respect of which the offence was committed, forfeited to the state;
- (iii) if such person is the holder of a permit, license or exemption issued in terms of this Act, cancel such permit, license or exemption for a period not exceeding 10 years. 25
- (b) The holder of a permit, license or exemption cancelled in terms of paragraph (a)(iii), must, immediately after it has been cancelled, return the original document to the Department. 30
- (2) Whenever any person has been convicted of any offence in terms of this Act, the court may declare any vehicle, vessel, float or aircraft used in connection with the perpetration of such offence or for the transportation of anything in respect of which such offence was committed, or the right of such person to such vehicle, vessel, float or aircraft, forfeited to the Department: 35
- 40

Provided that -

such a declaration of forfeiture is not made if the court is satisfied that the vehicle, vessel, float or aircraft does not belong to the person convicted of such offence and that the owner thereof was unable to prevent it from being so used by such person.

(ii) 'n boete ingevolge subartikel (1)(f)(i) mag nie 'n bedrag oorskry soos voorgeskryf ingevolge die Wet op die Aanpassing van Boetes, 1991 (Wet Nr. 101 van 1991) nie;

5 (iii) in geval van skuldigbevinding aan 'n oortreding waar 'n
eksemplaar gelys in die bylae tot hierdie Wet betrokke is, 'n
bedrag bepaal ingevolge paragraaf (ii) of wat gelykstaande
is aan drie keer die handelswaarde van die eksemplaar ten
10 opsigte waarvan die oortreding begaan is, wat ookal die
grootste is.

Verbeurings

15 36. (1) (a) Wanneer ienmand skuldig bevind word aan 'n oortreding
ingevolge hierdie Wet,
moet die hof -

(i) enige organisme;

20 (ii) enige wapen, geweer, lamp, battery, hengelgerei,
net, visnet, lokval, vanghok, slagyster, toestel of
artikel,

25 ten opsigte waarvan die oortreding begaan is, aan die staat
verbeurd verklaar;

(iii) indien sodanige persoon die houer is van 'n permit,
lisensie of vrystelling uitgereik ingevolge hierdie Wet,
sodanige permit, lisensie of vrystelling kanselleer vir
30 'n tydperk van hoogstens 10 jaar.

(b) Die houer van 'n permit, lisensie of vrystelling wat ingevolge
paragraaf (a)(iii) gekanselleer is, moet onmiddellik nadat dit
gekanselleer is, die dokument aan die Departement
35 terugbesorg.

(2) Wanneer iemand skuldig bevind is aan 'n oortreding ingevolge
hierdie Wet, kan die hof enige voertuig, vaartuig, vlot of vliegtuig
wat gebruik is by die pleging van sodanige oortreding of vir die
40 vervoer van enigiets ten opsigte waarvan sodanige oortreding
begaan is, of die reg van sodanige persoon tot die voertuig,
vaartuig, vlot of vliegtuig, aan die Departement verbeurd verklaar:

45 Met dien verstande dat -

So 'n verbeurdverklaring nie gedoen word indien die hof tevrede is
dat die voertuig, vaartuig, vlot of vliegtuig nie aan die persoon wat
aan die oortreding skuldig bevind is, behoort nie en dat die eienaar
daarvan nie in staat was om die gebruik daarvan deur sodanige
50 persoon te verhoed nie.

CHAPTER 12

GENERAL

Powers of the MEC 5

- 37. (1)** The MEC may -
- (a) issue permits and licenses and withdraw permits in terms of this Act in line with the procedure provided in Chapter 7 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004); 10
 - (b) determine conditions and requirements in relation to permits; 15
 - (c) the MEC may, by notice in the *Provincial Gazette*, issue regulations, norms and standards for the -
 - (i) management and conservation of biodiversity within the Province; 20
 - (ii) restriction of activities which has an impact on biodiversity and its components; 25
 - (iii) set of indicators to measure compliance with these norms and standards; 30
 - (iv) cause or allow any animal to be destroyed or removed on any land in the interest of the conservation of indigenous biodiversity. 35
- (2) Before publishing regulations or a notice in terms of subsection (1), the MEC must follow a consultation process with all relevant stakeholders. 35

Delegation of powers

- 38.** The MEC may, subject to the conditions he or she sets, delegate his or her powers, except the power to make regulations or norms and standards or to issue a notice, to an employee of the Department. 40

Permits and Licences

- 39. (1)** A permit in terms of this Act may be issued by the MEC on such conditions as may be prescribed or determined by the MEC and may at any time be revoked by the MEC. 45

HOOFSTUK 12

ALGEMEEN

5 Bevoegdhede van die LUR

37. (1) Die LUR kan -

- 10 (a) permitte en lisensies uitreik en permitte onttrek ingevolge hierdie Wet in ooreenstemming met die prosedure voorsien in Hoofstuk 7 van die "National Environmental Management: Biodiversity Act", 2004 (Wet Nr. 10 van 2004);
- 15 (b) voorwaardes en vereistes ten opsigte van permitte bepaal;
- (c) deur kennisgewing in die *Provinsiale Koerant*, regulasies, norme en standarde uitreik vir die -
- 20 (i) bestuur en bewaring van biodiversiteit in die Provinsie;
- (ii) beperking van aktiwiteite wat 'n impak op biodiversiteit en sy komponente het;
- 25 (iii) daarstel van aanwysers om voldoening aan hierdie norme en standarde te meet;
- (iv) enige dier laat vernietig of verwyder op enige grond in belang van die bewaring van inheemse biodiversiteit.
- 30
- (2) Voor publikasie van regulasies of 'n kennisgewing ingevolge subartikel (1), moet die LUR 'n konsultasieproses met alle
- 35 belanghebbendes volg.

Delegering van bevoegdhede

- 40 38. Die LUR kan, onderworpe aan die voorwaardes wat hy of sy stel, sy of haar bevoegdhede, uitgesluit die bevoegdheid om regulasies, norme en standarde uit te vaardig of om 'n kennisgewing uit te reik, aan 'n werknemer van die Departement deleger.

Permitte en lisensies

45

39. (1) 'n Permit ingevolge hierdie Wet kan uitgereik word deur die LUR op die voorwaardes wat die LUR mag voorskryf of bepaal en kan te eniger tyd deur die LUR herroep word.

