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GENERAL NOTICE

NOTICE 115 OF 2009

NORTH WEST DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT

PROVINCIAL NORMS AND STANDARDS FOR THE MANAGEMENT OF REPTILES IN THE NORTH WEST PROVINCE, (COLLECTING, KEEPING IN CAPTIVITY, PURCHASING, SELLING, IMPORTING, EXPORTING AND TRANSPORTING OF INDIGENOUS AND EXOTIC REPTILES).

(Excluding crocodiles)

I, Jan Serfontein, in my capacity as the Member of the Executive Council for the Department of Agriculture, Conservation and Environment in the North West Province, hereby publish for comments, Provincial Norms and Standards for the Management of all reptile species, indigenous and exotic, (excluding Crocodiles), in terms of below-mentioned provisions, within the North West Province.

**Nature Conservation Ordinance, No. 12 of 1983 (Transvaal Province);
Bophuthatswana Nature Conservation Act, 1973 and
Cape Nature and Environmental Conservation Ordinance, No. 19 of
1974 (Cape Province),
National Environmental Management: Biodiversity Act, Act No. 10 of
2004.**

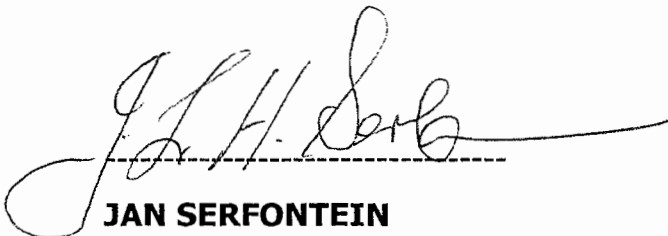
Any persons who wish to submit representation or comments are invited to do so on or before 13 March 2009. All representations or comments may be submitted in writing:

By post to: Chief Director Environmental Services
Department of Agriculture, Conservation and Environment
Private Bag X2039
Mmabatho
2735

By Fax: (018) 389 5434 or by e-mail to tntloko@nwpg.gov.za

Any enquiries on the document may be directed to Mr Willem Boshoff (018) 389 5104 or Mr Jonathan Denga (018) 389 5928.

Thus done and signed in Mmabatho on this 04 day of February
2009



JAN SERFONTEIN

MEMBER OF THE EXECUTIVE COUNCIL

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THE COLLECTING, KEEPING IN CAPTIVITY, PURCHASING, SELLING, IMPORTING, EXPORTING AND TRANSPORTING OF INDIGENOUS AND EXOTIC REPTILES (Excluding crocodiles)

OBJECTIVE OF THE DOCUMENT

To provide general guidelines, that will ensure the conservation of indigenous herpetofauna and prevent exotic species from becoming invasive in the North West Province.

BACKGROUND

Reptiles, especially snakes, lizards and tortoises are widely kept in private collections for hobby and commercial purposes. Particularly the rare species enjoy preference in this respect. Many species of lizards and snakes require a specialised habitat causing the area of their distribution to be very limited. These populations are an integral part of the biodiversity and may disappear from such an area should proper guidelines concerning the collection of such species not be implemented.

The National Environmental Management: Biodiversity Act, Act No. 10 of 2004, places us under the following obligations.

Section 3. *In fulfilling the rights contained in section 24 of the Constitution, the state through its organs that implement legislation applicable to biodiversity, must-*

- (a) manage, conserve and sustain South Africa's biodiversity and its components and genetic resources;*
- b) implement this Act to achieve the progressive realisation of those rights.*

Section 64(1). The purpose of this Chapter is-

- (a) to prevent the unauthorized introduction and spread of alien species and invasive species to ecosystems and habitats where they do not naturally occur;
- (b) to manage and control alien species and invasive species to prevent or minimize harm to the environment and to biodiversity in particular;
- (c) to eradicate alien species and invasive species from ecosystems and habitats where they may harm such ecosystems or habitats; and

LIST OF ACRONYMS

CITES:	Convention on International Trade in Endangered Species of Wild Fauna and Flora.
DACE:	North West Department of Agriculture, Conservation & Environment.
F1 generation:	First generation born from wild captured animals.
GPS:	Global Positioning System.
HAA:	Herpetological Association of Africa.
IATA:	International Air Travel Association.
IUCN:	World Conservation Union.
PAZAAB:	The African Association of Zoos and Aquaria.
THETA:	The Tourism, Hospitality and Sport Education and Training Authority.
TOPS:	Threatened Or Protected Species in terms of the National Environmental Management: Biodiversity Act, Act No. 10 of 2004.

