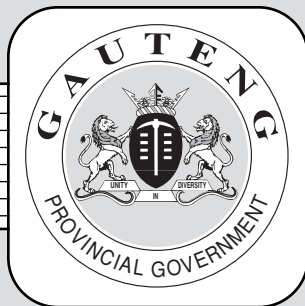


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

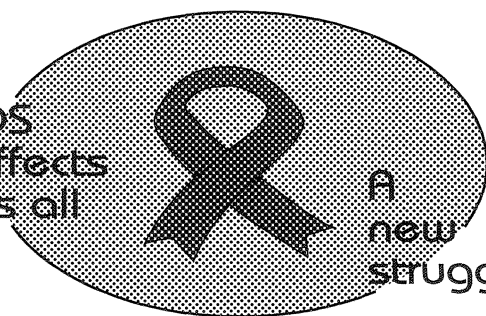
Vol. 18

PRETORIA, 19 OCTOBER 2012

No. 313

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE

NOTICE 2706 OF 2012

GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

DRAFT GAUTENG NATURE CONSERVATION BILL

The Gauteng Department of Agriculture and Rural Development hereby publishes the draft Gauteng Nature Conservation Bill, 2012 for public comments.

Members of the public are invited to submit to the Department, within 30 days of publication of the notice in the *Provincial Gazette*, written comments or inputs by means of any of the following:

- (a) By email: abimbola.olowa@gauteng.gov.za
 annetta.gansallo@gauteng.gov.za

- (b) By fax: 086 600 6758

- (c) By post: The Head: Gauteng Agriculture and Rural Development
 For Attention: Ms Abimbola Olowa
 PO Box 8769
 Johannesburg
 2001

- (d) By hand delivery: 15th floor Diamond Corner Building 68 Eloff Street cnr Market,
 Johannesburg:

Electronic copies may be downloaded from the Department's website www.gdard.gpg.gov.za.

Interested and Affected Persons and Organisations commenting should kindly provide their full contact details together with their comments.

GAUTENG NATURE CONSERVATION BILL, 2012

BILL

To provide for the sustainable utilisation and protection of biodiversity within Gauteng; to provide for professional hunting; to provide for the preservation of caves and cave formations; to provide for the establishment of zoos and similar institutions; to provide for the appointment of nature conservators; to provide for the issuing of permits and other authorisations; to provide for offences and penalties for contravention of the Act; to implement the provisions of the Act; and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature, as follows:

ARRANGEMENT OF THE BILL**Chapter 1****Interpretation, Application and Objectives****Chapter 2****Wild and Alien Animals****Chapter 3****Indigenous Plants****Chapter 4****Aquatic Biota and Aquatic Systems****Chapter 5****Invertebrates****Chapter 6****Professional Hunting****Chapter 7****Preservation of Caves and Cave Formations****Chapter 8****Zoos****Chapter 9****Nature Conservators****Chapter 10****Administrative and General Provisions**

CHAPTER 1 INTERPRETATION, APPLICATION AND OBJECTIVES

Definitions

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

“adequately enclosed” in relation to land, means enclosed by –

- (a) a fence, wall or obstruction of any kind whatsoever forming an enclosure from which any wild animal of a species specified in a permit issued in terms of section 33 is unable to escape or enter without breaking the fence, wall or obstruction;
- (b) a natural boundary through or over which any wild animal of a species so specified will not pass under normal circumstances; or
- (c) a combination of fences, walls, obstructions or boundaries referred to in paragraphs (a) and (b) so that any wild animals of a species so specified cannot escape from or enter such land and **“sufficiently enclosed”** has similar meaning;

“alien animal” means —

- (a) any live vertebrate, including a mammal, bird, reptile and amphibian, but excluding a fish, belonging to a species or subspecies that is not a recognized domestic species and the natural distribution of which is not in the Republic of South Africa or
- (b) the egg of such vertebrate;

“angling/angle” means the catching of fish in an aquatic system by means of a line and hook, whether or not any rod, bait or lure is used, and includes any such attempt or assistance, but does not include the catching of fish in such waters by jigging or snatching it; 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;

“aquatic biota” –

- (a) means any organism that depends on an aquatic environment for its survival; and
- (b) includes the carcass, egg, ova, spawn, flesh (fresh or cured), hide, tooth, bone, shell, scale, claw, nail, paw, fin, tail, ear, hair, feather, flower, seed, cone, fruit, bulb, tuber, stem, root or any other part or derivative of such organism;

“aquatic growth” –

- (a) means any plant that depends on an aquatic environment for its survival; and
- (b) includes the flower, seed, cone, fruit, bulb, tuber, stem, root, or any other part or derivative of such plant;

“aquatic system” –

- (a) means an area associated with rivers, streams, vleis, sponges, wetlands, creeks, lakes, pans, or any other natural or man-made water impoundment; and includes such area whether wet or dry;
- (b) means all waters which do not permanently or at any time during the year form part of the sea and includes a tidal river;

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

“**bait**” in relation to a wild animal listed in Schedule 1 means any living or dead animal matter, or anything else which on account of the edibility, smell or taste thereof may lure such animal, and “bait”, as a verb, has a corresponding meaning;

“**biodiversity**” means the diversity of animals, plants or other organisms, including the diversity of animals, plants or other organisms found within and between –

- (a) ecosystems;
- (b) habitats;
- (c) the ecological complexes of which these systems and habitats are part;
- (d) species;

“**buy**” includes barter or exchange;

“**capture**”, in relation to an animal, means by any means whatsoever to capture, to catch or to take alive without killing the animal and includes an attempt or pursuit with the intent to capture, to catch or to take the animal alive;

“**carcass**”, in relation to an animal, means the whole or any part of the meat (whether dried, smoked, salted, cured or treated in any manner excluding biltong), the head, ear, tooth, horns, shell, scale, cured or treated in any manner), the head, ear, tooth, horns, shell, scale, tusks, bones, feathers, tail, claw, paw, nail, hoof, skin, hide, hair, viscera or any part whatsoever of the carcass, and includes the egg;

“**catch**”

- (a) in relation to a wild animal or alien animal or invertebrate means catch or take, or attempt to catch or take, a wild or alien animal, or invertebrate alive, irrespective of
- (b) (i) the means or method used; and includes –
the search for, pursue, drive, lie in wait, lure or poison a wild or alien animal or invertebrate with the intent to catch or take it; or
- (ii) injuring or killing of a wild or alien animal, or invertebrate when attempting to catch or take it;
- (c) in relation to fish, includes any means or method of taking (whether alive or dead), injuring, immobilising or killing or attempting to take, injure, immobilise or kill, or to pursue or willfully disturb or poison;

“**cave**” means a natural geologically formed void or cavity or man made void beneath or above the surface of the earth;

“**cave biota**” means-

- (a) any form of life, relying either wholly or partially on a cave, sinkhole, mine or groundwater to complete a life-cycle;
- (b) any flora occurring within five metres of any “cave” opening; or
- (c) any biota which may at any given time be found within a cave;

“**cave formation**” means –

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

“cave gate” means-

- (a) any structure erected to prevent access to any cave, whether temporary or permanent; or
- (b) any fence, wall or other obstacle erected within five metres of the opening to any cave;

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

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“cull” –

- (a) means an operation executed by a nature conservator or other person designated by the landowner to kill a specific number of specimens of a wild animal species within the area in order to manage the species in the area; or
- (b) in relation to a specimen of a wild animal species which has escaped from a protected area and has become a threat to life or property, means an operation executed by a nature conservator or other person designated by the MEC to kill the animal as a matter of last resort;

“cultivate” means the artificial reproduction of plants in any manner whatsoever;

“daily bag limit” means the number of any species which may be hunted or caught and kept by angling as determined by this Act;

“day” means the period commencing half an hour before sunrise and ending half an hour after sunset on the same day;

“Department” means the Department responsible for nature conservation in the Gauteng Province;

“derivative”, in relation to a wild animal, plant or other organism, means any part, tissue or extract of an animal, plant or other organism, whether fresh, preserved or processed and includes any chemical compound derived from such part, tissue or extract;

“Director” means the head of the unit responsible for the nature conservation within the Department;

“Director of professional hunting school” means a person who is –

- (a) responsible for –
 - (i) the presentation of a prescribed curriculum to educate prospective professional hunters and hunting outfitters; and
 - (ii) the conducting of examinations to evaluate prospective professional hunters and hunting-outfitters; and
- (b) the holder of a permit in terms of [section 72](#);

“ecosystem” means a dynamic complex of animal, plant or micro-organism communities and their non-living environment interacting as a functional unit;

“export”, in relation to a wild animal or plant, means any form of shipment, parcel or package consigned from or taken out of the Province or an attempt to consign or take a wild animal or plant, carcass, part or derivative thereof from a position or place inside the borders of the Province to a position or place outside the borders of the Province in any manner whatsoever, including re-export;

“fauna” means wild animal;

“firearm” means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act 60 of 2000) and includes an airgun and a muzzle-loader;

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

“fish” means any aquatic fauna, whether indigenous or alien as well as the ova or sperm thereof;

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

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

“game farm” means land in relation to which a game farm permit has been issued;

“game farm permit” means a permit issued in terms of [section 33](#);

“Head” means the Head of Department responsible for environmental management in the Province;

“hunt”, in relation to a wild animal, means by any means, method or device whatsoever to cull, to hunt, to kill, to capture, to collect, to disturb, to follow, to pursue, to search for, to drive, to stampede, to shoot at, to discharge a missile at, to injure, to poison, to lay poison, to set a trap, to lie in wait for, to lure and to willfully disturb and include any such attempt to assist, guide or escort another person to do any of the aforementioned; this includes destroying eggs of a bird or reptile;

“hunting – outfitter” means a person who –

- (a) presents or organises the hunt of a wild or alien animal for a client; and
- (b) is the holder of a permit in terms of [section 72](#);

“hunting rights” means the right of a landowner to hunt or to allow the hunting of a wild animal in terms of the provisions of this Act, on land of which he or she is the owner;

“import” in relation to a wild animal or plant, means any form of shipment, parcel or package consigned to or brought into the Province or an attempt to consign to or bring a wild animal or plant, carcass, part or derivative thereof from a position or place outside the borders of the Province to a position or place inside the borders of the Province in any manner whatsoever;

“indigenous plant” means any means any living or dead plant which occurs naturally in the Republic of South Africa, whether artificially propagated or in its wild state; and (b) includes the flower, pollen, seed, cone, fruit, bulb, tuber, stem or root or any other part or derivative of such plant, but does not include a plant declared a weed in terms of any legislation;

“invasive animal” means any species whose establishment and spread outside of its natural distribution range –

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

(b) may result in economic or environmental harm or harm to human health;

“invertebrate” means an invertebrate, whether alive or dead, of which the habitat is either temporarily or permanently in the Republic, and includes any part of any invertebrate and any stage in the life cycle thereof;

“karst” means-

- (a) Any geographical region dominated by water soluble geologies such as, but not limited to, dolomites and limestones, in which water processes have historically and continue to play an active role in their formation and maintenance;
- (b) Any area deemed to be karst by the relevant authority and portrayed as such on official records;

“keep” means to keep live, to keep in captivity, to exercise control over or to supervise;

