

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 9679

Regulasiekoerant

Vol. 560

Pretoria, 8 February 2012
Februarie

No. 35021

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

No.

Page
No. Gazette
No.**GOVERNMENT NOTICE****Environmental Affairs, Department of***Government Notice*

R. 99 National Environmental Management: Protected Areas Act (57/2003): Regulations: Proper administration of nature reserves	3	35021
---	---	-------

GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS**No. R. 99****8 February 2012****NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003****REGULATIONS FOR THE PROPER ADMINISTRATION OF NATURE RESERVES**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs have, under section 86(1) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), made the regulations, in the Schedule.

**BOMO EDITH EDNA MOLEWA****MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

SCHEDULE

TABLE OF CONTENTS

1. Definitions

CHAPTER 1

APPLICATION AND INFORMATION

2. Application of regulations
3. Information for the Register of protected areas

CHAPTER 2

POWERS AND RESPONSIBILITIES OF MANAGEMENT AUTHORITIES

4. Functions
5. Commercial and community activities
6. Protected area notice
7. Recreational areas
8. Internal rules

CHAPTER 3

ESTABLISHMENT OF ADVISORY COMMITTEES FOR NATURE RESERVES

9. Establishment of advisory committee
10. Procedure
11. Closing date for nominations
12. Composition
13. Mandate
14. Term of office

CHAPTER 4

BIODIVERSITY MANAGEMENT AND CONSERVATION IN NATURE RESERVES

15. Monitoring and reporting

CHAPTER 5

THE USE OF BIOLOGICAL RESOURCES IN NATURE RESERVES

16. Use of biological resources
17. Community based natural resources utilization
18. Authorization for use of biological resources

CHAPTER 6

ACCESS TO NATURE RESERVES

19. Access to nature reserve by user of biological resources
20. Admission
21. Entrance and accommodation in a nature reserve
22. Points of entry and exit
23. Proof of entry
24. Safe entering
25. Staying overnight
26. Times of entry and travel
27. Vehicles

CHAPTER 7

USE OF WATER AREA IN A NATURE RESERVE

28. Permits for vessels
29. Bathing, diving and swimming
30. Safety ropes
31. Life saving apparatus
32. Water skiing

CHAPTER 8 RESTRICTED ACTIVITIES

33. Activities which may have an adverse effect in the nature reserve
34. Specified activities
35. Research and monitoring
36. Interference with soil or substrate
37. Use of biological resources in nature reserves
38. Bio-prospecting
39. Buildings and improvements
40. French drains, pit latrines and other sewerage disposal systems
41. Holiday resort, caravan park, camping or picnic site
42. Land and in airspace
43. Water areas
44. Removal and dumping in water areas
45. Pets in nature reserves
46. Firearms and dangerous weapons
47. General restrictions

CHAPTER 9 PROHIBITED ACTIVITIES

48. Prohibitions relating to vehicles
49. Prohibitions in relation to use of water area
50. Prohibitions relating to development
51. Littering and pollution
52. Pollution of water
53. General prohibitions

CHAPTER 10 OFFENCES

54. Offences

CHAPTER 11
SHORT TITLE AND COMMENCEMENT

55. Short title and commencement

DEFINITIONS

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned and, unless the context otherwise indicates—

“accommodation” means facilities of any nature for the accommodation of day and overnight visitors;

“alien species” has the meaning assigned to it in the Biodiversity Act;

“angle” means—

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

(b) the use of a landing-net to land, or a keep-net to keep fish caught in accordance with the method as described; and

“angling” has corresponding meaning;

“authorised person” means an employee of a management authority, or any other person, acting as such on the written authorisation of a management authority and includes an environmental management inspector;

“bioprospecting” has the meaning assigned to it in section 1 of the Biodiversity Act;

“community-based natural resource management” means in relation to indigenous biological resources, any utilisation of indigenous biological resources by a community for sustainable harvesting, traditional use or commercial purposes;

“dangerous weapon” means any object, other than a firearm, which could cause serious bodily injury in respect of people or animals;