INDIGENOUS HERPETOFAUNA

1. Collecting

No reptiles may be collected without a valid permit from North West Department of Agriculture, Conservation & Environment (DACE).

All applications for collecting must be evaluated by the Biodiversity Scientific Support Unit.

All records of captures must be submitted to DACE and must include GPS location points for inclusion in the NW Biodiversity Information Management System. Data sheets must be provided by DACE when issuing a collection permit, even for surveys where specimens are released straight away.

1.1 Material for research purposes

Applications from recognised scientific institutions for scientific purposes will be considered upon submission of a written application by the head of the institution concerned. The application must include a comprehensive research project proposal, justification for such a project and the number of each species of herpetofauna which will be required.

Should a new South African taxon be described by a person or persons after scientific material has been collected, all type material should be donated to a local national museum. This permit will be valid for a maximum of 12 months.

Private individuals who are members of the Herpetological Association of Africa (HAA) must comply with the same requirements in respect of research proposals.

1.2 Specimens in danger of being killed

Applications to collect specimens in danger of being killed may be considered, provided that the collection is restricted to inhabited areas or development sites. Members of accredited herpetological societies who are endorsed by their society may apply for permits to collect these reptiles. Permits for catching will be valid for 12 months. Applications for keeping permits for captured reptiles may be forwarded to NW DACE and will be evaluated on merit. Activities involving Threatened or Protected Species as listed under the regulations of the National Environmental Management: Biodiversity Act require permits as prescribed by NEMBA.

No captured reptiles which have been kept in a holding facility in close proximity of other herpetofauna may be released without the approval of NW DACE. No reptiles may be released without the approval of the release site by NW DACE.

2. Keeping in captivity

2.1 General

Any person who wishes to keep herpetofauna must be members of or join a herpetological association or club that is accredited by NW DACE. These associations or clubs can provide support in regard to care and breeding of herpetofauna.

An application to keep reptiles in captivity must be submitted to DACE. If a person is a minor, he must submit an application giving parental consent.

An inspection of the facilities must be carried out by a district officer or a person appointed by DACE. A permit may be issued when:

- It is clear that the interest shown is sincere and the application is not being made to satisfy a passing whim;
- the facilities are in accordance with the regulations; and
- the herpetofauna is obtained from a legitimate source.

The applicant may keep not more than 10 adults per species. Should the reptiles breed, the surplus reptiles may be donated or sold to other persons (provided that the necessary permits are applied for in respect of the other persons) or released in collaboration with the Department.

A register must be kept of all births and deaths involving herpetofauna in the possession of a person or on their property. This information must be available for inspection by relevant law enforcement or nature conservation officers.

2.2 Keeping of reptiles for scientific purposes

The same conditions as those for scientific collecting will apply in the keeping of herpetofauna for scientific purposes.

Keeping of herpetofauna for breeding for genetic studies will only be considered under the condition that the progeny may never be released into the wild. Should the experiment indicate possible new taxa (down to ecotype level), material must be made available to a recognised national collection.

NB – Permits for keeping of species listed in the IUCN Red Data categories as Critically Endangered, Endangered or Vulnerable and TOPS Regulations will only be considered under exceptional circumstances such as captive breeding for relocation. In the case of these species, permission will be granted to keep the animals in captivity temporarily for a maximum of 3 months or until the following October when climatic conditions are suitable for release. The release site must be chosen in consultation with DACE Biodiversity Scientific Support and approval for release must be acquired prior to release.

Species other than the categories listed above can be kept under provision that the applicant is granted a valid keeping permit.