“landowner” means-

- (a) in relation to land-
 - (i) the person registered as the owner thereof in a deeds registry;
 - (ii) where the legal title thereto is vested in an association of persons, whether corporate or non-corporate, the person designated in writing as the owner thereof by such association;
 - (iii) the bona fide purchaser thereof prior to the registration of the deed of transfer in his or her name, but after the contract of sale has been concluded, to the exclusion of the person contemplated in paragraph (i);
 - (iv) in the case of land under the control or management of a municipality, the municipality concerned;
 - (v) in the case of State land not under the control or management of a municipality, the National Minister or Member of the Executive Council of the Province, having control or management thereof or any officer designated for the purpose by such Minister or Member of the Executive Council;
 - (vi) in the case of land not occupied by the owner as contemplated in subparagraph (i), the person who is in actual occupation of the land, who exercises general control over such land and who has been authorised in writing by the owner as contemplated in the said subparagraph to exercise the rights conferred on a landowner by this Act;
 - (vii) where the owner as contemplated in subparagraph (i), (ii), (iii) or (vi) is dead or insolvent or has assigned his or her estate for the benefit of his or her creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such land is vested as executor, responsible Member, trustee, assignee, curator, lawful heir, liquidator or judicial manager, as the case may be;
 - (viii) the lawful heir of the person contemplated in paragraph (i) or of the purchaser contemplated in paragraph (iii), as the case may be, at the death of such person or purchaser or, where the land is subject to a usufruct, the usufructuary;
 - (ix) the lessee of the land who has entered into a lease for a period of not less than 10 years or for the [duration of the] natural life of the lessee or any other person referred to in the lease, or the person to whom the land has been allotted in terms of the laws on land settlement subject to the right to purchase that land;
 - (x) that is tribal land, the tribal chief or authority; and
- (b) in relation to waters on privately owned land, the owner as contemplated by paragraph (a) of the land on which the waters concerned are situated or which abuts on such waters;

“**licence**” means a licence issued under this Act;

“**live fish**” in relation to natural bait, means live aquatic fauna which is commonly known as fish;

“**management authority**” in relation to a protected area, means the organ of state or other institution or person in which the authority to manage the protected area is vested;

“**MEC**” means the Member of Executive Council responsible for environmental management in the Province;

“**municipality**” means a municipality established in terms of section 155(6) of the Constitution;

“**nature conservator**” means-

- (a) a nature conservator appointed in terms of section 90; or
- (b) any member of the South African Police Service;

“**natural bait**” means any animal or vegetable matter (whether alive or dead, excluding live fish) used in angling to attract fish by virtue of its edibility, smell or savour;

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

“**non-spinning artificial fly**” means a fish-hook with one point and one barb, to which anything inedible by fish is attached and which cannot rotate when attached to a line and drawn through the water, and to which no device which can rotate is attached;

“**occupier**” in relation to land or land on which waters are situated, means, the person who actually occupies the land and is in control thereof;

“**open hunting season**” means the period in any year determined by notice issued in terms of section 13;

“**Peace Officers**” means a person appointed in terms of section 334 of the Criminal Procedure Act, 1977;

“**Permit**” means a permit issued under this Act;

“**Person**” means natural person and includes a juristic person;

“**pet species**” refers to alien species listed in Schedule 3 and for which permits are not required for keeping and transporting;

“**pick**” includes to collect, to cut, to chop off, to take, to gather, to pluck, to uproot, to break, to damage or to destroy;

“**poison**” includes any poison, preparation or chemical used to catch, immobilize, sterilize, kill or to harm physically a wild animal, fish, aquatic biota, or invertebrate and any like word has a corresponding meaning;

"possess/possession", in relation to a wild animal or the carcass thereof, or a fish or a plant means to have physical control over any such animal or carcass thereof or any such plant, or to have the power and intention to exercise physical control over any such animal or carcass thereof or any such plant;

"prescribe" means to prescribe by regulation;

"professional hunter" means a person who –

- (a) supervises, offers to or agrees to supervise a client for reward in connection with the hunting of a wild or alien animal; and
- (b) is the holder of a permit in terms of section 72;

"protected game" means a wild animal referred to in Schedule 2;

"protected plant" means a plant referred to in Schedule 4;

"protected wild animal" means a wild animal referred to in Schedule 1;

"Province" means the Gauteng province of the Republic of South Africa;

"public road" means a road to which the public or section thereof have a right of access and includes an outspan, resting [place] or watering place;

"public sale" means a sale effected-

- (a) at a public market;
- (b) by a butcher who is the holder of a licence issued in terms of this Act; or
- (c) by a holder of a permit as contemplated in section 31(3)(b);

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

"schedule", means a Schedule to this Act;

"sell", includes hawk, peddle, barter or exchange or offer, advertise, expose or have in possession for the purpose of sale, hawking, peddling, bartering or exchange and "buy" must be construed accordingly;

"specific environmental management Act" in this Act means-

- (a) the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);
 - (b) the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
- and includes any regulation or other subordinate legislation made in terms of any of these Acts;

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

"specimen" means-

- (a) any living or dead animal, plant or other organism;

- (b) a seed, sperm, ovum, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction of or transferring genetic traits in any way;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which-
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

“stock”, means a horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, pig or poultry;

“shoot”, means to kill by means of a firearm only and by no other means;

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

“speargun” means any implement or contrivance, whether mechanically operated or otherwise, used or which may be used by a diver for the spearing or capturing of fish;

“statutory body” means a body or organ of state, which exercises powers or performs statutory duties which are conferred or imposed upon it by any statute;

“subordinate legislation” in relation to this Act, means-

- (a) any regulation made in terms of a provision of this Act; or
- (b) any notice published in terms of a provision of this Act;

“this Act” includes any subordinate legislation issued in terms of a provision of this Act;

“transport” means to convey, to move or otherwise to translocate by any means or method whatsoever;

“trap” in all matters pertaining to:-

- (a) (a statutory body), means any contrivance or device by means of which an animal can be captured;
- (b) (wild animals), means any contrivance or device by means of which wild animals can be killed, injured or captured, but excludes a snare;

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

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

“waters on privately owned land” means a dam, reservoir, vlei or other inland waters completely surrounded by land owned by one owner;

“weapon”, means:-

- (a) A firearm having a barrel exceeding one hundred millimeters in length and includes ammunition for such firearm, or

- (b) Any other instrument which is capable of propelling a projectile or which can itself be propelled or used in such a way that a wild animal or alien animal may be killed, injured or immobilized thereby and includes a spear, assegai, bow and arrow, axe, bush-knife, knife or similar object and any chemical or preparation or narcotic used in connection with such projectile;

“**wild animal**” means any vertebrate animal, including a bird, reptile and amphibian of which the natural distribution is in the Republic of South Africa but excluding a fish, belonging to a species which is not a recognized domestic species and includes the carcass, egg, flesh, whether fresh or cured, biltong, hide, skin, thong, tooth, tusk, hoof, paw, tail, ear, hair, feather or derivative or any other part of such vertebrate, excluding any part of such vertebrate which has been processed into a final product and includes subspecies and hybrids;

“**zoo**” refers to a permanent sited and legal establishment primarily open to and administered for the visiting public, for the purpose of biodiversity conservation through exhibition and education and research and where the principle business rationale is not the commercial trade in specimens or their products and excludes nature reserves, game farms, botanical gardens, plant nurseries, research laboratories, circuses, pet shops, animal dealerships/brokers and commercial breeding operations that are not open to the public, animal rehabilitation facilities and sanctuaries;

(2) In this Act, words or expressions derived from words or expressions defined in subsection (1) have corresponding meanings unless the context indicates that another meaning is intended.

Objectives of Act

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

- (a) to provide for the management and conservation of genetic, biological diversity, indigenous wild animals, plants, aquatic biota, invertebrates and their associated habitats in the Province;
- (b) to provide for the management and control of alien wild animals in the Province;
- (c) to secure ecologically sustainable development and responsible use of natural resources in the Province;
- (c) to generally contribute to the progressive realisation of the fundamental rights contained in section 24 of the Constitution of the Republic of South Africa, 1996; and
- (d) to strengthen national legislation and give effect to ratified international agreements effecting environmental management which are binding on the Republic of South Africa.

Application of National Environmental Management Act

3. This Act must be interpreted and applied in accordance with the national environmental management principles and be read with the applicable provisions of the National Environmental Management Act, 1998 (Act 107 of 1998).

Application of Specific Environmental Management Acts

4. This Act must be interpreted and applied in accordance with the applicable provisions of the Specific Environmental Management Acts.

CHAPTER 2 WILD AND ALIEN ANIMALS

Part 1 – Wild Animals

Protected wild animals and protected game

- 5 (1) The wild animals referred to in Schedule 1 are protected wild animals.
(2) The wild animals referred to in Schedule 2 are protected game.
(3) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 1 or Schedule 2 to this Act.

Restricted activities involving a protected wild animal

6. No person may, without a permit –
- (a) export;
 - (b) import;
 - (c) hunt;
 - (d) transport;
 - (e) catch
 - (f) capture
 - (g) keep; or
 - (h) trade in,
- a specimen of a protected wild animal.

Restricted activities involving protected game

7. No person may, without a permit –
- (a) export;
 - (b) import;
 - (d) transport;
 - (e) catch
 - (f) capture
 - (g) keep; or
 - (h) trade in,
- a specimen of a protected ordinary game.

Release of live protected wild animals

8. No person may, without a permit, release a live protected wild animal that has been kept in captivity.

Release of protected game

9. No person may, without a permit, release protected game that has been kept in captivity.

Keeping of wild animals in captivity

10. (1) No person may, unless he or she is the holder of a permit-
- (a) keep any wild animal in captivity; or
 - (b) restrain any wild animal by means of a rope, cord, chain or any similar device.
- (2) The provisions of subsection (1) do not apply to a pet species listed in Schedule 3.
(3) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 3 to this Act.

Import, Export or Transport of wild animals

11. (1) Subject to the provisions of subsection (2) no person may, without a permit, import, export from or transport in the Province a specimen of a wild animal.

(2) A consignment of wild animals in transit through the Province does not require a permit if –

- (a) no wild animal is offloaded in the Province; and
- (b) the consignment is accompanied by the relevant permits from the province of origin and the province of destination.

(3) A person to whom a permit has been issued in terms of this Act to keep or transport or capture a live wild animal, must comply with the requirements prescribed by the MEC for the capture, keeping and transport of wild animals.

(4) No person may keep or transport a wild animal in conditions -

- (a) which are unhygienic; or
- (b) in which the animal -
 - (i) may be injured or otherwise impaired; or
 - (ii) suffer unnecessarily.

(5) A nature conservator may-

- (a) issue a directive to a person who captures, keeps or transports a wild animal in contravention of subsection (2) or (3), or a person who has physical control of the animal, to follow the steps to rectify the matter within the indicated time;
- (b) issue a directive to a person contemplated in paragraph (a) concerning the manner in which the wild animal must be captured, kept, transported or otherwise treated;
- (c) remove the wild animal from the custody of a person contemplated in paragraph (a) without compensation if it is considered necessary to prevent injury, impairment, suffering or death of the wild animal; or
- (d) keep, treat or release in a suitable environment a wild animal removed from the custody of a person in terms of paragraph (c) and such person shall be liable for the cost of keeping, treating or releasing the wild animal removed from his or her custody.

Part 2 – Hunting**Hunting of protected game**

12. (1) No person may, without a permit, hunt a protected game.

(2) During a period other than an open hunting season and upon the written application of the landowner, a permit may be issued-

- (a) to the landowner; or
- (b) to any other person indicated by the landowner in the application,

which authorises the holder of the permit to hunt the number, sex and species of a protected game referred to in the permit on the land of the landowner.

Open Hunting Season

13. (1) No person may hunt protected game, except during an open hunting season declared in terms of subsection (2) and subject to the provisions of the notice declaring the open hunting season.

(2) The MEC may by notice in the *Provincial Gazette*, declare open hunting seasons for the hunting of protected game.

(3) The notice contemplated in subsection (2) must provide for-

- (a) the period in any year during which protected game may be hunted;
- (b) the categories of persons that may hunt protected game;
- (c) the number, species and sex of protected game that may be hunted; and
- (d) the magisterial districts in which those protected game may be hunted.

(4) The prohibition set out in subsection (1) does not apply to-

- (a) a person hunting on land in respect of which a game farm permit has been issued in terms of section 33; or
- (b) the holder of a permit issued in terms of section 12(2) to hunt the protected game.

Hunting licences

14. (1) Except where otherwise provided in this Act, no person may hunt protected game during an open hunting season if he or she does not hold a valid hunting licence for the Province.

(2) The prohibition set out in subsection (1) does not apply to-

- (a) a person hunting on land in respect of which a game farm permit has been issued for the animals listed on the game farm permit; or
- (b) the holder of a permit issued in terms of section 12(2) to hunt the protected game.

Written permission by the landowner

15. (1) Subject to section 12, a landowner may give written permission to any other person to hunt in accordance with the provisions of this Act, any protected wild animal, protected game or alien animal on the land of the landowner and to remove the hunted animal or the carcass of the animal from the land.