“development” means any physical intervention, excavation or action, other than that caused by natural forces, which may result in a change in the, appearance or physical nature of a site in a nature reserve or influence its stability and future well-being, including -

- (a) the construction, alteration, demolition, removal or change of use of a site or a structure on the site;
- (b) the carrying out of any works on, over or under the site;
- (c) the construction or putting up for display of signs or notice boards;
- (d) any change to the natural or existing condition or topography of land; and
- (e) any removal, physical disturbance, clearing or destruction of trees or vegetation or the removal of topsoil;

“employee” means a person in the employ of a management authority;

“firearm” has the meaning assigned to it in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);

“in situ conservation” means the process of protecting plant or animal species in their natural habitat.;

“internal rules” means rules made under section 52 of the Act;

“invasive species” has the meaning assigned to it in section 1 of the Biodiversity Act;

“lifeguard” means a person employed in that capacity or appointed by a management authority;

“Merchant Shipping Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“open access protected nature reserve ” means a nature reserve which can be entered and traversed by any means where the entry to such nature reserve is not restricted or controlled by any access point or a gate;

“point of entry” means a place of entry to a nature reserve, including, but not limited to access gates;

“point of exit” means a place of exit from a nature reserve, including, but not limited to exit gates;

“Protected Area Notice” means a written notification issued by a management authority;

“protected species” means any indigenous species naturally found in a protected area and includes any listed threatened or protected species;

“recreation area” means any area set aside in terms of the management plan for general recreational use by the public;

“specimen” has the meaning assigned to it in section 1 of the Biodiversity Act;

“stay overnight” means to be present in a nature reserve for the period between sunset and sunrise;

“the Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“vehicle” means any conveyance designed or adapted principally to travel on wheels or tracks;

“vessel” means any conveyance floating on, in or over water and designed for navigation on or in water, howsoever propelled and includes any canoe, lighter, floating platform, decked boat, carrier vessel, or any vessel equipped with an inboard or outboard motor or any other craft, whether surface craft or submarine;

“**water area**” means the water and the bed of any tidal lagoon, natural lake, tidal river, river or stream, dam, impoundment or wetland or any part thereof, situated within a nature reserve, and includes the water and the land between the lowest line and the highest line to which the water-level of such tidal lagoon, natural lake, tidal river, dam, impoundment or wetland, river or stream or any part thereof may recede or rise at any time;

“**water ski**” means to ski on or in the water with or without the assistance of any kind of skiing apparatus while the water skier is towed by a vessel by means of a towing-rope, and includes kite-surfing and para-sailing.

CHAPTER 1 APPLICATION AND INFORMATION

Application of regulations

- 2(1) These Regulations are, unless specified otherwise, applicable to all nature reserves.
- (2) A member of the management authority is not in contravention of any provision of the Regulations if that member needs to undertake the prohibited activity—
- (a) to perform his or her obligations to achieve the purpose of these Regulations;
 - (b) to carry out public duties as a member of the management authority within a nature reserve; or
 - (c) to fulfil his or her duties.

Information for the Register of Protected Areas

3. Every management authority must submit to the Minister, within three months after the end of each financial year (31 March each year), information for the Register of Protected Areas, detailing all nature reserves under the control of, or intended to be under the control of, the management authority.

CHAPTER 2

POWERS AND RESPONSIBILITIES OF MANAGEMENT AUTHORITIES

Functions

- 4(1) The management authority may in managing the nature reserve—
- (a) manage breeding and cultivation programmes, and reserve areas in a nature reserve as breeding places and nurseries;
 - (b) sell, exchange or donate any animal, plant or other organism occurring in a nature reserve, or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to re-introduce into a specific nature reserve;
 - (c) undertake and promote research;
 - (d) control, remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in a nature reserve or that may negatively impact on the biodiversity of the nature reserve;
 - (e) carry out any development and construct or erect any infrastructure necessary for the management of a nature reserve, subject to an environmental authorization in terms of section 24 of National Environmental Management Act and the management plan;
 - (f) allow visitors to a nature reserve;
 - (g) take reasonable steps to ensure the security and well-being of visitors and staff;
 - (h) provide accommodation and facilities for visitors and staff, including the provision of food and household supplies;