- | | | |
|-----|--|----|
| (2) | A licence in terms of this Act shall be issued by MEC or any such other person as may be designated by the MEC and is subject to such conditions as prescribed and may at any time be revoked by the MEC. | 5 |
| (3) | When the MEC intends to revoke a permit or license, he or she must cause the holder of such permit or license to be notified in writing of the intention and such holder must be requested to submit representations for his or her consideration. | 10 |
| (4) | When a permit or licence is revoked by the MEC, the permit or licence must be returned, by the holder thereof, to the Department within one month. | 15 |
| (5) | When a permit or license issued to a person has been revoked, no permit or exemption, within such period after such cancellation as the MEC may determine, and no license, without the prior permission of the MEC, may be issued to such person in terms of this Act, and such person may not, within such period or without such permission, obtain such permit, license or exemption. | 20 |
| (6) | A permit, license or exemption issued contrary to the provisions of this Act is null and void and the holder thereof must, at the request of the MEC, immediately return such permit, license or exemption to the Department. | 25 |
| (7) | The conditions subject to which a permit or a license may have been issued, may be amended whenever amendments in legislation, policies, guidelines or principles according to which the authorisation was issued may require such action. | 30 |
| (8) | A permit is valid for a period determined by the MEC. | |
| (9) | All permits, issued in terms of the stipulations of the CITES in the province will be issued by the department. | 35 |

Fees

- | | | |
|-----|---|----|
| 40. | Fees, as determined by the MEC from time to time, may be levied in respect of - | 40 |
| (a) | the issuance of a permit or license in terms of this Act; and | |
| (b) | surplus wild animals, indigenous plants or fish disposed of by the MEC. | 45 |

- 5 (2) 'n Lisensie ingevolge hierdie Wet word deur die LUR of enigiemand wat die LUR aanwys, uitgereik en is onderworpe aan die voorwaardes soos voorgeskryf en kan te eniger tyd deur die LUR herroep word.
- 10 (3) Indien die LUR van voorneme is om 'n permit of lisensie te herroep, moet hy of sy die houer van sodanige permit of lisensie skriftelik van die voorneme in kennis laat stel en sodanige houer moet versoek word om vertoë vir sy of haar oorweging in te dien.
- 15 (4) Indien 'n permit of lisensie deur die LUR herroep word, moet die permit of lisensie deur die houer daarvan binne een maand aan die Departement terugbesorg word.
- 20 (5) Indien 'n permit of lisensie uitgereik aan 'n persoon herroep is, mag geen permit of vrystelling, binne die tydperk na kansellasië soos deur die LUR bepaal, en geen lisensie sonder vooraf toestemming van die LUR, aan sodanige persoon ingevolge hierdie Wet uitgereik word nie, en sodanige persoon mag ook nie, binne sodanige tydperk en sonder sodanige toestemming, sodanige permit, lisensie of vrystelling verkry nie.
- 25 (6) 'n Permit, lisensie of vrystelling uitgereik in konflik met die bepalings van hierdie Wet is ongeldig en die houer daarvan moet, op versoek van die LUR, sodanige permit, lisensie of vrystelling onmiddellik aan die Departement terugbesorg.
- 30 (7) Die voorwaardes waaronder 'n permit of lisensie uitgereik is, kan gewysig word wanneer wysigings in wetgewing, beleide, riglyne en beginsels waarvolgens die magtiging uitgereik is, sodanige optrede vereis.
- 35 (8) 'n Permit is geldig vir 'n tydperk deur die LUR bepaal.
- (9) Alle permitte uitgereik ingevolge bepalings van die CITES in die provinsie word deur die departement uitgereik.

Gelde

- 40 **40.** Gelde soos van tyd tot tyd deur die LUR bepaal kan gehef word ten opsigte van -
- 45 (a) die uitreiking van 'n permit of lisensie ingevolge hierdie Wet; en
- (b) oortollige wilde diere, inheemse plante of vis wat deur die LUR verhandel word.

Regulations and Norms and Standards

41. (1) The MEC may make regulations and publish norms and standards in terms of this Act as to -
- (a) the conditions subject to which a permit, license or exemption is issued; 5
 - (b) the particulars which a permission or document issued, must contain; 10
 - (c) the research, hunting, possession, breeding, transportation, importation, exportation, handling, release or disposal of protected species, wild animals, invertebrates and alien species; 15
 - (d) the catching, possession, breeding, transportation, importation, exportation, handling or disposal of fish or aquatic growth other than fish; 20
 - (e) the picking, possession, cultivation, transportation, importation, exportation, planting, disposal or destruction of any protected or indigenous plant; 25
 - (f) the measurements, number, weight, size or species of any animal which may be hunted or caught; 30
 - (g) the protection of any animal, plant or natural features against any activity or condition which, in his opinion, may be harmful to such animal, plant or natural features; 35
 - (h) the measurements, number, weight or size of fish which may be caught and retained; 40
 - (i) the nature, measurements, form and construction of fishing tackle; 45
 - (j) the control and regulation of freshwater fish in waters;
 - (k) all restricted activities relating to protected species, wild animals, fish and invertebrates;
 - (l) the control, importation, cultivation or eradication of any organism which, in his or her opinion, could be harmful to or create less favourable conditions for any wild animal, fish or indigenous plant;
 - (m) the rehabilitation and sanctuary of wild animals;

Regulasies en Norme en Standaarde

41. (1) Die LUR kan regulasies uitvaardig en norme en standarde publiseer ingevolge hierdie Wet oor -

5

(a) die voorwaardes waaronder 'n permit, lisensie of vrystelling uitgereik word;

10

(b) die besonderhede wat 'n toestemming of dokument wat uitgereik word, moet bevat;

15

(c) die navorsing, jag, besit, teel, vervoer, invoer, uitvoer, hantering, loslating of verhandeling van beskermde spesies, wilde diere, ongewerwelde diere en uitheemse spesies;

20

(d) die vang, besit, teel, vervoer, invoer, uitvoer, hantering of verhandeling van vis of ander akwatiese lewe as vis;

25

(e) die pluk, besit, verbouing, vervoer, invoer, uitvoer, aanplant, verhandeling of vernietiging van enige beskermde of inheemse plant;

30

(f) die afmetings, getal, gewig, grootte of spesie van enige dier wat gejag of gevang mag word;

35

(g) die beskerming van enige dier, plant of natuurlike omgewing teen enige aktiwiteit of toestand wat, na sy of haar mening, skadelik mag wees vir sodanige dier, plant of natuurlike omgewing ;

40

(h) die afmetings, getal, gewig of grootte van vis wat gevang en gehou mag word;

(i) die aard, afmetings, vorm en konstruksie van hengelgerei;