(3) A landowner may not allow the hunting of an animal on his or her land without the written permission contemplated in subsection (1).

(4) The written permission referred to in subsection (1) may be combined with the document referred to in section 12(2) and section 33.

Content of written permission

16. (1) A written permission referred to in section 15 must be given beforehand, reduced to writing and must reflect -

- (a) the full name and residential address of the landowner;
 - (b) the full name and residential address of the person to whom it is granted;
 - (c) the number, sex and species of the protected wild animal, protected game or alien animal;
 - (d) the date or period in respect of which it is granted;
 - (e) the farm name, farm number and magisterial district in respect of which it is granted;
 - (f) the signature and date on which the document was signed by the landowner;
 - (g) the signature and date on which the document was signed by the person to whom the written permission was granted; and
 - (h) the permit number and expiry date, if applicable.
- (2) The holder of a written permission contemplated in subsection (1), must carry the document on his or her person at all times, while hunting, removing, transporting or being in possession of such animal or carcass or parts thereof.

Hunting of protected game in excess of daily bag limit

17. No person may, unless he or she is the holder of a licence, at any time hunt or be in possession of a greater number of any species of protected game than the daily bag limit determined by the notice contemplated in section 13 (2).

Prohibited hunting methods or instruments

18. (1) Without limiting the meaning of the word "hunt", no person may, unless he or she is the holder of a permit and subject to the conditions set out in the permit, hunt a wild animal-

- (a) by means of fire;
- (b) by means of poison;
- (c) by means of a vehicle or aircraft;

- (d) during the night;
- (e) with the aid of an artificial light, floodlight or spotlight;
- (f) by means of a trap or pitfall;
- (g) by means of a trap cage;
- (h) by means of a gin-trap;
- (i) by means of a wire or rope snare or similar device;
- (j) by means of an airgun;
- (k) by means of a shotgun except in the case of hares and birds;
- (l) by means of an automatic firearm;
- (m) by means of a firearm which discharges a rim-fire cartridge of a 5.56 mm (.22 inch) caliber or smaller caliber;
- (n) by means of a firearm which discharges more than two shots without being manually reloaded;
- (o) by means of a hand-gun or muzzleloader;
- (p) by means of a firearm fitted with a silencer or similar noise-reduction device;
- (q) by means of a set gun, poison-firing apparatus or any similar device;
- (r) by means of darting or a device which injects an intoxicating or a narcotic agent or poison into such animal;
- (s) which is kept in captivity, confined to a cage, in an enclosure or trapped against a fence where it does not have a fair chance of evading the hunter;
- (t) which is under the influence of a tranquilising or narcotic immobilising or similar agent;
- (u) by the use of a dog, except for the hunting, flushing, pointing or retrieving of birds, or for the purpose of searching or following the animal which has been wounded;
- (v) in the case of a bird, in or upon any aquatic systems, by the use of a boat for the purpose of chasing or killing the bird;
- (w) by means of setting a set trap, set gun or poison firing apparatus;
- (x) by luring or by means of a simulation or recording of the natural sound made by an animal or by means of bait or scent or any other induced luring method;
- (y) by any other device of which the use could result in injuring or killing an animal in a way which is not an acceptable humane hunting method;
- (z) by means of any terrestrial animal or bird of prey;
- (aa) by means of a bow-and-arrow, crossbow, speargun or similar device discharging an arrow or dart;
- (bb) by means of a blowpipe, catapult or similar device; or
- (cc) by means of a spear, kerie, stick or any similar device,
- (dd) by means of a net or
- (ee) by means or birdlime but-
 - (i) in respect of any wild animal caught by a registered veterinary surgeon in the practice of his or her profession, the provisions of paragraph (r), (s) and (t) do not apply; or
 - (ii) in respect of a wild or alien animal hunted by a person hunting with the written permission contemplated in section 16, the provisions of paragraphs (o) and (p) do not apply.

(2) The provisions of subsection (1)(u) do not exempt the owner of the dog or the person in control of a dog, from liability for damage caused by such dog in respect of non-targeted animals on land belonging to another person.

(3) The provisions of subsection (1)(c) do not preclude, in accordance with the provisions of this Act, the use of a motor vehicle for the hunting of a protected wild animal by the owner of the land or any other person who is a holder of the written permission contemplated in section 16.

(4) The MEC may, if it is in the public interest, set aside, by notice in the *Provincial Gazette*, any of the prohibitions referred to in subsection (1) –

- (a) for a species of wild animal;

- (b) for a particular period; or
- (c) in a particular area or magisterial district, mentioned in the notice.

Hunting with certain minimum-calibre firearms

19. (1) No person may, unless he or she is the holder of a permit use a firearm having a barrel with a caliber of less than 9.52 mm (.375 of an inch) to hunt a buffalo, giraffe or hippopotamus.

(2) When any person has wounded or has presumably wounded an animal mentioned in subsection (1) except a giraffe, without successfully killing or retrieving the animal, he or she shall report it within 24 hours at the police station or the office of the nature conservator nearest to the place where such animal was wounded or was presumably wounded.

Hunting from a public road

20. No person may, without a permit, hunt any wild animal on or from a public road.

Part 3 - Alien Animals

Alien Animals

21. (1) The animals referred to in Schedule 4 are alien animals.

(2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 4 to this Act.

Restricted activities involving an alien animal

22. (1) No person may, without a permit-

- (a) import;
- (b) transport;
- (c) keep;
- (d) breed; or
- (e) trade in,

a specimen of an alien animal except an alien animal listed as a pet species in Schedule 3.

(2) A permit referred to in subsection (1), may be issued only after a prescribed assessment of risks and potential impacts on biodiversity is carried out.

Release of alien animals

23. No person may release any alien animal in the Province, including any alien animal which is listed as a pet species in Schedule 3.

Restricted activities involving certain alien species totally prohibited

24. (1) The MEC may, by notice in the *Provincial Gazette*, publish a list of those alien animals in respect of which a permit mentioned in section 22 shall not be issued.

(2) A person may not carry out any restricted activity involving a specimen of an alien animal published in terms of subsection (1).

(3) The MEC must regularly review a list published in terms of subsection (1).

(4) The MEC may, by notice in the *Gazette*, amend or repeal any notice published in terms of subsection (1).

Duty of care relating to alien animal

25. (1) A person authorised by a permit, in terms of section 22(1), to carry out a restricted activity involving a specimen of an alien animal must -

- (a) comply with the conditions under which the permit has been issued; and
- (b) take all required steps to prevent or minimise harm to biodiversity.

(2) The Department may, in writing, direct any person who has failed to comply with subsection (1), or who has contravened section 22(1) or section 23, to take such steps-

- (a) as may be necessary to remedy any harm to biodiversity caused by the actions of that person; and
- (b) as may be specified in the directive.

(3) If that person fails to comply with a directive issued in terms of subsection (2), the Department may-

- (a) implement the directive; and
- (b) recover from that person all costs incurred by the Department in implementing the directive.

(4) Should an alien species establish itself as an invasive animal because of the actions of a specific person, the Department may hold that person liable for any costs incurred in the control and eradication of that species.

Part 4 - General

Leaving or making of openings in certain fences

26. No person may, without a permit, leave, make or cause to be made in the fence an opening so designed that a wild animal entering upon such land through the opening cannot escape or is likely not to be able to easily find the opening to escape through it.

Placing of poison

27. (1) Subject to the provisions of subsection (2), no person may place or cause or allow poison to be placed in a manner or in a place where it is likely to be assimilated or ingested by a wild animal.

(2) The provisions of subsection (1) do not preclude any person from placing poison for the purpose of exterminating insects or rodents, with due observance of the provisions of any law, norms and standards governing the use of the applicable poison.

(3) No person may use poison for a purpose or in a manner other than as specified on the original container thereof or on the original label on the original container thereof.

Entering land with weapons and conveyance of firearms

28. (1) No person may enter land or be on land where wild animals are found or are likely to be found, while he or she is in the possession of a weapon, unless such person has a lawful reason to do so and has beforehand obtained the written permission from the landowner of the land concerned.

(2) No person may convey an open firearm on a public road traversing land on which wild animals are found or are likely to be found, but-

- (a) the landowner or any person who is authorised in terms of this Act to hunt or capture a wild animal may convey a firearm on the land of the landowner;
- (b) any person may on such road convey-
 - (i) a handgun with a barrel, excluding the chamber, not longer than 100 mm; or
 - (ii) any other firearm whereof the barrel, bolt, chamber, tube or magazine is not loaded and which is contained in a thoroughly closed gun bag, gun case or gun holster specifically designed and made to legally carry the firearm.

(3) For the purpose of subsection (2), "hand-gun" means a revolver or pistol intended for self-defence and designed or suited for carrying in a holster on the body of a person.

Document pertaining to donation, sale and removal of wild animal

29. (1) No person may donate, sell or allow to be removed a wild animal or the carcass of a wild animal to any other person unless, when he or she delivers the wild animal or the carcass of the animal to

the other person, he or she furnishes that person with a written document signed by him or her, reflecting or setting out the following -

- (a) the full name and residential address of the owner;
 - (b) the full name and residential address of the person to whom it is granted;
 - (c) the number, sex and species of the wild animal;
 - (d) the date or period in respect of which it is granted;
 - (e) the farm name, farm number and magisterial district in respect of which it is granted;
 - (f) a statement by the owner that he or she has donated or sold the animal or carcass to such other person;
 - (g) the signature and date on which the document was signed by the owner;
 - (h) the signature and date on which the document was signed by the person to whom the document is granted;
 - (i) the permit number and expiry date, if applicable; and
 - (j) description of how the donor acquired the animal (in the case of a donation)
- (2) In so far as this section relates to the selling or donation of the carcass of a protected wild animal originating from a hunt, the number of the hunting licence or permit, if applicable, the date of the hunt and the full name and residential address of the hunter must also be reflected on the document.
- (3) The holder of a written permission contemplated in subsection (1), must carry the document on his or her person at all times.

Receipt, possession, acquisition or handling of a wild animal

30. (1) No person may, on land of which he or she is not the owner, pick up or remove a wild animal or the carcass of a wild animal from the land without the written permission contemplated in section 16.

(2) No person may pick up or remove a wild animal not hunted, captured or caught lawfully, unless he or she has obtained prior written permission of the owner of the land.

(3) No person may-

- (a) receive a dead protected wild animal knowing that it was not hunted or acquired lawfully;
- (b) possess a dead protected wild animal in respect of which there is a reasonable suspicion that it was not hunted or acquired lawfully and be unable to give a satisfactory account of such possession; or
- (c) acquire or receive into his or her possession or handle a dead protected wild animal without having reasonable cause to believe, at the time of such acquisition, receipt or handling, that the protected wild animal was hunted or acquired lawfully.

Prohibitions regarding carcasses of wild animals

31. (1) No person may, without a permit, be in possession of the carcass of a wild animal, unless-

- (a) in the event of the animal having been hunted by such person on the land of any other person, he or she is in possession of the written permission contemplated in section 16;
- (b) in the event of such person having acquired the carcass from any other person, he or she must be in possession of a written document contemplated in section 16 or section 29, as the case may be;
- (c) such person can provide a valid receipt to such legal procurement; or
- (d) in the event of such person having acquired the carcass by any other means, he or she is in possession of a written authorisation by the Director to be in possession of the animal or carcass.

(2) No carcass of a protected wild animal may be sold by any person other than-

- (a) the owner of the land on which the wild animal concerned was hunted in accordance with the provisions of this Act;
- (b) a person who has legally obtained such wild animal and has documentary proof as contemplated in section 16 or section 29; or
- (c) a person authorised by a permit issued under this Act, to sell such carcass.

(3) No person shall convey the carcass of a wild animal unless –

- (a) he or she purchased it at a public sale; or

- (b) he or she has hunted or caught it in terms of a licence or permit or written permission and is in possession of the licence or permit when conveying the carcass.

Auctioning of wild animals

32. (1) No person may, without a permit, advertise, trade, buy, sell, keep or dispose of any wild animal at an auction.