A questionnaire on experience regarding the capturing and care of herpetofauna and the available or planned facilities for keeping such animals in captivity must be completed by the applicant. The applicant must be a member of the HAA or a local herpetological association or club that has accreditation with NW DACE, and if a minor, must have parental consent.

2.3 Keeping of venomous reptiles

Permits will only be considered if the applicant has successfully completed THETA recognised Snakebite & Identification and Venomous Snake Handling courses.

If the applicant is a minor, he/she must have parental consent.

2.4 Keeping for educational purposes

In all cases where an application is received for educational purposes, an application for collecting, buying or importing (and the project concerned) should already have been considered, and in all cases where this application was successful, a permit for keeping animals in captivity will be issued without further question.

Permits for keeping will be limited to 10 specimens per species provided that they are legally obtained.

Snakes found in built-up areas or brought along by the public may be received on condition that -

- no remuneration shall be paid therefore.
- a register containing the following shall be kept: The name and address of the donor, the species and number of snakes and how, where and on what date they were found.

3. Trade and disposal of surplus stock

Only persons who are in possession of a captivity permit may supply specimens. Such specimens are restricted to F1 or later generations of legally permitted specimens or reptiles obtained from other legitimate sources.

The buyer must already have been approved by the Department as being suitable to keep herpetofauna.

Applications from dealers to import indigenous species back into the province from outside South Africa will not be considered.

No indigenous reptiles may be sold by pet shops or similar outlets.

4. Importing and exporting

No import permits for South African indigenous species from outside South Africa will be considered.

4.1 *Export for scientific and educational purposes*

4.1.1 Research material

Projects must have been approved by the Department (see Section 1.1).

4.1.2 Export by breeders

Must be approved or recognised by the Department. The export of reptiles will only be considered if it is undertaken by a recognized breeder or if it has been proved that such reptiles were bred in captivity.

4.1.3 Convention on the International Trade in Endangered Species

CITES requirements must, where applicable, be met.

4.1.4 Threatened Or Protected Species

TOPS requirements must, where applicable, be met.

4.2 *Pets*

4.2.1 Import

Only personal effects that were exported as part of "household contents" may be re-imported. All specimens must have been fitted with transponders (microchips) before leaving South Africa. Veterinary conditions and quarantine will apply.

4.2.2 Export

Only legal specimens of herpetofauna which were bred in captivity will be considered. CITES and TOPS requirements must be met where applicable.

5. Establishment of a herpetofauna park

Applications for the establishment of a herpetofauna park require detailed plans and specifications for the proposed park. These should include a business plan stating the projected visitor profile, financial analysis, site analysis, service analysis, ecological analysis, functional analysis, detailed ground plan including holding facilities and planned species list. Permission from the local authority to erect the facility must also be provided. If these plans are acceptable, financial guarantees must also be provided in respect of the maintenance and management of the park in the long term. In such cases, taking into account existing herpetofauna parks, attention should be given to especially the viability of the park in the long term.

A permit to exhibit animals is required. The applicant must be a member of an accredited zoo association such as PAZAAB.

6. Records

6.1 Registers

Registers of all reptiles acquired or sold and all births and mortalities must be kept by all reptile keepers.

6.2 Proof of breeding

Proof of births must be kept – a photograph of the neonates with a personalised item as measure of scale and proof of origin is sufficient.

6.3 *Pet shops*

No permits for catching, keeping or selling of indigenous reptiles will be issued.

6.4 *Transport of reptiles*

A transport permit must be obtained from the department when transporting indigenous reptiles. In addition an export permit from NW and an import permit from the province of destination are required for inter-provincial transport of reptiles.

IATA regulations must be followed when transporting reptiles by air.

6.5 *Release of Herpetofauna*

No herpetofauna may be released without prior consent from the department and must be done in collaboration with the department.

6.6 *Disposal of Animals*

Although the returning of animals to the wild appears to be the most appropriate humane solution, there is a growing body of scientific evidence that such actions may be among the least appropriate options for authorities. It is therefore advised that:

- animals can be sold or donated to recognised holding facilities such as zoos or private people in possession of valid captivity permits;
- returned to the wild under certain circumstances in collaboration with the department; or
- Euthanized – this may be the simplest and most humane option available.