(j) die beheer en regulering van varswatervis in waters;

(k) alle beperkte aktiwiteite met betrekking tot beskermde spesies, wilde diere, vis en ongewerwelde diere;

45

(l) die beheer, invoer, teel of uitroeiing van enige organisme wat, na sy of haar mening, skadelik kan wees of minder gunstige toestande kan veroorsaak vir enige wilde dier, vis of inheemse plant;

(m) die rehabilitasie en beskermde sorg van wilde diere;

- (n) the use and handling of raptors;
 - (o) the registration requirements for adequate game-proof fencing;
 - (p) the regulation of the professional hunting industry;
 - (q) the management of animals causing damage;
 - (r) any other matter which is required to be prescribed by this Act;
 - (s) generally, without such generality being limited by any of the preceding provisions, any matter which he considers necessary or expedient to regulate, in order that the purposes of this Act may be achieved.
- (2) The power to make any regulation or Norms and Standards in terms of subsection (1) includes the power to restrict or prohibit any matter, thing or act in connection with the matter in question.
- (3) Different regulations and Norms and Standards may be made in terms of subsection (1) in regard to different species of protected species, wild animals, fish, plants, invertebrates or alien species in different areas of the Province or different classes of persons.
- (4) Before publishing any regulation or Norms and Standards contemplated in subsection (1), the MEC must publish the draft regulations in the *Provincial Gazette* for public comment.

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Transitional and savings provisions

42. (1) Any person who was legally authorised to engage in a restricted activity involving any alien species immediately before the commencement of this Act, may apply for the renewal of his or her permit.
- (2) Anything done or be deemed to have been done in terms of a provision of a law repealed by section 43 and which may be done in terms of this Act or applicable national legislation shall be deemed to have been done in terms of the corresponding provision of this Act or applicable national legislation dealing with environmental law.

35

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- 5
- (n) die gebruik en hantering van roofvoëls;
- (o) die registrasievereistes vir voldoende wildwerende omheining;
- (p) die regulering van die professionele jagindustrie;
- (q) die bestuur van diere wat skade aanrig;
- 10
- (r) enige ander saak wat deur die hierdie Wet voorgeskryf moet word;
- (s) oor die algemeen, sonder dat sodanige veralgemening beperk word deur enige van die voorafgaande bepalings, enige saak wat hy of sy nodig of dienstig ag om te reguleer, sodat die doelstellings van hierdie Wet verwesenlik kan word.
- 15
- (2) Die bevoegdheid om enige regulasie of Norme en Standaarde ingevolge subartikel (1) uit te vaardig, omvat die bevoegdheid om enige saak, ding of daad ten opsigte van die bepaalde saak te beperk of te verbied.
- 20
- (3) Verskillende regulasies en Norme en Standaarde kan uitgevaardig word ingevolge subartikel (1) ten opsigte van verskillende soorte beskermde spesies, wilde diere, vis, plante, ongewerwelde diere of uitheemse spesies in verskillende gebiede van die Provinsie of ten opsigte van verskillende klasse persone.
- 25
- (4) Voor publiserings van enige regulasie of Norme en Standaarde bedoel in subartikel (1), moet die LUR die konsepregulasies in die *Provinsiale Koerant* publiseer vir openbare kommentaar.
- 30

Oorgangs- en voorbehoudsbepalings

- 35
42. (1) Enigiemand wat wettig gemagtig was om 'n beperkte aktiwiteit ten opsigte van 'n uitheemse spesie te bedryf onmiddellik voor inwerkingtrede van hierdie Wet, kan aansoek doen om hernuwing van sy of haar permit.
- 40
- (2) Enigiets gedoen of geag gedoen te gewees het ingevolge 'n bepaling van 'n wet wat deur artikel 43 herroep is en wat ingevolge hierdie Wet of toepaslike nasionale wetgewing gedoen mag word, geag gedoen te wees ingevolge die ooreenstemmende bepaling van hierdie Wet of toepaslike nasionale wetgewing te doene met omgewingswette.
- 45

- (3) Any balance in the Nature Conservation Fund referred to in section 36G of the Nature Conservation Ordinance, 1969 (Ordinance No. 8 of 1969) must be paid to the department and the department must use that money for environmental conservation purposes in the Province.

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Repeal of laws

43. The Nature Conservation Ordinance, 1969 (Ordinance No. 8 of 1969) is repealed by this Act.

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Short title and commencement

44. This Act is called the Free State Nature Conservation Act, and comes into operation on a date to be fixed by the MEC by proclamation in the *Provincial Gazette*.

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- (3) Enige saldo in die Natuurbewaringsfonds genoem in artikel 36G van die Vrystaatse Ordonnansie op Natuurbewaring, 1969 (Ordonnansie No. 8 van 1969) moet aan die departement betaal word en die departement moet die geld aanwend vir natuurbewaringsdoeleindes in die Provinsie.

5

Herroeping van wette

43. Die Vrystaatse Ordonnansie op Natuurbewaring, 1969 (Ordonnansie No. 8 van 1969) word deur hierdie Wet herroep.

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Kort titel en inwerkingtreding

44. Hierdie Wet staan bekend as die Vrystaatse Wet op Natuurbewaring en tree in werking op 'n datum bepaal deur die LUR by proklamering in die *Provinsiale Koerant*.

15

CHAPTER 13

SCHEDULE 1

PROVINCIAL PROTECTED SPECIES

Common name

All indigenous Otters, Polecats and Weasels
 All indigenous Mongooses
 All indigenous Genets
 All indigenous species of Red Rock Rabbit
 Cheetah
 Leopard
 Lion
 Brown Hyaena
 Spotted Hyaena
 African Wild Dog
 African Civet
 African Wild Cat
 Black-footed Cat
 Serval
 Bat-eared Fox
 Cape Fox
 Aardwolf
 Honey Badger
 White Rhinoceros
 Black Rhinoceros

 Hippopotamus
 African Elephant
 Tsessebe
 Roan Antelope
 Black Wildebeest / White-tailed Gnu
 Common Reedbuck
 Grey Rhebok
 Oribi
 Aardvark
 Pangolin
 South African Hedgehog
 Suricate
 Cape Mountain Zebra
 Crocodile
 All indigenous reptiles