(2) An auctioneer who conducts an auction contemplated in subsection (1) must, subject to the conditions set out in the permit-

- (a) keep a register in the format determined by the Director, on all wild animals which-
- (i) have been traded, advertised, bought, sold, kept, exchanged, bartered or disposed of by the auctioneer; and
 - (ii) have died at the auction;
- (b) when he or she delivers to any other person a wild animal which has been auctioned, furnish such other person with a written document contemplated in section 29; and
- (c) make such register available to a nature conservator on request.

(3) No person may receive a wild animal in terms of this section, unless the auctioneer has provided him or her with the document contemplated in subsection (2)(b).

(4) Any person who receives a wild animal in terms of this section, must carry the document contemplated in subsection (1), (2)(b) or (5), as the case may be, with him or her when he or she transports such wild animal and must retain such document in his or her possession for the period during which such wild animal is being transported or is in his or her possession.

(5) Any person who receives a wild animal in terms of this section, must obtain the necessary permit contemplated in section 10 before such person may transport, import or export such wild animal.

Game farm permit

33. (1) Any landowner whose property is adequately enclosed and on whose property wild animals are found, may apply in writing to the Director for a game farm permit in respect of the whole or any portion of such land for the catching, hunting, or selling of species specified on the permit.

(2) A game farm permit issued in terms of this section lapses upon the transfer or lease of the land or any portion of such land in respect of which it was issued.

(3) Any exemption granted in terms of section 47 of the Nature Conservation Ordinance, 1983 (Ordinance 12 of 1983), prior to the repeal of that Ordinance by section 106 of this Act, is regarded as a game farm permit issued in terms of this section and any such exemption remains valid for the period stated therein.

Rights of holder of game farm permit and certain other persons

34. (1) Any landowner to whom a game farm permit has been issued, a relative of the landowner, a full-time employee of the landowner acting under the authority of the landowner and any other person acting with the written permission contemplated in section 16, may, subject to any condition specified in the game farm permit and on the land in respect of which the game farm permit was issued, hunt-

- (a) any number of the species of wild animal authorised in such permit;
- (b) during any time of the year;
- (c) at any time during the day or night;
- (d) by the use of any hunting method or instrument authorised by the permit.

(2) The holder of a game farm permit may, subject to the conditions set out in the permit-

- (a) catch;
- (b) hunt; and
- (c) sell,

any wild animal or the carcass of the animal of the species authorised in the permit.

Part 5 Powers of MEC

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

35. (1) The MEC may after notifying the landowner where wild animals or alien animals are found, instruct a Nature Conservator or other person in writing to hunt, catch or remove any specific animal, if the animal –

- (a) is causing damage to livestock, cultivated trees or crops;
- (b) is likely to constitute a danger to human life;
- (c) is causing damage to property other than as indicated in (a);
- (d) is wounded or injured;
- (e) should be hunted, caught or removed in the interest of environmental management; or
- (f) is to be caught or removed for the survival of the species.

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

- (a) may enter upon any land to hunt, catch or remove the wild animal or alien animal; and
- (b) must deal with the carcass or with the caught animal as indicated in the written instruction.

General Powers of MEC

36. The MEC may –

- (a) take steps that may be necessary or expedient –
 - (i) to breed or preserve any species of protected wild animal or to promote or facilitate research in this regard;
 - (ii) to destroy, reduce, remove or eliminate, either generally or in a particular area, any species of protected wild or alien animal which may be harmful or detrimental to the existence of any other species of wild animal; or
 - (iii) to import into the Province and acclimatise any species of protected wild animal;
- (b) institute any survey or investigation in connection with any protected wild or alien animal;
- (c) take steps that may be necessary or expedient to catch, purchase or otherwise acquire, sell, exchange, donate or otherwise dispose of any protected wild or alien animal; or
- (d) on approval of a project proposal, authorize any person in writing to do research on any protected wild or alien animal.

Regulations

37. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to –

- (a) the control and regulation of the hunting or catching of protected wild or alien animals;
- (b) the taking, disturbing, destruction or collection of the egg or egg shell of a bird or reptile to which this Chapter applies;
- (c) the sale of a protected wild or alien animal;
- (d) the import into or the export or removal from the Province of a protected wild or alien animal;
- (e) the breeding, possession, keeping, rehabilitation, conveyance or removal of a protected wild or alien animal;
- (f) the requirements for the capture, keeping and transport of wild animals;
- (g) the requirements to be complied with when any person has wounded a protected wild or alien animal;
- (h) the type or calibre of firearm with which any person may hunt a protected wild or alien animal, or category of wild or alien animal;
- (i) the poisoning of protected wild animal or protected ordinary game or alien animal;
- (j) the acquisition or transfer of hunting-rights;

- (k) bow hunting;
- (l) the marking of individual protected wild or alien animals for identification purposes;
- (m) the control of alien species;
- (n) game farm permits;
- (o) admission of guilt fines;
- (p) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Specific Offences and Penalties

38. (1) Any person who contravenes or fails to comply with provisions of this Chapter is guilty of an offence and is liable on conviction—

- (a) in case of an offence referred to in section 6, 7, 8 or 9 to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (b) in case of an offence referred to in sections 10 or 11(1) to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (c) in case of an offence referred to in section 11(4) to a fine or to imprisonment for a period not exceeding 7 years or to both fine and such imprisonment.
- (d) in case of an offence referred to section 12, 13(1), 14(1), 17, 18(1), 18, 19, 20, 22 or 23, 24(2) to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (e) in case of an offence referred to in section 26 to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (f) in case of an offence referred to in section 27(1), 28, 29, 30 or 31, to a fine or to imprisonment for a period not exceeding 7 years or to both fine and such imprisonment.
- (g) in case of an offence referred to in section 32 to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (2) A fine in terms of subsection (1)(a), 1(b) or 1(c), or 1(d) may not exceed —
 - (a) An amount prescribed in terms of the Adjustment of Fines Act, 1991 (Act No 101 of 1991); or
 - (b) An amount which is equal to four times the commercial value of the wild animal in respect of which the offence was committed,
 whichever is the greater.

Penalties for false misrepresentation

39. (1) Any person who -

- (a) falsely professes to be the owner or occupier of land and grants permission to any other person to hunt or catch a wild animal or an alien animal on the land of which he or she so professes to be the owner or occupier;
- (b) permits or allows any other person to do anything which is an offence in terms of this Act;
- (c) falsely professes that he or she sells a wild animal lawfully,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment.

(2) Notwithstanding the provisions of sub-section (1), any person convicted of a contravention of sub-section (1)(b) or (c) in respect of a protected wild animal shall be liable to a fine or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of the wild animal in respect of which the offence was committed.

General Penalty

40. In the case of any other offence not provided for in sections 38 or 39, to a fine or imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.

CHAPTER 3 PROTECTED PLANTS

Protected Plants

41. (1) The indigenous plants referred to in Schedule 5 are protected plants.

(2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 5 to this Act.

Restricted activities involving a protected plant

42. (1) Subject to the provisions of subsection (2) no person may, without a permit issued in terms of this Act -

- (a) pick,
- (b) be in possession of,
- (c) sell,
- (d) purchase,
- (e) donate,
- (f) receive as a gift,
- (g) import into,
- (h) export,
- (i) convey, or
- (j) transport.

a specimen of a protected plant

(2) The provisions of subsection (1)(a) –

- (a) in so far as it prohibits the possession of a specimen of a protected plant, do not apply to a person who is in possession of a protected plant which grows in its natural habitat and which was not planted by human hands;
- (b) in so far as it prohibits the donation, receiving as a gift or conveyance of a protected plant, do not apply to a protected plant cultivated on land set aside solely for the cultivation of such protected plant;
- (c) in so far as it prohibits the import into or export or removal from the Province, purchase or conveyance of a protected plant, do not apply to a protected plant –
 - (i) lawfully bought or received as a gift from a person in another province; or
 - (ii) lawfully bought or received as a gift from a person within the province; or
 - (iii) obtained from a registered nursery
- (d) in so far as it prohibits the sale or donation or the export or removal from the Province of a protected plant, do not apply to a protected plant –
 - (i) acquired lawfully and sold or donated, exported or removed from the Province, by a person authorized to sell plants; or
 - (ii) sold or donated, exported or removed from the Province, by a Botanical Garden which is subject to the provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

(3) A person importing into or exporting or removing from, the Province or conveying a protected plant may rely on any of the exemptions granted in terms of subsection (2), only if that person can produce documentary proof indicating that acquisition of the protected plant was lawful.

Picking of indigenous plants

43. (1) No person may, without a permit -

- (a) pick any indigenous plant-
 - i. On a public road;

- ii. On land next to a public road within a distance of 100 metres measured from the centre of the road;
- iii. Within an area bordering any natural water course, whether wet or dry, up to and within a distance of 50 metres from the high watermark on either side of the natural water course; or
- iv. In a Provincial Nature Reserve, a Protected Environment or a Private Nature Reserve; or
- v. In a manner that constitutes large-scale harvesting or for commercial purposes

(b) collect firewood

(2) Subsection (1)(a)(ii) does not apply to the land owner or his or her relative picking an indigenous plant which is not a protected plant.

(3) Subsection (1)(b) does not apply –

- (i) to the collection of a head load of firewood conveyed in any manner on communal land, except on communal land in a Protected Environment or a Private Nature Reserve; or
- (ii) to the collection of firewood in a Protected Environment or Private Nature Reserve, by the owner of the land, or another person acting with the written permission of the owner.

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

(5) No person may collect firewood or pick, transport or remove an indigenous plant on land of which such person is not the owner without the owner's written permission.

(6) No person may-

- (a) receive an indigenous plant knowing that it was not picked lawfully;
- (b) possess an indigenous plant in respect of which there is a reasonable suspicion that it was not picked lawfully and be unable to give a satisfactory account of such possession; or
- (c) acquire or receive into his or her possession or handle an indigenous plant without having reasonable cause for believing, at the time of such acquisition, receipt or handling of such plant, that it was picked lawfully.

Powers of the MEC

44. (1) The MEC may –

- (a) take steps that may be necessary or expedient for research regarding the propagation, preservation or control of weed or alien plants;
- (b) take steps for the importation, acclimatisation, picking, destruction, reduction, removal or elimination of any species of plant;
- (c) on approval of a project proposal, institute any survey or investigation in connection with any plant referred to in this Chapter;
- (d) take steps necessary for the identification of any protected or alien plant ; or
- (e) take steps to develop and control land for the purposes of this Chapter in collaboration with any other public or private body.

Regulations

45. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to –

- (a) the number and species of plants that may be picked in terms of a permit or exemption;
- (b) the control, possession, keeping, convey in, convey through, import into or export or removal from the Province of a plant referred to in this Chapter, including the marking of individual plants for identification;
- (c) the control, importation, cultivation, destruction or combating of a plant that could be harmful to environmental conservation;
- (d) research in connection with any plant referred to in this Chapter;

- (e) the collecting of wood, including firewood, on any land; or
- (f) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

46. Any person who contravenes or fails to comply with provisions of this Chapter is guilty of an offence and is liable on conviction—

- (a) in case of an offence referred to sections 42(1) and 43(1) to a fine or to imprisonment for a period not exceeding 10 years or to both fine and such imprisonment.
- (b) in case of an offence referred to sections 43(4), 43(5) and 43(6) to a fine or to imprisonment for a period not exceeding 5 years or to both fine and such imprisonment.
- (c) in case of any other offence not provided for in paragraphs (a) and (b), to a fine or imprisonment for a period not exceeding 3 years or to both such fine and such imprisonment.

CHAPTER 4 AQUATIC BIOTA AND AQUATIC SYSTEMS

Protected fish

47. (1) The fishes referred to in Schedule 6 are protected fish.

(2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 6 to this Act.

Restricted activities involving protected fish

48. Subject to the provisions of section 53, no person may, without a permit—

- (a) catch other than angling;
- (b) import;
- (c) export;
- (d) transport;
- (e) keep;
- (f) trade in, or
- (g) release.

a specimen of a protected fish.

Alien fish

49. (1) The fishes referred to in Schedule 7 are alien fish.

(2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 7 to this Act.