- (i) carry on any business or trade or provide other services for the convenience of visitors and staff, including the sale of liquor;
- (j) authorise any person, subject to such conditions as it may determine, to—
 - (i) carry on any business or trade, or provide any service, which the management authority may carry on or provide in terms of this section; and
 - (ii) provide the infrastructure for such business, trade or service;
- (k) by agreement with—
 - (i) a municipality, provide any service in a nature reserve for the management of the nature reserve which that municipality may be mandated to provide in terms of legislation; or
 - (ii) any other organ of state, perform a function in a nature reserve which that organ of state may perform in terms of legislation; or
- (l) issue Protected Area Notices.

Commercial and community activities

5. A management authority may, in terms of the management plan, by means of making an internal rule set aside a part of a nature reserve, as an area in which a particular activity may be undertaken by visitors to the nature reserve, communities or interest groups and must display the internal rule in which such area is described at the entrance to the nature reserve: Provided that the activity does not compromise the purpose for which the nature reserve was established.

Protected Area Notice

6. (1) In relation to a nature reserve, a management authority may from time to time and by means of a Protected Area Notice displayed at the entrance to or at other relevant places of a nature reserve—
- (a) set aside any land or water area;
 - (b) designate any land or water area as a recreation area;
 - (c) designate any land or water area for any purpose other than recreation;
 - (d) prohibit or restrict the use and access of any person, vehicle, vessel, pet or species or specimen to any land or water area or any other place or part thereof; or
 - (e) designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area.
- (2) A Protected Area Notice may impose conditions in relation to the participation in or undertaking of any activity in a nature reserve and a management authority may vary or revoke a Protected Area Notice at any time by a subsequent Protected Area Notice.

Recreational areas

- 7(1) A management authority must within a recreation area display any Protected Area Notice required under these Regulations.
- (2) In relation to recreation areas, a management authority must prominently display a Protected Area Notice at every entrance to a recreation area indicating -
- (a) the opening and closing times of that recreation area; and

- (b) any internal rules made by the management authority in relation to that recreation area.

Internal rules

8. A management authority must, when making internal rules in terms of section 52(1) of the Act, consider at least the following:

- (a) The impact of the internal rules on the provisions of any management plan approved by the Minister in terms of section 39(2) of the Act; and
- (b) the environmental, social and financial effect of the internal rule on the environment.

CHAPTER 3

ESTABLISHMENT OF ADVISORY COMMITTEES FOR NATURE RESERVES

Establishment of advisory committee

9. A management authority may establish one or more advisory committees in respect of a nature reserve.

Procedure

10. In establishing an advisory committee contemplated in regulation 9 a management authority must—

- (a) invite community organisations, non-governmental organisations, residents of and neighbouring communities to the nature reserve to nominate persons, who could be taken into consideration when members of the advisory committee are appointed;

- (b) set the minimum requirements and other criteria which it must take into consideration when deciding which persons to appoint as members of the advisory committee; and
- (c) determine a method which will enable the invitation contemplated in paragraph (a) to reach the greatest number of residents of and, neighbouring communities to the nature reserve.

Closing date for nominations

11. An invitation contemplated in regulation 10 must specify the method of submission and a date by which the nominations contemplated in subregulation 10 (a) must reach a management authority.

Composition

12. A management authority must, after considering any nominations submitted in terms of regulation 10, appoint members to the advisory committee: Provided that at least one employee of a management authority, nominated by the management authority, must be an ex officio member of the advisory committee: Provided further that any appointment of a member made in respect of any particular advisory committee must be based on a real interest demonstrated by the member in respect of the relevant nature reserve.

Mandate

13. A management authority must define the specific mandate of any advisory committee in writing in specific terms. The specific terms must include the terms of reference, the method of communicating advice, the acceptance and rejection of advice offered, the appointment and removal of committee members and the support to be provided together with any remuneration payable and its terms.

Term of office

14. A member of an advisory committee may be appointed by a management authority for a period determined by the management authority that may not exceed three years.