Scientific name

Family Mustelidae
 Family Herpestidae
 Family Viveridae
Pronolagus species
Acinonyx jubatus
Panthera pardus
Panthera leo
Parahyaena brunnea
Crocota crocuta
Lycaon pictus
Civettictis civetta
Felis silvestris
Felis nigripes
Leptailurus serval
Otocyon megalotis
Vulpes chama
Proteles cristatus
Mellivora capensis
Ceratotherium simum
Diceros bicornis bicornis
Diceros bicornis minor
Hippopotamus amphibius
Loxodonta africana
Damaliscus lunatus lunatus
Hippotragus equinus
Connochaetes gnou
Redunca arundinum
Pelea capreolus
Ourebia ourebi
Orycteropus afer
Manis temminckii
Atelerix frontalis
Suricata suricatta
Equus zebra zebra
Crocodylus niloticus
 Order Reptilia

Rock catfish

Austroglanis sclateri

BYLAE 1**PROVINSIALE BESKERMDE SPESIES****Gewone naam**

Alle inheemse Otters, Muishonde en Wesels
 Alle inheemse Meerkatte
 Alle inheemse Muskeljaatkatte en Muishonde
 Alle inheemse Klipkonyne
 Jagluiperd
 Luiperd
 Leeu
 Bruin hiëna / Strandjut
 Gevlekte hiëna
 Wildehond
 Siwet
 Vaalboskat / Afrika-wildegat
 Swartpootkat
 Tierboskat
 Bakoorjakkals
 Draaijakkals / Silwervos
 Maanhaarjakkals / Aardwolf
 Ratel
 Witrenoster
 Swartrenoster

Seekoei
 Olifant
 Tsessebe / Basterhartbees
 Bastergemsbok
 Swartwildebees
 Rietbok
 Vaalribbok
 Oorbietjie
 Erdvark
 Iettermagog
 Suider-Afrikaanse krimpvarkie
 Stokstertmeerkat
 Kaapse bergsebra / bergkwagga
 Krokodil

Alle inheemse reptiele

Klipbaber
 Grootbekgeelvis

Wetenskaplike naam

Familie Mustelidae
 Familie Herpestidae
 Familie Viveridae
Pronolagus spesies
Acinonyx jubatus
Panthera pardus
Panthera leo
Parahyaena brunnea
Crocuta crocuta
Lycaon pictus
Civettictis civetta
Felis silvestris
Felis nigripes
Leptailurus serval
Otocyon megalotis
Vulpes chama
Proteles cristatus
Mellivora capensis
Ceratotherium simum
Diceros bicornis bicornis
Diceros bicornis minor
Hippopotamus amphibius
Loxodonta africana
Damaliscus lunatus lunatus
Hippotragus equinus
Connochaetes gnou
Redunca arundinum
Pelea capreolus
Ourebia ourebi
Orycteropus afer
Manis temminckii
Atelerix frontalis
Suricata suricatta
Equus zebra zebra
Crocodylus niloticus

Orde Reptilia

Austroglanis sclateri
Barbus kimberleyensis

Largemouth yellowfish

Barbus kimberleyensis

All indigenous birds except those listed as ordinary game.

Order Aves

All species of indigenous Baboon spider
All species of indigenous Scorpion
All species of indigenous Trapdoor spider

Family Theraphosidae
Order Scorpiones
Family Ctenizidae, Nemesiidae
and Cyrtaucheniidae

Purse Web Spider

Calommata simoni

All species of tree fern
All Free State species of yellowwood tree
All species of arum lily
All species of red-hot poker
All species of aloe
All species of agapanthus
All species of berg lily
All species of blue squill
All species of pineapple lily
All species of blood flower
All species of tumbleweed
All species of candelabra flower
All species of kukumakranka
All species of fire lily
All species of crinum
All species of yam
All species of harebell
All species of kalkoentjie
All species of wild sword-lily
All species of watsonia
All species of freesia
All species of orchid
All species of stone plant
All species of living rock
All species of love-plant
All species of sundew
All species of euphorbia
All species of cabbage tree
All Free State species of heath
All species of halfmens
All species of carrion flower
All species of everlasting

Cyathea capensis, *Cyathea dreigei*
Podocarpus spp.
Zantedeschia spp.
Kniphofia spp.
Aloe spp.
Agapanthus spp.
Galtonia spp.
Scilla spp.
Eucomis spp.
Haemanthus spp.
Boophane spp.
Brunsvigia spp.
Gethyllis spp.
Cyrtanthus spp.
Crinum spp.
Dioscorea spp.
Dierama spp.
Tritonia spp.
Gladiolus spp.
Watsonia spp.
Freesia spp.
Family Orchidaceae
Lithops spp.
Pleiospilos spp.
Anacampseros spp.
Drosera spp.
Euphorbia spp.
Cussonia spp.
Erica spp.
Pachypodium spp.
Family Asclepiadaceae
Helichrysum spp.

Alle inheemse voëls behalwe die wat
as gewone wild gelys is

Alle spesies inheemse Bobbejaanspinnekoppe
Alle spesies inheemse Skerpioene
Alle spesies inheemse Valdeurspinnekoppe

“African purse-web spider”

Alle spesies boomvaring
Alle Vrystaatse spesies geelhoutbome
Alle spesies varkore / aronskelk
Alle spesies vuurpyle
Alle spesies aalwyne
Alle spesies agapante / blouelies
Alle spesies berglelies
Alle spesies brandui / blouberglelie / slangkop
Alle spesies wildepynappel / kliplelie
Alle spesies velskoenblaar / poeierkwas / brandlelie
Alle spesies rolbos / gifbol / kopseerblom
Alle spesies kandelaarblom
Alle spesies koekemakranka
Alle spesies vuurlelies / sandlelies
Alle spesies vleilelies / veldlelies
Alle spesies jam / olifantsvoet
Alle spesies grasklokkies / grasblomme
Alle spesies kalkoentjies / vlieërs
Alle spesies wilde swaardlelies / aandblomme
Alle spesies pypies / kanol
Alle spesies kammetjies / aandblommetjies
Alle spesies orgidee
Alle spesies beeskloutjies / bokspoortjies
Alle spesies lewerplante
Alle spesies suring / haaskos
Alle spesies vlieëvanger / sondou
Alle spesies vingerpol / voetangel / noorsdoring
Alle spesies kiepersol
Alle Vrystaatse spesies heide
Alle spesies halfmens
Alle spesies aasblom / ghaap / bokhoringtjies
Alle spesies sewejaartjie
Alle spesies nerinas
Alle spesies wilde begonia
Alle spesies iris
Alle spesies haworthia

Orde Aves

Familie Theraphosidae
Orde Scorpiones
Familie Ctenizidae, Nemesiidae
en Cyrtoucheniidae

Calommata simoni

Cyathea capensis, *Cyathea dreigei*
Podocarpus spp.
Zantedeschia spp.
Kniphofia spp.
Aloe spp.
Agapanthus spp.
Galtonia spp.
Scilla spp.
Eucomis spp.
Haemanthus spp.
Boophane spp.
Brunsvigia spp.
Gethyllis spp.
Cyrtanthus spp.
Crinum spp.
Dioscorea spp.
Dierama spp.
Tritonia spp.
Gladiolus spp.
Watsonia spp.
Freesia spp.
Familie Orchidaceae
Lithops spp.
Pleiospilos spp.
Anacampseros spp.
Drosera spp.
Euphorbia spp.
Cussonia spp.
Erica spp.
Pachypodium spp.
Familie Asclepiadaceae
Helichrysum spp.
Nerina spp.
Begonia spp.
Dietes spp.
Haworthia spp.