Restricted activities involving alien fish

50. No person may, without a permit—

- (a) import;
- (b) transport;
- (c) keep;
- (d) trade in; or
- (e) release in any aquatic system,

a specimen of an alien fish.

Catching of fish

- 51.** (1) No person may without a permit -
- (a) catch fish in any aquatic system otherwise than by means of angling;
 - (b) place in any aquatic system any obstruction preventing the free passage of fish;
 - (c) drain or partially drain or attempt to drain any aquatic system in order to catch or kill fish in any manner whatsoever;
 - (d) catch fish during a closed season in an aquatic system specified in a notice issued in terms of section 53;
 - (e) wilfully damage, disturb or destroy the ova or spawn of fish or the spawning bed, bank or shallow where the spawn of fish is deposited;
 - (f) while angling, employ a method to hook fish on any part other than in the mouth;
 - (g) angle with -
 - (i) more than two lines;
 - (ii) a line to which more than two single hooks are attached with natural bait; or
 - (iii) a line to which more than one artificial lure or spoon is attached;
 - (aa) catch fish with a set line;
 - (bb) catch, stun or kill fish by means of any explosive or electrical device;
 - (cc) wilfully poison by any means or method; or
 - (dd) angle in a Provincial Nature Reserve, a Protected Environment or a Private Nature Reserve.
- (2) Subsection (1)(a) to (d), (f) to (h) and (l) does not apply to the following persons with respect to an aquatic system that has been artificially created and that is totally surrounded by the land of the owner -
- (a) the owner of such land;
 - (b) any other person acting with the written permission of the owner;
- (3) For the purpose of interpretation of the words "written permission" in subsection (2), the provisions of section 16 apply, read with the changes required by the context.

Possession of fish net, fish traps or similar devices

- 52.** (1) No person may on land on which an aquatic system occurs, be in possession of a fish net, a fish trap or a similar device designed for the catching of fish, without the written permission of the owner of the land.
- (2) Subsection (1) does not apply to the possession on land on which aquatic system occurs, of a landing net or keep-net designed for the purpose of landing or keeping fish.
- (3) Subsection (1) does not apply to the possession of a fish net, fish trap or similar device designed for the catching of fish by -
- (i) the owner or occupier of waters on privately owned land;
 - (ii) a licensed dealer on the premises where he carries on business; or
 - (iii) the holder of a permit issued in terms of section 51 (1)(a).

Closed season for angling

- 53.** (1) No person may angle for a protected fish during the closed angling season declared in terms of subsection (2) and subject to the provisions of the notice declaring the closed angling season.
- (2) The MEC may, by notice in the *Provincial Gazette*, declare a period of the year to be a closed season during which angling in the aquatic system in the notice is prohibited.
- (3) The notice contemplated in subsection (2) must provide for-
- (a) the period in any year during which protected fish may be caught;
 - (b) the categories of person that may angle for protected fish;

- (c) the number and species of protected fish that may be caught; and
 - (d) the areas in which the protected fish may be caught.
- (4) The prohibition set out in subsection (1) does not apply to a person angling in waters surrounded by land of a single landowner.

Protection of aquatic systems and aquatic biota

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

- (a) establish or operate an aquaculture process;
 - (b) place or release live aquatic biota in any aquatic system except aquatic biota released alive by the person who had caught it in the same aquatic system where it had been caught;
 - (c) import into, convey in the Province, buy, sell, donate or receive as a gift, live aquatic biota excluding such species referred to in the list published by the MEC by notice in the *Provincial Gazette* from time to time;
 - (d) catch any aquatic biota in any aquatic system in a Provincial Nature Reserve, a Protected Environment or a Private Nature Reserve; or
 - (e) catch any aquatic biota in an aquatic system in a Protected Environment, Private Nature Reserve or Resource use area, excluding fish caught by angling with the written permission of the owner of the land on which the aquatic system occurs.
- (2) No person may without a permit issued in terms of this Act or other document issued in terms of any other relevant legislation, convey through the Province live aquatic biota excluding those species referred to in the list published by the MEC by notice in the *Provincial Gazette* from time to time.

Pollution of aquatic systems

55. No person may -

- (a) deposit into aquatic system any solid, liquid or gaseous substance or thing which may injure, damage or kill, or in any way be harmful to, aquatic biota;
- (b) cause or allow such substance or thing to enter or percolate into an aquatic system;
- (c) carry on a business or occupation which may result in any such substance or thing entering or percolating into an aquatic system, without taking adequate precautions to prevent such substance or thing from entering percolating into that aquatic system; or
- (d) destroy or cause or allow to be destroyed aquatic habitat in an aquatic system, riparian vegetation or instream spawning habitat.

Prohibited acts pertaining to live fish

56. (1) No person may, without a permit, import into, export from or transport in the Province any live fish or spawn of any such fish.

(2) No person shall place or release live fish in waters, unless he is the holder of a permit which authorizes him to do so.

(3) Notwithstanding subsection (2) any person who has caught a fish may thereafter place or release it alive in the waters in which he caught it.

Trade in certain species of fish and aquatic biota

57. No person may, without a permit-

- (a) sell or buy a fish which is a protected fish or spawn of such fish;
- (b) sell or buy any live, alien species and listed species or any alien invertebrate freshwater fauna;
- (c) sell or buy any fish which has been caught in contravention of this Act or any other law.

Obstruction of free passage of fish in aquatic systems

58. No person may place or cause or allow to be placed in an aquatic system an article or thing, other than a net of which the use in an aquatic system is authorised by any provision of this Act, which will or is likely to prevent the free passage of fish in such system.

Powers of MEC

59. The MEC may -

- (a) take steps that may be necessary or expedient for -
 - (i) research in connection with any matter dealt with in this Chapter; or
 - (ii) the propagation or control of any aquatic biota or aquatic growth;
- (b) take steps in connection with the catching, collection, destruction, reduction, removal, elimination, either generally or in a particular area, of any matter referred to in this Chapter that may be harmful to any aquatic biota;
- (c) conduct any survey or institute any investigation regarding any matter referred to in this Chapter;
- (d) purchase, sell or exchange any aquatic biota;
- (e) take steps to develop and control land for the promotion of this Chapter in collaboration with any other public or private body; or
- (f) on approval of a project proposal, authorise any person or body in writing to do research on any aquatic biota.

Exemption from provisions for scientific purposes

60. The MEC may grant a person exemption, in writing and subject to conditions, from any provision of this Chapter where that person is doing research on fish or fish food for scientific purposes.

Regulations

61. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to -

- (a) the measurements, mass and size of aquatic biota that may be caught and retained;
- (b) the control and regulation of the catching of fish;
- (c) the taking, disturbing, destruction or collection of ova or spawn of fish;
- (d) the sale of aquatic biota or aquatic growths;
- (e) the import into or the export or removal from the Province of aquatic biota or aquatic growths;
- (f) the possession or keeping of aquatic biota, or the conveyance or removal of aquatic biota from one place to another;
- (g) the poisoning of aquatic biota;
- (h) the supervision, control, development and protection of aquatic biota;
- (i) the quantity, nature, measurements, form and construction of -
 - (i) fishing tackle, either generally or in relation to a particular species of fish; or
 - (ii) any other equipment used for the catching of aquatic biota;
- (j) the control, import into the Province, cultivation, destruction or combating of an aquatic growth that is or could be harmful to aquatic biota;
- (k) research regarding aquatic biota; and
- (l) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

62. (1) Any person who contravenes or fails to comply with provisions of this Chapter is liable on conviction-

- (a) in case of an offence referred to in sections 48, 50 and 54 to a fine or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment;

- (b) in case of an offence referred to in sections 52(1), 53(1), 56, 57 and 58, to a fine or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment; and
- (c) in case of any other offence not provided for in paragraphs (a) and (b), to a fine or imprisonment for a period not exceeding 3 years or to both such fine and such imprisonment.

(2) Any person convicted of an offence in terms of section 55, and who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine, or to imprisonment for a period not exceeding 100 days, or to both such fine and such imprisonment in respect of every day on which he or she so persists with such act or omission.

Chapter 5

Invertebrates

Protected Invertebrates

- 63.** (1) The invertebrates referred to in Schedule 8 are protected invertebrates.
 (2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 8 to this Act.

Restricted Activities with invertebrates

- 64.** (1) No person may without a permit -
- (a) keep, possess, sell, collect, purchase, donate or receive as a donation any protected invertebrate;
 - (b) carry, convey or transport any protected invertebrate;
 - (c) catch, kill, exterminate, harm or damage any individual protected invertebrate or colony of a protected invertebrate species; or
 - (d) collect, catch, keep or import into, convey in or through, or export or remove from, the Province any other invertebrate not referred to in Schedule 8 for entomology, commercial or collection purposes.
- (2) Subject to section 70(g), no person may without a permit collect, catch or kill any invertebrate in a Provincial Nature Reserve.

Alien Invertebrates

- 65.** (1) The invertebrates referred to in Schedule 9 are alien invertebrates.
 (2) The MEC may by notice in the *Provincial Gazette* amend, substitute or repeal Schedule 9 to this Act.

Restricted Activities with alien invertebrates

66. No person may without a permit import into, or convey in or through, the Province, any alien invertebrate for entomology, commercial or collection purposes.

Prohibited Activities with alien invertebrates

- 67.** (1) No person may -
- (a) Import, keep, possess, sell, collect, purchase, donate or receive as a donation any invertebrate belonging to a species referred to in Schedule 9; or
 - (b) carry, convey or transport any invertebrate belonging to a species referred to in Schedule 9.
- (2) The prohibition in subsection (1) does not apply to alien invertebrates listed as pet species in Schedule 3.

(3) The MEC may, by notice in the *Provincial Gazette*, prohibit additional actions in respect of any one or more species of invertebrates referred to in Schedule 9.

Exclusions

68. (1) The MEC may by notice in the *Provincial Gazette*, exclude any species of invertebrate, either generally or specifically, from all or any of the provisions of this Chapter for the area defined in the Notice and indicate therein the persons or class or category of persons to whom the provision concerned shall not apply.

(2) The MEC's power to exclude under subsection (1) shall be exercised, amongst others, with reference to the following factors:

- (a) short term advantages as opposed to long term disadvantages;
- (b) short term impacts as opposed to long term impacts;
- (c) offsets;
- (d) emergency considerations;
- (e) scientific considerations;
- (f) commercial considerations related to farming and breeding;
- (g) conservation considerations; or
- (h) any other consideration as may be prescribed.

Powers of MEC

69. The MEC may –

- (a) take steps that may be necessary or expedient for research in connection with, or the propagation or preservation of any invertebrate;
- (b) on approval of a project proposal, institute any survey or investigation in connection with any invertebrate; or
- (c) take steps to develop and control land for the conservation of any invertebrate in collaboration with any other public or private body.

Regulations

70. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to –

- (a) the species, number and sex of invertebrates that may be caught;
- (b) the control and regulation of the catching, collecting, possession, keeping or import into, export from or the conveyance in or through the Province of an invertebrate;
- (c) the regulation of the purchase, sale or exchange of an invertebrate;
- (d) the taking, disturbing, destruction or collection of the eggs, larvae or pupa of an invertebrate;
- (e) the sale or trade of an invertebrate;
- (f) the poisoning of an invertebrate;
- (g) research in connection with an invertebrate; and
- (h) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

71. (1) Any person who contravenes or fails to comply with provisions of this Chapter is liable on conviction in case of an offence referred to in section 64, 66 or 67 to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

(2) In case of any other offence not provided for in subsection (1) to a fine or imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

CHAPTER 6
PROFESSIONAL HUNTERS, HUNTING-OUTFITTERS AND DIRECTORS OF
PROFESSIONAL HUNTING SCHOOLS

Acting as professional hunters, hunting-outfitters or Directors of Professional Hunting School

72. (1) No person may without a permit act as a -

- (a) professional hunter; or
- (b) hunting-outfitter; or
- (c) Director of a Professional Hunting School

(2) The MEC may, by notice in the *Provincial Gazette*, exempt any group or class of professional hunters or hunting-outfitters from the provisions of subsection (1).

(3) The MEC may determine the requirements to be complied with by a professional hunter, a hunting outfitter or a Director of a Professional Hunting School from time to time.