6.7 Guidelines for cage sizes

6.7.1 Snakes and lizards

Length: 75% of length of reptile

Width: 40% of length of reptile

Hight: 40% of length of reptile (75% in case of arboreal species)

6.7.2 Tortoises

The maximum number of tortoises a person may keep is 10 adults with their offspring. Offspring must be disposed of at a maximum age of three years.

A general guideline is that a minimum of 10m² for the first tortoise and 2m² for each additional tortoise is required. The keeping area must also have a suitable substrate and good drainage. However, since tortoises have specific requirements regarding food, movement patterns and shelter, the keeping facilities of the permit applicant must be inspected and each case will be treated on merit. A feeding plan must also be provided for evaluation.

IMPORT, EXPORT AND KEEPING OF EXOTIC REPTILES

7. Risk Assessment

All imports will be subjected to some form of risk assessment regarding invasiveness and as vectors of disease.

This can either be done by Biodiversity Scientific Support or an independent assessment may be required at the expense of the applicant. This is a requirement of the National Environmental

Management: Biodiversity Act. The assessment will be reviewed by the relevant departmental authorities before an importation application is approved or refused.

No exotic tortoises, turtles or terrapins may be imported (Article 44 of the Nature Conservation Ordinance 12 of 1983, Schedule 6).

8. CITES

8.1 All species listed in the Appendices of CITES that are imported must be accompanied by the necessary CITES permits.

8.2 The import of snakes and lizards will only be considered if an export permit in terms of the provisions of the Convention on International Trade in Endangered Species is submitted by the country of their origin.

9. Keeping of approved exotic reptiles

9.1 Exotic reptiles and amphibians must be kept in escape-proof holding facilities that have been inspected and registered as such with the relevant conservation authorities.

9.2 No exotic species may be released into the wild.

9.3 Breeders and traders must keep a register detailing all births and deaths of reptiles in their possession or on their property. This information must be made available for inspection by the relevant law enforcement or conservation officers.

10. Pet shops

Pet shops may trade in exotic species that are not on the prohibited list and that have been shown by an environmental assessment to hold no potential threats to South Africa's indigenous fauna or flora.

11. Transport of Exotic Species

11.1 IATA regulations shall be followed for reptiles and amphibians transported by air.

11.2 Transport permits must be applied for from the department.

EVALUATION FORM – KEEPING OF REPTILES

Full name of applicant: _____ Age: ____ Years

Postal Address: _____ Postal code: _____

Residential Address: _____ Postal code: _____

Telephone Number: (Home) _____ (Work) _____

Species and number applied for

Species

Common Name	Scientific Name	Number

Motivation: Reason(s) for application (Give a complete explanation and attach a separate sheet of paper if necessary)

How do you intend obtaining the animals (e.g. collecting/buying/donations)

From whom will you obtain the animals?:

Name:

Residential address _____

_____ Postal code _____

(if you intend collecting the animals, include written authority from source, park, zoo or owner)

What type of holding facilities do you have or propose?: _____

_____ (Attach a diagram with particulars of facilities)

Has any herpetological permit been issued to you previously Yes No

If yes, permit number: _____

Have you ever kept reptiles previously?: Yes No

Have you had any success with the captive breeding of the above-mentioned animals?: Yes No

If yes, give full particulars (Attach a separate sheet of paper if space is not adequate).

Signature of applicant

Date

(THIS SECTION MUST BE COMPLETED BY ALL APPLICANTS WHO ARE UNDER 18 AND MUST BE SIGNED BY THEIR PARENTS/GAURDIANS)

Initials and Surname of Parent(s)/Gaurdian(s): _____

Residential Address: _____

Postal code: _____

Tel. No.: _____

I, the undersigned hereby grant permission to (name) _____

To keep the above-mentioned animals at the above-mentioned residential address.

PARENT/GUARDIAN'S SIGNATURE _____ DATE _____