All species of nerine	<i>Nerina</i> spp.
All species of begonia	<i>Begonia</i> spp.
All species of iris	<i>Dietes</i> spp.
All species of haworthia	<i>Haworthia</i> spp.
All species of Neohenricia	<i>Neohenricia</i> spp.
Camel thorn	<i>Acacia erioloba</i>
Free State protea and sugarbush species	<i>Protea roupelliae</i> , <i>Protea caffra</i> and <i>Protea subvestita</i>
Ploughbreaker	<i>Erythrina zeyheri</i>
Ground lily	<i>Ammocharis coranica</i>
River lily	<i>Schizostylis coccinea</i>
Wild olive	<i>Olea europaea</i> subsp. <i>africana</i>

Alle spesies Neohenricia
 Kameeldoring
 Vrystaatse protea en suikerbos spesies

Ploegbreker
 Seeroogblom / Gifbol
 Rivierlelie
 Olienhout

Neohenricia spp.
Acacia erioloba
Protea roupelliae, *Protea caffra*
 en *Protea subvestita*
Erythrina zeyheri
Ammocharis coranica
Schizostylis coccinea
Olea europaea subsp. *africana*

SCHEDULE 2**ORDINARY GAME****Common name****Antelope:**

Impala
 Red Hartebeest
 Springbok
 Blue Wildebeest
 Blesbok
 Plains Zebra / Burchell's Zebra
 Waterbuck
 Gemsbok
 Steenbok
 Mountain Reedbuck
 Common Duiker
 Cape Eland
 Kudu
 Warthog

Scientific name

Aepyceros melampus
Alcelaphus buselaphus caama
Antidorcas marsupialis
Connochaetes taurinus taurinus
Damaliscus pygargus phillipsi
Equus burchellii
Kobus ellipsiprymnus ellipsiprymnus
Oryx gazella
Raphicerus campestris
Redunca fulvorufula
Sylvicapra grimmia
Taurotragus oryx
Tragelaphus strepsiceros
Phacochoerus africanus

Predators:

Caracal
 Black-backed Jackal

Caracal caracal
Canis mesomelas

Hares and Rabbits:

Cape Hare
 Scrub / Savannah Hare
 Springhare

Lepus capensis
Lepus saxatilis
Pedetes capensis

Bird species:

Egyptian Goose
 Red-billed Teal
 Yellow-billed Duck
 Rock Pigeon
 Common Quail
 White-faced Duck
 Red-winged Francolin
 Red-knobbed Coot
 Helmeted Guinea-fowl
 Spur-winged Goose
 Swainson's Spurfowl
 Grey-winged Francolin
 Orange River Francolin
 Cape Turtle Dove

Alopochen aegyptiacus
Anas erythrorhyncha
Anas undulata
Columba guinea
Coturnix coturnix
Dendrocygna viduata
Francolinus levaillanti
Fulica cristata
Numida meleagris
Plectropterus gambensis
Pternistis swainsonii
Scleroptila africanus
Scleroptila levaillantoides
Streptopelia capicola

BYLAE 2**GEWONE WILD****Gewone naam****Hoefdiere:**

Rooibok
 Rooihartbees
 Springbok
 Blouwildebees
 Blesbok
 Bontsebra / Vlakteseбра
 Waterbok
 Gemsbok
 Steenbok
 Rooiribbok
 Gewone duiker / Grysduiker
 Eland
 Koedoe
 Vlakvark

Karnivore:

Rooikat
 Rooijakkals

Knaagdiere:

Vlakhaas
 Kolhaas
 Springhaas

Voël spesies:

Kolgans
 Rooibekeend
 Geelbekeend
 Kransduif / Bosduif
 Afrikaanse kwartel
 Nonnetjie-eend
 Rooivlerkpatrys
 Bleshoender
 Gewone Tarentaal
 Wildemakou
 Bosveldfisant
 Bergpatrys
 Kalaharipatrys
 Gewone Tortelduif
 Grootringduif

Wetenskaplike naam

Aepyceros melampus
Alcelaphus buselaphus caama
Antidorcas marsupialis
Connochaetes taurinus taurinus
Damaliscus pygargus phillipsi
Equus burchellii
Kobus ellipsiprymnus ellipsiprymnus
Oryx gazella
Raphicerus campestris
Redunca fulvorufula
Sylvicapra grimmia
Taurotragus oryx
Tragelaphus strepsiceros
Phacochoerus africanus

Caracal caracal
Canis mesomelas

Lepus capensis
Lepus saxatilis
Pedetes capensis

Alopochen aegyptiaca
Anas erythrorhyncha
Anas undulata
Columba guinea
Coturnix coturnix
Dendrocygna viduata
Scleroptila levaillantii
Fulica cristata
Numida meleagris
Plectropterus gambensis
Pternistes swainsonii
Scleroptila africanus
Scleroptila levaillantoides
Streptopelia capicola
Streptopelia semitorquata

Red-eyed Dove

Streptopelia semitorquata

Laughing Dove

Streptopelia senegalensis

South African Shelduck

Tadorna cana

Rock Pigeon

Columba guinea

Rooiborsduifie
Kopereend

Streptopelia senegalensis
Tadorna cana

SCHEDULE 3**RESTRICTED SPECIES****Common name**

Bontebok
Giraffe
Cape Buffalo
Klipspringer
Sable Antelope
Nyala
Bushbuck
Bushpig

Hartmann's Mountain Zebra
Rock Hyrax
Fallow Deer
Red Lechwe
Mallard Duck

Scientific name

Damaliscus pygargus pygargus
Giraffa camelopardalis
Syncerus caffer
Oreotragus oreotragus
Hippotragus niger niger
Tragelaphus angasii
Tragelaphus scriptus
Potamochoerus porcus
koiropotamus
Equus zebra hartmannae
Procavia capensis
Dama dama
Kobus leche
Anas platyrhynchos