Hunting of wild animals by clients

73. (1) A client shall not hunt a wild animal or an alien animal, unless-

- (a) the hunt has been organised by a hunting-outfitter; and
- (b) he or she is escorted by a professional hunter.

(2) A professional hunter shall ensure that his or her client does not hunt contrary to the provisions of this Act by giving his or her client an unlawful instruction.

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

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

(5) A hunting outfitter and professional hunter may not present or conduct a hunt with a client under false pretences.

Hunting-outfitters to be holders of hunting-rights

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

- (a) is the holder of hunting-rights on the land on which the hunting is presented, advertised, organised or conducted; or
- (b) is authorised by the MEC in writing, to present a hunt of specific wild or alien animals.

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

Regulations

75. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to -

- (a) the requirements that must be complied with by a professional hunter, hunting-outfitter or director of a professional hunting school before a permit referred to in section 72(1) may be issued to the professional hunter, hunting-outfitter or director of a professional hunting school;
- (b) the curriculum and other requirements to be complied with by professional hunting schools or directors of such schools;
- (c) the exportation or removal from the Province of a hunted wild or alien animal;
- (d) the requirements to be complied with when a client has wounded a wild or alien animal;
- (e) the type and calibre of firearm with which any wild or alien animal may be hunted;
- (f) the registers, records, books or documents required to be kept by professional hunters, hunting-outfitters, directors of professional hunting schools and the inspection of such registers, records, books or documents;

- (g) the supervision of hunting by a client, services and conveniences, agreements between a hunting-outfitter and a client, advertising to act as a hunting-outfitter, the obtaining of licences, permits and exemptions from the qualifying requirements which must be complied with, the documents and written permissions for a client and the dispatching of trophies;
- (h) the control and conducting of professional hunting schools; and
- (i) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

76. Any person who contravenes or fails to comply with provisions of this Chapter—

- (a) in case of an offence referred to in section 72(1) shall be guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.
- (b) in case of an offence referred to in section 73(1) or 73(3) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 5 years or to both a fine and such imprisonment.
- (c) in case of an offence referred to in section 73(5), 74(1) and 74(2) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.
- (d) in case of any other offence not provided for in paragraphs (a), (b) or (c) , to a fine or imprisonment for a period not exceeding 3 years or to both such fine and such imprisonment.

CHAPTER 7

PRESERVATION OF CAVES, CAVE FORMATIONS, CAVE BIOTA AND KARST SYSTEMS

Restricted activities with regard to caves

77 (1) No person may without a permit –

- (a) enter or inhabit a cave;
- (b) erect or construct a cave gate;
- (c) construct or develop any form of facilities within a cave including, but not limited to staircases and ablution facilities;
- (e) establish or operate any commercial venture within a cave;
- (f) conduct any research or associated activities through any institution/body/organisation or not, that may impact a cave, or any immediate area surrounding a cave; or
- (g) collect or remove any rocks (including but not limited to dolomite), within a karst region, unless collected or removed in terms of an authorisation which authorisation shall be carried and retained as proof of having been so authorised.

Prohibited activities with regard to caves

78 (1) No person may –

- (a) deposit, dump or drain any refuse, waste, substance or thing, whether solid, liquid, gaseous or explosive, into a cave or near a cave or near a cave entrance, or cause or allow it to enter or percolate into a cave;
- (b) disturb or alter the natural atmosphere of a cave in any manner, including, but not limited to, by way of burning any matter which emits smoke or gas in the cave;
- (c) leave any container, rope, clothing, battery, candle, wax, food or any other object in a cave;
- (d) take an aerosol container or other container containing poison, paint, chemical/s of any kind, dye or other colouring agent into a cave;
- (e) break open, break, remove or in any other manner tamper with a cave gate erected in terms of section 77(1)(b) above to prevent unauthorised entry into a cave or any part thereof;

- (f) break, break-off, crack or in any other manner destroy, damage, mutilate or spoil a cave-formation in a cave or engrave, paint, write or in any other manner make a mark therein or thereon; or
- (g) excavate, dig or in any manner alter the structure of a cave unless permitted to alter in terms of a permit or authorisation issued by the Department or relevant management authority which permit or authorisation shall be carried and retained as proof of having been so permitted

Restricted activities with regard to cave-formations and related cave features

79. (1) No person may, without a permit-

- (a) export;
- (b) import;
- (c) transport;
- (d) keep;
- (e) trade in;
- (f) donate;
- (g) exchange; or
- (h) remove

a cave-formation; cave biota or any other natural matter found in a cave or any part or derivative of a cave-formation or such fauna and flora or other natural matter unless he or she is the holder of a permit which authorises him or her to do so.

(2) No person shall convey a cave-formation within the Province, unless

- (a) He or she is the holder of a permit which authorises him or her to do so; or
- (b) He or she has written proof that he or she purchased, exchanged or received as a donation the cave-formation from any other person who is the holder of a permit contemplated in subsection (1) which authorises such a person to sell, exchange or donate the cave formation.

Construction of cave gate

80. The MEC may at any time erect, construct and maintain a cave gate at any cave in order to protect any cave, cave-formation or cave biota except in the case of caves, cave formation or cave biota that fall within the management of other relevant management authority.

Notification of existence of cave

81. Any person who-

- (a) by any action whatsoever, including but not limited to acts of construction, mining, development or the upgrading of facilities, unearths a cave or sinkhole, or parts thereof that were not previously open to the atmosphere, must notify the Department within forty-eight hours of such discovery.
- (b) is aware of any cave on any land on which he or she is the owner, occupier, manager or resident must take measures to ensure that the Department is notified of the existence of such cave within forty-eight hours of becoming aware of the existence of such cave.
- (c) as part of an organisation or other institution becomes aware of the existence of any cave must take measures to ensure that the Department is notified of the existence of such cave within forty-eight hours of becoming aware of the existence of such cave.

Entry or admission to caves

82. (1) The MEC may, except for caves under the management of other relevant management authority, by notice in the *Provincial Gazette* –

- (a) allow the commercialisation or development of a cave specified in the notice for tourism purposes;
- (b) limit the entry or admission of visitors to a cave specified in the notice; or

- (c) close a cave specified in the notice entirely or partially to visitors or any category of persons specified in the notice.
- (2) Before publishing any notice in terms of subsection (1), the MEC must publish the draft notice in the *Provincial Gazette* and any widely circulated newspaper in the area.

Powers of MEC

83. The MEC may—

- (a) take steps to develop and control any cave in collaboration with any other public or private body;
- (b) take steps necessary or expedient for research with regard to caves and cave-formations and the preservation of caves and cave-formations;
- (c) conduct any survey or investigation in connection with any cave or cave-formation; or
- (d) collect and publish statistics and information regarding caves and cave-formations.

Regulations

84. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to —

- (a) the activities in caves and the taking, disturbing or collection of cave-formations or cave biota;
- (b) the sale of or trading in cave-formations;
- (c) the possession or keeping, or the conveyance in or through, the import into or the export or removal from, the Province of cave-formations;
- (d) any research or associated activities in connection with caves and cave-formations; or research or associated activities that may have any influence either directly or indirectly on the functioning of natural processes within a cave;
- (e) any activities taking place within a karst region;
- (f) the establishment and review of a code of conduct for caving organisations, researchers and any other body wanting to make regular use of caves;
- (g) the adherence to such a code of conduct; or
- (h) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

85. (1) Any person who contravenes or fails to comply with provisions of this Chapter is liable on conviction to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

CHAPTER 8 ZOOS, GAME PARKS AND SIMILAR INSTITUTIONS

Establishment or operating a zoo

86 (1) A person shall not establish or operate a zoo unless he or she is the holder of a permit authorising him or her to do so.

(2) Subsection (1) shall not apply to an institution which is subject to the provisions of the Cultural Institutions Act, 1998 (Act 119 of 1998)

Establishment or operating of a game park or similar institution

87. (1) No person shall establish or operate a game park, zoological garden, bird sanctuary, bird garden, reptile park, snake park, rehabilitation centre, sanctuary or such similar institution, unless he or she is the holder of a permit which authorises him or her to do so.

(2) Subsection (1) shall not apply to an institution which is subject to the provisions of the Cultural Institutions Act, 1998 (Act 119 of 1998).

Regulations

88. The MEC may for the purposes of this Chapter make regulations in terms of section 97 relating to –

- (a) the requirements for the establishment of a zoo; or
- (b) the requirements for the establishment of a game park, zoological garden, bird sanctuary, bird garden, reptile park, snake park or similar institution; or
- (c) any other matter that may be necessary to facilitate the effective implementation of this Chapter.

Offences and Penalties

89. Any person who contravenes or fails to comply with the provisions of this Chapter shall be guilty of an offence and liable on conviction to a fine not exceeding R1 million or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

CHAPTER 9 NATURE CONSERVATORS

Appointment of nature conservators

90. (1) The MEC may, subject to subsection (3), appoint any person on the establishment of the Department as a nature conservator.

(2) A nature conservator may exercise the powers and perform the functions assigned to his or her office by or under this Act.

(3) The Head may determine the qualifications and training programmes subject to which a nature conservator must be appointed.

(4) Each nature conservator appointed under subsection (1), must be furnished with a certificate signed by the MEC stating that he or she is appointed as a nature conservator.

(5) Whenever a nature conservator appointed in terms of subsection (1) performs a function under this Act in the presence of any person affected thereby, the nature conservator must, on demand by such person, produce to him or her the certificate referred to in subsection (4).

General powers and functions of nature conservators

91. (1) To comply with his or her mandate in terms of this Act, and in addition to the powers set out elsewhere in this Act, a nature conservator may exercise all the powers assigned to a police official who is not a commissioned officer, in terms of Chapters 2, 5, 7 and 8 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(2) The Director must, as soon as practicable after the coming into operation of this Act, apply to the Minister of Justice for all nature conservators or any other category of persons on the establishment of the Department to be declared peace officers in terms of section 334(1) of the Criminal Procedure Act, 1977

(Act 51 of 1977), for the purpose of exercising their powers in terms of subsection (1) or any other provision of this Act.

(3) A nature conservator may-

- (a) demand the full name, identity number and address of any person who-
 - (i) has committed an offence in terms of this Act;
 - (ii) is reasonably suspected of having committed an offence in terms of this Act;
 - (iii) is reasonably believed to be able to give evidence relating to an offence committed or reasonably suspected of having been committed in terms of this Act,
 - (iv) is reasonably suspected of having evidence that an offence in terms of this Act has been or is to be committed;
- (b) arrest a person without warrant and detain such person for a period not exceeding twelve hours or until such time as such name or address contemplated in paragraph (a) has been verified if the officer reasonably suspects that the name or address such person has furnished to the nature conservator is false;
- (c) instruct a person who –
 - (i) commits an act in contravention of a provision of this Act to cease committing that act immediately or within a specified period; or
 - (ii) fails to perform an act required by a provision of this Act, to perform that act immediately or within a specified period;
 - (iii) has committed an offence, not to remove evidence referred to in the instruction or to deal with the evidence as instructed;
- (d) instruct any person who in a protected or reserved area or on land which is used for purposes of this Act, contravenes or fails to comply with a-
 - (i) provision of this Act; or
 - (ii) requirement or condition prescribed or determined in terms of this Act,
 to leave such land;
- (e) destroy a dog not used in lawful hunting and which is pursuing or searching for a wild animal;
- (f) in exercising a power or performing a function in terms of this Act, make use of an interpreter and, if necessary, of one or more other persons, and such an interpreter or other person is regarded as a nature conservator while acting under control of the nature conservator;
- (e) copy, or make extracts from any document, book or record, or any written or electronic information or other thing relevant for the purposes of an investigation or remove any such document, book, record, or written or electronic information or other thing in order to make copies or extracts;
- (f) take photographs or make audio-visual recordings of anything or any person that is relevant for the purposes of an investigation; and
- (g) take a sample from any animal or plant that is relevant for the purposes of an investigation.

(4) A nature conservator must-

- (a) provide a receipt for any document, book, record or written or electronic information, or any specimen, article, substance or other thing, seized or removed in terms of this Act; and
- (b) exercise his or her powers in a way that minimises damage to, loss or deterioration of any immovable property or moveable property.