All species of alien reptiles excluding those listed under prohibited alien species

All species of alien monkeys, baboons and apes

Order: Primate

All species of alien carnivorous animals

Order: Carnivora

BYLAE 3**BEPERKTE SPESIES****Gewone naam**

Bontebok

Kameelperd

Buffel

Klipspringer

Swartwitpens

Njala

Bosbok

Bosvark

Hartmann se bergsebra

Klipdassie

Europese takbok

Lechwe

Groenkopeend / Mallard-eend

Wetenskaplike naam*Damaliscus pygargus pygargus**Giraffa camelopardalis**Syncerus caffer**Oreotragus oreotragus**Hippotragus niger niger**Tragelaphus angasii**Tragelaphus scriptus**Potamochoerus porcus**koiropotamus**Equus zebra hartmannae**Procavia capensis**Dama dama**Kobus leche**Anas platyrhynchos*

Alle spesies uitheemse reptiele, uitsluitend reptiele wat onder verbode uitheemse spesies gelys is

Alle spesies uitheemse ape, bobbejane en
stertlose ape

Orde: Primata

Alle spesies uitheemse karnivore

Orde: Carnivora

SCHEDULE 4**PROHIBITED ALIEN SPECIES****Common name****Scientific name****Vertebrates:**

All proven hybrid wild animals.

All *Alcelaphus buselaphus* subspecies excluding *A. b. caama*

All *Kobus* species excluding *Kobus ellipsiprymnus ellipsiprymnus* and *Kobus leche*.

All Roan Antelope excluding *H. e. cottonii*, *H. e. equinis*

All species of Deer excluding Fallow Deer

Family: Cervidae.

Red Duiker

Cephalophus natalensis

Suni

Neotragus moschatus zuluensis

Blue Duiker

Philantomba monticola

Cape Gysbok

Raphicerus melanotis

Sharp's Gysbok

Raphicerus sharpei

Damara Dik-Dik

Madoqua kirkii

Giant Sable

Hippotragus niger varianii

Addax

Addax nasomaculatus

Impala – Black-faced

Aepyros melampus petersi

Lichtenstein's Hartebeest

Alcelaphus lichtensteinii

Nilgai

Boselaphus tragocamelus

Black Rhino – Kenya

Diceros bicornis michaeli

Scimitar-horned Oryx

Oryx dammah

Barbary sheep

Ammotragus lervia

Himalaya Tahr

Hemitragus jemlahicus

Mouflon

Ovis musimon

Puku

Kobus vardonii

Indian Blackbuck

Antelope cervicapra

Lord Derby Eland

Tragelaphus derbianus

Livingstone's Eland

Taurotragus oryx livingstonii

Bongo

Tragelaphus euryceros

Sitatunga

Tragelaphus spekii

Nutria

Mayocastor coypus

Lesser Kudu

Tragelaphus imberbis

Side-striped Jackal

Canis adustus

Bobwhite quail

Colinus virginianus

Chukar partridge

Alectoris graeca

BYLAE 4**VERBODE UITHEEMSE SPESIES****Gewone naam****Wetenskaplike naam****Gewerwelde diere:**

Alle bewese hibride (baster) wilde diere

Alle *Alcelaphus buselaphus* subspesies uitsluitend *A. b. caama*

Alle *Kobus* spesies uitsluitend *Kobus ellipsiprymnus ellipsiprymnus* en *Kobus leche*.

Alle Bastergemsbokke uitsluitend *H. e. cottonii* en *H. e. equinis*

Alle spesies Takbok / Hert uitsluitend Europese takbok Familie: Cervidae

Rooiduiker	<i>Cephalophus natalensis</i>
Soenie	<i>Neotragus moschatus zuluensis</i>
Blouduiker	<i>Philantomba monticola</i>
Kaapse grysboek	<i>Raphicerus melanotis</i>
Sharpe-grysboek	<i>Raphicerus sharpei</i>
Damara dik-dik	<i>Madoqua kirkii damarensis</i>
Reuse swartwitpens	<i>Hippotragus niger varianii</i>
Addaks	<i>Addax nasomaculatus</i>
Swartgesig rooibok	<i>Aepyros melampus petersi</i>
Lichtenstein-hartbees	<i>Alcelaphus lichtensteinii</i>
Nilgai	<i>Boselaphus tragocamelus</i>
Swartrenoster - Keniaanse	<i>Diceros bicornis michaeli</i>
Sabelhoring gemsbok	<i>Oryx dammah</i>
Barbarynse bergskaap	<i>Ammotragus lervia</i>
Himalaja-tahr	<i>Hemitragus jemlahicus</i>
Europese moeflon	<i>Ovis musimon</i>
Poekoe	<i>Kobus vardonii</i>
Indiese swartbok	<i>Antilope cervicapra</i>
Lord Derby eland	<i>Tragelaphus derbianus</i>
Livingstone eland	<i>Taurotragus oryx livingstonii</i>
Bongo	<i>Tragelaphus euryceros</i>
Waterkoedoe	<i>Tragelaphus spekii</i>
Nutria	<i>Mayocastor coypus</i>
Kleiner koedoe	<i>Tragelaphus imberbis</i>
Witkwas jakkals	<i>Canis adustus</i>
Bobwhite kwartel	<i>Colinus virginianus</i>
Asiatiese Patrys / Chukarpatrys	<i>Alectoris graeca</i>
Huiskraai	<i>Corvus splendens</i>

House Crow

Corvus splendens

North-African Ostrich
Hill Myna

Struthio camelus molybdophanus
Gracula religiosa

Cane Toad

Bufo marinus

All species of alien bullfrogs

Order: Anura

All species of alien tortoises, turtles and terrapins

Order: Chelonia

All venomous species of alien snakes

Order: Squamata

All species of alien monitor lizards

Family: Varanidae

All species of alien Geckos

Family: Geckonidae

All species of alien insect' eaters, hedge hog, shrews

Order: Insectivora

All species of alien bats

Order: Chiroptera

All species of alien bushbabies

Family: Lorisidae

All species of alien species of rabbits and hares

Order: Lagomorpha

All species of alien rats, mice and squirrels

Order: Rodentia

All species of alien polecats, weasels and otters

Family: Mustelidae

All species of mongoose and genets

Family: Viverridae

All species of hyrax except the Rock Hyrax

Order: Hyracoidea

Plants:

Azolla

Genus: *Azolla*

Pondweed

Egeria (Elodea) densa

Parrot's Feather

Myriophyllum aquaticum

Kariba weed

Salvinia auriculata

Water lettuce

Pistia stratiotes

Water hyacinth

Eichhornia crassipes

Fish:

Black pacu

Colossoma brachypomum

= *Piaractus brachypomus*

Red finned pacu

Colossoma oculus

Pacu

Conta conta = *Colossoma pacu*

Colossoma spp.