Powers of nature conservators regarding inspections and compliance with this Act

92. (1) A nature conservator may-

- (a) conduct inspections and monitor compliance with this Act;
- (b) investigate an alleged contravention of this Act;
- (c) question any person in respect of any matter connected with this Act, which may be relevant to an inspection; or

- (d) question any person whom the nature conservator reasonably believes may have information relevant to an inspection.
 - (e) at any time enter upon any land or premises if the officer has reasonable suspicion that a provision of this Act has been breached, and carry out an investigation on that land or premises that may be necessary to establish whether such provision has been breached;
 - (f) subject to prior notification to the landowner where this is possible, enter upon any land for the purpose of performing an act ordered or authorised by the MEC together with such equipment and assistants as are required for the performance of the act;
 - (g) enter upon any land or premises at any reasonable time and after reasonable notice to the owner, in order to investigate whether action is necessary to give effect to the provisions of this Act;
- (2) A nature conservator may be accompanied during an inspection by a member of the South African Police Service or any other person reasonably required, to assist in conducting the inspection.
- (3) A nature conservator may, if he or she has reason to believe that any provision of this Act or a condition subject to which a permit, licence or other document issued in terms of this Act has not been complied with, issue a non-compliance notice, in the form determined by the Director, to the holder of a permit, licence or other document issued in terms of this Act and must forward a copy of the notice to the Director.
- (4) A non-compliance notice must set out the alleged non-compliance contemplated in subsection (3) and the steps to be taken and must provide for a reasonable period within which steps must be taken in order to comply with such provisions.
- (5) A compliance certificate may be issued if the Director or nature conservator acting on behalf of the Director is satisfied that the steps have been taken to rectify the non-compliance contemplated in subsection (3) and set out in the non-compliance notice.
- (6) If a person to whom a non-compliance notice has been issued in terms of subsection (3) fails to comply with the notice, a nature conservator, with the concurrence of the Director, may, at the expense of such person, take any reasonable steps to rectify the non-compliance and may –
- (a) pick, catch, capture or transport;
 - (b) eradicate, destroy or hunt,
- a specimen of a species, if the specimen is the subject of the alleged non-compliance.
- (7) The provisions of subsections (3), (4) and (5) must not be interpreted so as to prevent a nature conservator from instituting a criminal charge.

Power to demand production of licence, permit, exemption or similar documentation

93. A nature conservator may, subject to any limitation imposed in terms of this Act –

- (a) demand from any person who performs an act or is reasonably suspected of performing any act which may not in terms of this Act be performed without a licence, permit, exemption, order, written permission or other document to produce such licence, permit, exemption, order, written permission or other document;
- (b) where any person has performed or he or she reasonably suspects any person of having performed on any land any act which may only be performed on land in respect of which a game permit has been issued under section 33 demand from the owner of such land the production of such permit;
- (c) demand from any person whom he or she reasonably suspects—
 - (i) of having committed an offence under this Act, or
 - (ii) will be able to furnish evidence in connection with an offence committed or alleged to have been committed under this Act, the name and address and any other information necessary for the identification of such person;

- (d) demand from any person who is required under this Act to keep or carry on that person any register, record, book, document, written permission, statement or invoice to produce such register, record, book, document, written permission, statement or invoice for inspection.

Power to stop, search and seize

94. (1) A nature conservator may –

- (a) at any time, direct the person in charge of a any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance to stop, or use such force as may be reasonable necessary to stop the vehicle, vessel, boat, craft, float, aircraft or other means of conveyance, if the officer has reasonable suspicion that the vessel contains or conveys a thing –
- (i) which is or has been used for the purpose of or in connection with the commission of an offence in terms of this Act; or
- (ii) which may serve as evidence of the commission or intended commission of such an offence;
- (b) at any time question a person who the officer reasonably believes has information relating to a breach of a provision of this Act and order such person to furnish such information.
- (c) without warrant and without permission, enter upon any land, premises, vehicle, vessel, boat, craft, float, aircraft or other means of conveyance and there conduct a search if he or she reasonably suspects that there is thereon or therein anything which—
- (i) is used or has been used in;
- (ii) forms or has formed an element in, or
- (iii) which may serve as evidence of,
- the commission or intended commission of any offence under this Act;
- (d) without warrant seize anything which he or she reasonably believes —
- (i) is being used or has been used for the purpose of or in connection with the commission of an offence in terms of this Act;
- (ii) may serve as evidence of the commission or intended commission of an offence in terms of this Act, or
- (iii) is being or has been used for the conveyance of any fauna or flora in respect of which an offence has been committed under this Act

and must provide a receipt for such seized articles;

- (e) without warrant seize and confiscate any fauna or flora which is found in the possession of or being kept in captivity by any person, if—
- (i) such person fails on demand by such officer to produce a permit authorising such possession or keeping, or
- (ii) such animal is in the possession of or being kept in captivity by such person contrary to any condition specified in a permit produced by such person authorising such possession or keeping.
- (f) seize any stock or other animal trespassing in a protected or reserved area or on land used by the Department for the purposes of this Act, and despite the provisions of any legislation relating to pounds, retain that stock or other animal;

(2) Anything seized in terms of this section shall, if no prosecution for an offence under this Act is instituted in connection therewith, be returned to the person from whose possession it was taken if such person can lawfully possess the seized item.

Power to conduct investigations

95. (1) A nature conservator may -

- (a) conduct any investigation he or she considers necessary in order to ascertain whether any provision of this Act is being complied with by any person and may for such purpose without warrant and without permission enter upon any land, premises, vehicle, place, building, tent, vessel, boat, craft, float, aircraft or other means of conveyance and there carry out such inspection and investigation as may be necessary, including an inspection or investigation of any container or other thing found thereon or therein;
- (b) in the course of any inspection or investigation in the exercise of his or her powers and the performance of his or her functions under this Act, without warrant and without permission, demand that any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance be brought to a standstill and be kept stationary until he or she has searched it.

Offences in respect of nature conservators

96. Any person who

- (a) falsely professes to be a nature conservator;
- (b) willfully obstructs, hinders or interferes with any person referred to in paragraph (a) in the exercise of a power or the performance of a function or duty conferred, entrusted or imposed in terms of this Act;
- (c) refuses or fails to comply forthwith with an order, instruction or demand given or made by nature conservator or a person referred to in (deeming provision), in the exercise of a power or the performance of a function conferred, entrusted or imposed in terms of this Act or furnishes false or misleading information when he or she complies with such an order, instruction or demand;
- (d) has been stopped in terms of section 94(1)(a) and departs without permission of the nature conservator concerned,
- (d) furnishes false or misleading information when complying with an order, instruction or demand;

shall be guilty of an offence and liable on conviction to a fine not exceeding R500 000 or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

CHAPTER 10 ADMINISTRATIVE AND GENERAL PROVISIONS

Part A – Administrative Provisions

Regulations

97. (1) The MEC may, by notice in the Gazette, make regulations regarding-

- (a) any matter required or permitted to be prescribed in terms of this Act;
- (b) generally all matters which are reasonably necessary or expedient to be prescribed in order to achieve the objects of this Act.

(2) Any regulation relating to the payment of fees to the Province or exemption from the payment of such fees, or which will entail the expenditure of provincial funds, may be made only in consultation with the Member of the Executive Council responsible for finance in the Province.

(3) Any regulations relating to the powers and duties conferred upon municipalities in terms of this Act must be made in consultation with the Member of the Executive Council responsible for local government in the Province.

(4) Regulations made in terms of subsection (1) may provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to a fine or imprisonment or to both such fine and imprisonment.

(5) Before publishing any regulations in terms of subsection (1), the MEC must publish the draft regulations in the *Provincial Gazette* and one or more widely circulated newspaper for public comment for a period of not less than 30 days.

Norms and Standards

98. (1) The MEC may, by notice in the *Gazette*-

(a) issue norms and standards for the achievement of any of the objectives of this Act, including for the -

- i. management and conservation of the Province's biological diversity and its components;
- ii. restriction of activities which impact on biodiversity and its components;

(b) set indicators to measure compliance with those norms and standards; and

(c) amend any Notice issued in terms of paragraph (a) or (b).

(2) (a) Before publishing a notice in terms of subsection (1), the MEC must publish the draft Norms and Standards in the *Provincial Gazette* and one or more widely circulated newspaper for public comment for a period of not less than 30 days.

(b) The process referred to in paragraph (a) does not apply to a non-substantial change to the Notice.

(3) Norms and standard may apply-

- (a) Provincewide;
- (b) in a specific area only; or
- (c) to a specific category of biodiversity only.

(4) Different norms and standards may be issued for-

- (a) Different areas; or
- (b) Different categories of biodiversity.

Delegations

99. (1) Subject to subsection (3), the MEC may delegate in writing any of his or her powers, functions or duties in terms of this Act to an officer on the establishment of the Department.

(2) A delegation in terms of subsection (1)-

- (a) must be in writing;
- (b) may be made subject to conditions;
- (c) does not prevent the exercise of the power or the performance of the duty by the MEC personally;
- (d) may include the power to subdelegate; and
- (e) may be withdrawn by the MEC.

(3) The MEC may not delegate the power to make regulations, to publish notices or to declare hunting or angling seasons.

(4) The Head may delegate in writing any of his or her powers, functions or duties in terms of this Act to any official on the establishment of the Department.

(5) A delegation in terms of subsection (4)-

- (a) must be in writing;
- (b) may be made subject to conditions;

- (c) does not prevent the exercise of the power or the performance of the duty by the Head personally;
 - (d) may include the power to subdelegate; and
 - (e) may be withdrawn by the HOD.
- (6) The Director may delegate in writing any of his or her powers, functions or duties in terms of this Act to any official on the establishment of the Department.
- (7) A delegation in terms of subsection (6)-
- (a) must be in writing;
 - (b) may be made subject to conditions;
 - (c) does not prevent the exercise of the power or the performance of the duty by the Director personally; and
 - (e) may be withdrawn by the Director.

Licences, permits and exemptions

100. (1) Subject to the provisions of this Act, the Head may, upon application and payment of the prescribed fees, issue to any person a licence, permit or exemption provided for in this Act, which shall be valid for the period referred to in the licence, permit or exemption and shall be subject to such conditions as may be prescribed or the Head may deem fit to impose in any particular case.

(2) The Head may, subject to the constitutional requirements of lawful and procedurally fair administrative action and the furnishing, upon request, of reasons in writing -

- (a) refuse to issue such a licence, permit or exemption;
- (b) exempt any person from the payment of the prescribed fees;
- (c) amend, suspend or cancel such a licence, permit or exemption or amend, delete or add any condition it is authorized to impose.

(3) The Head shall notify the holder of a licence, permit or exemption of the amendment, suspension or cancellation thereof or of the amendment, deletion or addition of any condition in terms of subsection (1) and the holder shall submit the licence, permit or exemption forthwith to the Head.

(4) A licence, permit or exemption issued contrary to the provisions of this Act shall be null and void and the holder shall return it to the Head after such fact has come to his or her notice.

(5) The holder of a licence, permit or exemption issued in terms of subsection (1) who

- (a) contravenes or fails to comply with a condition to which the licence, permit or exemption is subject to in terms of subsection (1);
- (b) fails to submit the licence, permit or exemption to the Head in terms of subsection (2) or to return it to him or her in terms of subsection (3), shall be guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

(6) Any person who -

- (a) alters, fabricates or forges any document issued or required for the lawful performance of any act in terms of this Act
- (b) passes, uses, utters or has in his or her possession any altered, fabricated or forged document contemplated in paragraph (a);
- (c) fabricates or forges any document for the purpose of passing, using or uttering it as a licence, permit, exemption or permission issued in terms of this Act;
- (d) applies for a permit, licence, exemption or permission under false pretences or wilfully furnishes false information in order to obtain a permit, licence, exemption or permission,
- (e) while prohibited by an order of court from obtaining a document in terms of this Act, obtains or applies for such document;

- (f) being the holder of a document issued under this Act authorising or directing him or her to perform any act or to perform any act in a specified manner, performs such act without having such document in his or her possession or not in the specified manner;
- (g) fails to comply with a term or condition subject to which a document was issued to him or her under this Act;
- (h) knowingly makes a false statement in an application made or in any other document furnished by him or her in terms of any provision of this Act; or
- (i) permits or allows any other person to do anything which is an offence in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

(7) It is an offence to disclose information about any other person if that information was acquired while exercising or performing any power or duty in terms of this Act, except-

- (a) if the information is disclosed in compliance with the provisions of any law;
- (b) if the person is ordered to disclose the information by a court;
- (c) if the information is disclosed to enable a person to perform a function in terms of this Act or a corresponding law or for the purposes of the administration of justice; or
- (d) if the permission of the person concerned is obtained.

Appeals to the MEC

101. (1) A person who feels aggrieved by any decision made in terms of this Act may lodge an appeal with the MEC against the decision within 30 days after having been informed of the decision.

(2) An appeal does not suspend the decision against which the appeal is lodged unless the MEC directs otherwise.

Appeal Decisions

102. (1) The MEC may-

- (a) either uphold or refuse the appeal; and
- (b) when upholding or refusing the appeal, make such other orders as may be appropriate.

(2) The appellant may request written reasons to be provided for the decision of the MEC.

Part B – General Provisions

General powers of the Head

103. (1) Subject to the provisions of this Act, the Head may, if the circumstances so require, take any step or prohibit, control or restrict the activity of any person in relation to a specimen of any species.

(2) The Head may subject to any conditions grant exemption in writing from any provision of this Act to

- (a) any person doing research on any animal, plant, fish or any other matter related to this Act; or
- (b) a nature conservator for purposes of performing his or her functions in terms of this Act.

Limitation of liability

104. (1) Subject to subsection (2), anything seized or removed by a nature conservator in terms of this Act, must be kept in such a manner that it is secured against loss or damage or deterioration and must, if no prosecution for an offence under this Act is instituted in connection therewith, be returned to the person from whose possession it was taken, if such person may lawfully possess such thing.

(2) Pending the institution of criminal proceedings in terms of this Act or the resolution of such

proceedings, any live specimen that has been seized in terms of this Act must be deposited with a suitable institution, rescue centre or facility which is able and willing to house and properly care for it, but in the event that a suitable facility cannot be found, the Director may provide as the circumstances may require.

(3) Neither the Provincial Government, the Department nor any other person employed by the Department is liable for any damage or loss caused by—

(a) the exercise of any power or the performance of any duty under this Act; or

(b) the failure to exercise any power, or perform any function or duty under this Act,

unless the exercise of or the failure to exercise the power, or performance or failure to perform the duty was unlawful, negligent or in bad faith.

Retention of documents

105. The document or a certified copy of every document required by this Act must be retained by the person to whom it was furnished for a period of at least five years from the date on which it was so furnished or while he or she is in possession of the species or specimen to which it relates, whichever is the longer period.

Forfeiture of certain goods and privileges

106. (1) The court convicting any person of an offence in terms of this Act -

- i. shall declare a wild animal, invertebrate, fish, indigenous plant, aquatic growth, or cave-formation in connection with which the offence was committed, to be forfeited to the Department;
- ii. shall declare a weapon, net, article, device or apparatus, of any nature whatsoever, used for the purpose of or in connection with the unlawful hunting or catching of a wild animal or invertebrate; catching of a fish with a net, to be forfeited to the Department;
- iii. may declare a boat, aircraft, vehicle or any fishing tackle used for the purpose of or in connection with the commission of an offence, to be forfeited to the Department:
 - (d) may cancel a licence, permit or exemption issued to the convicted person in terms of this Act in respect of the wild animal, invertebrate, fish or plant in connection with which the offence was committed;
 - (e) may declare the convicted person unfit for a period not exceeding 5 years to obtain any licence, permit or exemption in terms of this Act in respect of the wild animal, invertebrate, fish or plant in connection with which the offence was committed.

(2) A forfeiture in terms of subsection (1)(b) or 1(c) does not affect the rights which a person other than the convicted person may have in the weapon, net, article, device or apparatus boat, aircraft or vehicle or any fishing tackle or other thing concerned, if it is proved that the other person -

- (a) did not know that the vessel or other thing was used or would be used for the purpose of or in connection with the commission of the offence; or
- (b) could not prevent such use.

(3) The MEC must deal with an object forfeited in terms of an order of the court -

- (a) in accordance with the order; or
- (b) in the absence of any specific instructions in the order, in a manner determined by the MEC in consultation with the Member of the Executive Council responsible for finance in the Province, except perishable goods which must be destroyed or otherwise disposed of expediently.

(4) A forfeited object may not be destroyed or disposed of until -

- (a) any appeal against the conviction which led to the forfeiture has been decided;
- (b) any appeal against or review of the forfeiture order has been decided; or

(c) the time allowed for an appeal against the conviction has lapsed, except for perishable goods which must be disposed of in terms of subsection (4)(b).

General penalty

107 (1) Any person convicted of an offence in terms of this Act for which no penalty is expressly provided for shall be liable to a fine not exceeding R10000 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

(2) Notwithstanding the provisions of sub-section (1), any person convicted of a contravention of this Act in respect of protected species and for which no penalty is expressly provided for, shall be liable to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment, and to a fine not exceeding three times the commercial value of the protected species, as the case may be, in respect of which the offence was committed.

(3) Where reference is made in subsection (2) to the commercial value of a species for the purposes of determining an appropriate penalty for an offence under this Act and different commercial values for the specific item exist in the market at that specific point in time, whether nationally or internationally, the commercial value of such species must be determined by the calculation of the average of the various commercial values existing in the market at that specific point in time.

Repeal of laws and savings

108. (1) Subject to the provisions of subsection (2), the legislation specified in Schedule 10 is hereby repealed to the extent set out in the third column thereof.

(2) Unless otherwise provided in this Act, anything done or any document issued in terms of a legislation or provision repealed by this Act –

(a) remains valid to the extent that it is consistent with this Act until anything done under this Act overrides it; and

(b) is considered to be an action under the corresponding provision of this Act.

(3) Any person appointed as a nature conservator in terms of the repealed Nature Conservation Ordinance, 1983 is, from the date of commencement of this Act, regarded as having been appointed as a nature conservator in terms of this Act.

State bound by this Act

109. This Act binds the State except in so far as any criminal liability is concerned.

Short title and date of commencement

110. (1) This Act is called the Gauteng Nature Conservation Act, 2013, and comes into force on a date to be fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may in terms of subsection (1) be determined for different provisions of this Act.

SCHEDULES**Schedule 1
(Section 5(1))
Protected Wild Animals**

All mammals, birds, reptiles and amphibians indigenous to the Republic of South Africa, except protected game listed in Schedule 2 and those species listed in terms of section 56 of the National Environmental Management: Biodiversity Act, 2004.

**Schedule 2
(Section 5(2))
Protected Game**

1. Warthog
2. Bushpig
3. Dassies
4. Porcupines
5. Mongoose spp
 - a. Banded Mongoose
 - b. Slender Mongoose
 - c. Yellow Mongoose
6. Jackal
7. Caracal
8. Vervet Monkey
9. Baboon
10. All species of snakes (excluding those listed in terms of section 56 of the National Environmental Management: Biodiversity Act, 2004)
11. Species of hunting birds
 - a. Egyptian Geese
 - b. Red-billed Teal
 - c. Spur-winged geese
 - d. Yellow Billed Ducks
 - e. Coqui Francolin
 - f. Crested Francolin
 - g. Orange River Francolin
 - h. Helmeted Guinea Fowl
 - i. Swaison's Spurfowl.
 - j. Speckled/Rock Pigeon

**Schedule 3
(Section 10 (2))
Pet Species***Mammals*

- a. Marmoset
- b. Squirrel Monkey
- c. Hamsters

- d. Dwarf Hamsters
- e. Chinchilla
- f. Tenrecs

Invertebrates

- a. Alien tarantulas and alien scorpions excluding those listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004

Reptiles

- a. All non-venomous alien snakes excluding those listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004.
- b. All non-venomous alien lizards, monitors and geckoes excluding those listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004.
- c. All alien chameleons.

Birds

- a. All alien birds excluding alien birds of prey excluding those listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004.

Schedule 4
(Section 21 (1))
Alien Wild Animals

All mammals, birds, reptiles and amphibians alien to the Republic of South Africa, excluding those listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004.

Schedule 5
(Section 41 (1))
Protected Plants

Scientific Name
<i>Adromischus umbraticola</i> subsp. <i>Umbraticola</i>
<i>Alepidea attenuata</i>
<i>Argyrolobium campicola</i>
<i>Argyrolobium megarrhizum</i>
<i>Blepharis uniflora</i>
<i>Bowiea volubilis</i> subsp. <i>Volubilis</i>
<i>Brachycorythis conica</i> subsp. <i>Transvaalensis</i>
<i>Brachystelma discoideum</i>
<i>Ceropegia decidua</i> subsp. <i>Pretoriensis</i>
<i>Ceropegia turricula</i>
<i>Cheilanthes deltoidea</i> subsp. nov. Gauteng form
<i>Cineraria austrotransvaalensis</i>
<i>Cineraria longipes</i>
<i>Cleome conrathii</i>
<i>Cucumis humifructus</i>
<i>Delosperma gautengense</i>
<i>Delosperma leendertziae</i>
<i>Delosperma macellum</i>

<i>Delosperma purpureum</i>
<i>Dioscorea sylvatica</i>
<i>Drimia sanguinea</i>
<i>Eulophia coddii</i>
<i>Frithia humilis</i>
<i>Frithia pulchra</i>
<i>Gladiolus pole-evansii</i>
<i>Gladiolus robertsoniae</i>
<i>Gnaphalium nelsonii</i>
<i>Habenaria barbertoni</i>
<i>Habenaria bicolor</i>
<i>Habenaria kraenzliniana</i>
<i>Habenaria mossii</i>
<i>Holothrix micrantha</i>
<i>Holothrix randii</i>
<i>Khadia beswickii</i>
<i>Kniphofia typhoides</i>
<i>Lepidium mossii</i>
<i>Lithops lesliei</i> subsp. <i>lesliei</i> var. <i>rubrobrunnea</i>
<i>Lithops lesliei</i> subsp. <i>Lesliei</i>
<i>Macleodium pretoriense</i>
<i>Melolobium subspicatum</i>
<i>Nerine gracilis</i>
<i>Prunus africana</i>
<i>Searsia gracillima</i> var. <i>gracillima</i>
<i>Stenostelma umbelluliferum</i>
<i>Trachyandra erythrorrhiza</i>

Schedule 6
(Section 47 (1))
Protected fish

All fish indigenous to the Republic of South Africa excluding fish species listed in terms of section 56 of the National Environmental Management: Biodiversity Act, 2004.

Schedule 7
(Section 49 (1))
Alien fish

All fish alien to the Republic of South Africa, excluding those listed in terms of section 67 of the National Environmental Management: Biodiversity Act, 2004.

Schedule 8
(Section 63 (1))
Protected Invertebrates

Common name	Scientific name
All species of baboon spiders belonging to the genera referred to hereby	<i>Ceratogyrus spp. Harpactira spp Pterinochilus spp. Idiothele spp. Trichognathella spp.</i>
All species of scorpions belonging to the genera referred to hereby	<i>Hadogenes spp. Opisththalmus spp. Opisthacanthus spp Cheloctonus spp.</i>
Heidelberg copper butterfly	<i>Chrysoritis aureus</i>
Highveld blue butterfly	<i>Lepidochrysops praeterita</i>
Stobbia's fruit chafer beetle	<i>Ichneustoma stobbiai</i>

Schedule 9
(Section 65(1))
Alien Invertebrates

All invertebrates alien to the Republic of South Africa, excluding those regulated and listed in terms of section 67(1) of the National Environmental Management: Biodiversity Act, 2004.

Schedule 10
(Section 108(1))
Repealed Law

Number and year of law	Short title	Extent of repeal or amendment
Ordinance 12 of 1983	Gauteng Nature Conservation Ordinance	Repeal of the whole