Vundu

Heterobranchus longifilis

Heterobranchus spp.

Tiger fish

Hoplias malabaricus

Hoplotilapia spp.

Snakehead

Ophicephalus spp.

Dusky piranha

Pygocentrus calmen

Black tailed piranha

Pygocentrus piraya

Piranha

Pygocentrus spp.

Red-breasted piranha

Rooseveltiella nattereri

= *Serrasalmus nattereri*

Somali Volstruis
Gewone bergspreeu

Struthio camelus molybdophanus
Gracula religiosa

Rietpadda
Alle spesies uitheemse brulpaddas
Alle spesies uitheemse skilpaaie en waterskilpaaie
Alle giftige spesies uitheemse slange
Alle spesies uitheemse likkewane
Alle spesies uitheemse boomgeitjies / gekko's
Alle spesies uitheemse insektivore, krimpvarkies en skeerbekke
Alle spesies uitheemse vlermuise
Alle spesies uitheemse nagape
Alle spesies uitheemse hase en konyne
Alle spesies uitheemse rotte, muise en eekhorings
Alle spesies uitheemse otters, muishonde en wesels
Alle spesies uitheemse muishonde en muskeljaatkatte
Alle spesies dassie behalwe die Klipdassie

Bufo marinus
Orde: Anura
Orde: Chelonia
Orde: Squamata
Familie: Varanidae
Familie: Geckonidae
Orde: Insectivora

Orde: Chiroptera
Familie: Lorisidae
Orde: Lagomorpha
Orde: Rodentia
Familie: Mustelidae
Familie: Viverridae

Orde: Hyracoidea

Plante:

Rooiwatervaring / Azolla
Waterpes
Waterduisendblaar
Watervaring
Waterslaai
Waterhiasint

Genus: Azolla
Egeria (Elodea) densa
Myriophyllum aquaticum
Salvinia auriculata
Pistia stratiotes
Eichhornia crassipes

Vis:

Black pacu

Red finned pacu
Pacu

Vundu

Tiger fish

Snakehead
Dusky piranha
Black tailed piranha
Piranha
Red-breasted piranha

Piranha
Anton's piranha
Dusky piranha

Colossoma brachypomum
= *Piaractus brachypomus*
Colossoma oculus
Conta conta = *Colossoma pacu*
Colossoma spp.
Heterobranchus longifilis
Heterobranchus spp.
Hoplias malabaricus
Hoplotilapia spp.
Ophicephalus spp.
Pygocentrus calmeni
Pygocentrus piraya
Pygocentrus spp.
Rooseveltiella nattereri
= *Serrasalmus nattereri*
Rooseveltiella spp.
Serrasalmus antoni
Serrasalmus calmoni

Piranha	<i>Rooseveltiella</i> spp.
Anton's piranha	<i>Serrasalmus antoni</i>
Dusky piranha	<i>Serrasalmus calmoni</i>
Big-toothed piranha	<i>Serrasalmus denticulatus</i>
Eigenmann's piranha	<i>Serrasalmus eigenmanni</i>
Elongate piranha	<i>Serrasalmus elongatus</i>
Silver-scaled piranha	<i>Serrasalmus gibbus</i>
Holland's piranha	<i>Serrasalmus hollandi</i>
Manuel's piranha	<i>Serrasalmus manuli</i>
Natter's/Red/Billed piranha	<i>Serrasalmus nattereri</i> = <i>Rooseveltiella nattereri</i>
Piranha	<i>Serrasalmus nigeri</i>
Black-eared piranha	<i>Serrasalmus notatus</i>
White-spotted piranha	<i>Serrasalmus rhombeus</i>
Sanchez's piranha	<i>Serrasalmus sanchezi</i>
Serrated piranha	<i>Serrasalmus serrulatus</i>
Iridescent piranha	<i>Serrasalmus</i> sp "iridescent"
White piranha	<i>Serrasalmus spiloleura</i>
Piranha	<i>Serrasalmus</i> spp
Black-tailed piranha	<i>Serrasalmus striolatus</i>

Big-toothed piranha

Serrasalmus denticulatus

Eigenmann's piranha

Serrasalmus eigenmanni

Elongate piranha

Serrasalmus elongatus

Silver-scaled piranha

Serrasalmus gibbus

Holland's piranha

Serrasalmus hollandi

Manuel's piranha

Serrasalmus manueli

Natter's/Red/Billed piranha

Serrasalmus nattereri

= *Rooseveltiella nattereri*

Piranha

Serrasalmus nigeri

Black-eared piranha

Serrasalmus notatus

White-spotted piranha

Serrasalmus rhombeus

Sanchez's piranha

Serrasalmus sanchezi

Serrated piranha

Serrasalmus serrulatus

Iridescent piranha

Serrasalmus sp "iridescent"

White piranha

Serrasalmus spiloleura

Piranha

Serrasalmus spp

Black-tailed piranha

Serrasalmus striolatus

MEMORANDUM

PURPOSE

To repeal the Free State Nature Conservation Ordinance, 1969 (Ordinance No. 8 of 1969) and to provide regulatory mechanisms for the conservation of biodiversity and other matters related thereto and to bring conservation matters in line with national legislation.

Section 1

This clause deals with definitions.

Section 2

This clause deals with the application and the interpretation of the Act.

Section 3

This clause deals with protected species.

Section 4

This clause deals with restricted activities relating to provincial protected species

Section 5

This clause deals with captivity of wild animals.

Section 6

This clause deals with prohibition of opening or damaging a section of a fence.

Section 7

This clause deals with protection or management of species of wild animals.

Section 8

This clause deals with alien species.

Section 9

This clause deals with prohibited alien species.

MEMORANDUM

DOEL

Om die Vrystaat Natuurbewaringsordonnansie, 1969 (Ordonnansie Nr.8 van 1969) te herroep en om regulerende meganismes te voorsien vir die bewaring van biodiversiteit en aanverwante sake en om natuurbewaringsaangeleenthede in ooreenstemming met nasionale wetgewing te bring.

Artikel 1

Hierdie klousule handel oor die woordomsrywings.

Artikel 2

Hierdie klousule handel oor die toepassing en vertolking van die Wet.

Artikel 3

Die klousule handel oor beskermde spesies.

Artikel 4

Hierdie klousule handel oor beperkte aktiwiteite met betrekking tot beskermde spesies.

Artikel 5

Hierdie klousule handel oor die gevangenhouding van wilde diere.

Artikel 6

Hierdie klousule handel oor die verbodsbepaling op die oopmaak of beskadiging van 'n heining.

Artikel 7

Hierdie klousule handel oor die beskerming of bestuur van spesies van wilde diere.

Artikel 8

Die klousule handel oor uitheemse spesies.

Artikel 9

Die klousule handel oor verbode uitheemse spesies.

Section 10

This clause deals with restricted activities in relation to freshwater fish.

Section 11

This clause deals with limitations.

Section 12

This clause deals with fishing methods.

Section 13

This clause deals with record keeping.

Section 14

This clause deals with ordinary game and exempted alien game species.

Section 15

This clause deals with restricted activities relating to ordinary game or exempted alien game species.

Section 16

This clause deals with hunting and capturing seasons.

Section 17

This clause deals with hunting of alien animal species.

Section 18

This clause deals with entry upon land with a weapon and hunting on public road.

Section 19

This clause deals with the MEC's permission for hunting a wild or alien animal.

Section 20

This clause deals with operating as a professional hunter, hunting officer and a hunting school director.

Artikel 10

Hierdie klousule handel oor beperkte aktiwiteite met betrekking tot varswatervis.

Artikel 11

Hierdie klousule handel oorbeperkings.

Artikel 12

Hierdie klousule handel oor hengelmetodes.

Artikel 13

Die klousule handel oor rekordhouding.

Artikel 14

Hierdie klousule handel oor gewone wild en vrygestelde uitheemse wildspesies.

Artikel 15

Hierdie klousule handel oor beperkte aktiwiteite met betrekking tot gewone wild- of vrygestelde uirtheemse wildspesies.

Artikel 16

Hierdie klousule handel oor jag- en vangseisoene.

Artikel 17

Hierdie klousule handel oor die jag van uitheemse dierespesies.

Artikel 18

Hierdie klousule handel oor die betreding van grond en jag op 'n openbare pad.

Artikel 19

Hierdie klousule handel oor die LUR se toestemming vir die jag van 'n wilde of uitheemse dier.

Artikel 20

Hierdie klousule handel oor optrede as 'n beroepsjagter, jagbeampte en jagskooldirekteur.

Section 21

This clause deals with hunting of animals by a hunting client.

Section 22

This clause deals with hunting rights.

Section 23

This clause deals with prohibition of certain acts.

Section 24

This clause deals with contrivances for the control of damage causing animals.

Section 25

This clause deals with a hunter who hunts an animal causing damage.

Section 26

This clause deals with dogs.

Section 27

This clause deals with operating as an accredited instructor.

Section 28

This clause deals with the general powers in relation to animals causing damage.

Section 29

This clause deals with rehabilitation and sanctuary of wild animals.

Section 30

This clause deals with raptors.

Section 31

This clause deals with wetlands.

Artikel 21

Hierdie klousule handel oor die jag van diere deur 'n jagkliënt.

Artikel 22

Die klousule handel oor jagregte.

Artikel 23

Hierdie klousule handel oor die verbod op sekere optredes.

Artikel 24

Hierdie klousule handel oor middels vir die beheer van diere wat skade aanrig.

Artikel 25

Hierdie klousule handel oor 'n jagter wat 'n dier jag wat skade aanrig.

Artikel 26

Hierdie klousule handel oor honde.

Artikel 27

Hierdie klousule handel oor optrede as 'n geakkrediteerde instrukteur.

Artikel 28

Hierdie klousule handel oor die algemene bevoegdhede met betrekking tot diere wat skade aanrig.

Artikel 29

Hierdie klousule handel oor rehabilitasie en toevlugsoord vir wilde diere.

Artikel 30

Hierdie klousule handel oor roofvoëls.

Artikel 31

Hierdie klousule handel oor vleilande.

Section 32

This clause deals with biodiversity.

Section 33

This clause deals with collective management.

Section 34

This clause deals with the appointment of officers, honorary officers and their powers.

Section 35

This clause deals with the offences and penalties.

Section 36

This clause deals with forfeitures.

Section 37

This clause deals with powers of the MEC.

Section 38

This clause deals with delegation of powers.

Section 39

This clause deals with permits and licences.

Section 40

This clause deals with fees.

Section 41

This clause deals with regulations and norms and standards.

Section 42

This clause deals with transitional and savings provisions.

Artikel 32

Hierdie klousule handel oor biodiversiteit.

Artikel 33

Die klousule handel oor kollektiewe bestuur.

Artikel 34

Hierdie klousule handel oor die aanstelling van beamptes, erebeamptes en hul bevoegdhede.

Artikel 35

Hierdie klousule handel oor die oortredings en strafopleggings.

Artikel 36

Hierdie klousule handel oor verbeurings.

Artikel 37

Hierdie klousule handel oor die bevoegdhede van die LUR.

Artikel 38

Hierdie klousule handel oor die delegering van bevoegdhede.

Artikel 39

Hierdie klousule handel oor permitte en lisensies.

Artikel 40

Hierdie klousule handel oor gelde.

Artikel 41

Hierdie klousule handel oor regulasies, norme en standaarde.

Artikel 42

Hierdie klousule handel oor oorgangs- en voorbehoudsbepalings.

Section 43

This clause deals with repeal of laws.

Section 44

This clause gives the short title and commencement of the Act.

SCHEDULE 1 lists the PROHIBITED ALIEN SPECIES

SCHEDULE 2 lists the RESTRICTED SPECIES

SCHEDULE 3 lists the ORDINARY GAME

SCHEDULE 4 lists the PROVINCIAL PROTECTED SPECIES

Artikel 43

Hierdie klousule handel oor die herroeping van wette.

Artikel 44

Hierdie klousule gee die kort titel van die Wet.

BYLAE 1 lys die VERBODE UITHEEMSE SPESIES

BYLAE 2 lys die BEPERKTE SPESIES

BYLAE 3 lys die GEWONE WILD

BYLAE 4 lys die PROVINSIALE BESKERMDE SPESIES