CHAPTER 4**BIODIVERSITY MANAGEMENT AND CONSERVATION IN NATURE RESERVES****Monitoring and reporting**

15. Management authority to monitor and report annually, before the end of June each year to the Minister on the status of implementation of the management plan and may include the following:

- (a) an assessment of the achievement of or contributions to the management objectives of the nature reserve.

CHAPTER 5**THE USE OF BIOLOGICAL RESOURCES IN NATURE RESERVES****Use of biological resources**

16. A management authority may, subject to the provisions of an approved management plan, by means of the granting of a non-transferable written authorisation or the entering into of a written agreement, on the conditions it deems necessary, grant to any person the right to the sustainable, monitored use of identified biological resources in a nature reserve.

Community based natural resource utilization

17. A management authority may, by means of the granting of a written authorization or the entering into of a written agreement, and on the conditions it deems necessary, grant to any local community the right to the sustainable use of biological resources on the same basis as set out in regulation 16.

Authorization for use of biological resources

- 18(1) A written authorization or agreement contemplated in regulation 16 or 17, must—
- (a) not be in conflict with the purpose for which nature reserve was established;
 - (b) define the land or water area within which the use of the biological resources is granted;
 - (c) indicate the period for which the right contemplated in regulation 16 and 17 is granted; and
 - (d) determine the limits to the use of the biological resources.
- (2) The management authority must demarcate the land or water area contemplated in subregulation (1)(b) in a manner it deems fit.
- (3) An authorization granted in terms of regulation 16 and 17 may not interfere with the exercise of any authorization which has been granted to another person in respect of the area contemplated in subregulation (1)(b).
- (4) An authorization granted in terms of regulation 16 and 17 must include a stipulated notice period for cancellation of the right or amendment of the conditions granting the right.
- (5) The management authority may cancel an authorization granted in terms of regulation 16 and 17 in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the management authority:
- (6) A management authority may cancel an authorization granted in terms of regulation 16 and 17 if the conditions set by the management authority are not complied with by the relevant local community or the resource or any other component of the nature reserve is threatened.

- (7) An authorised person may cause a holder of an authorization contemplated in regulation 16 or 17 to cease all activities immediately if the aforementioned holder of the right is found or deemed, to be in contravention of any conditions stipulated in the license, permit or written agreement.

CHAPTER 6 ACCESS TO NATURE RESERVES

Access to nature reserve by user of biological resources

- 19(1) The holder of an authorization granted in terms of regulation 16 or 17 may, subject to any condition contained in a written authorisation or agreement, use any road, or path, identified by the management authority, for the reasonable exercise of a right to use biological resources: Provided that —
- (a) a management authority may close any access road or limit the use thereof for management purposes;
 - (b) if a holder of a right fails to remove or repair any obstruction on an access road caused as a result of the exercise of a right, a management authority may undertake such removal or repair and recover the cost in this regard from the holder of the right;
 - (c) a management authority may impose restrictions on the type of vehicle, machinery or equipment which is permitted on an access road in order to prevent any environmental or other damage;
 - (d) the holder of a right must keep every access road used, reasonable wear excluded, in a good driving condition; and
 - (e) a holder of a right may not create or construct any new access road for the removal of biological resources or for any other reason, without the written authorization of a management authority.

Admission

- 20(1) Any person who has been granted entry into a nature reserve may be allowed admission only to a specific area and at designated times as determined by a management authority.
- (2) A management authority may close a nature reserve or any part of a nature reserve—
- (a) if, in the management authority's opinion—
 - (i) the closure is necessary or desirable for the proper management of the nature reserve;
 - (ii) the closure is necessary for the management authority to perform any of its functions in terms of the Act or these Regulations; or
 - (iii) the safety of persons may be compromised;
 - (b) if a fire-ban is in force in an area that includes all or part of the nature reserve;
 - (c) if the risk of uncontrolled fire in the nature reserve is, in the management authority's opinion, extreme;
 - (d) if the management authority's staff necessary to patrol the nature reserve are unavailable; or
 - (e) if, in the management authority's opinion, it is in the interest of public safety to close the nature reserve.
- (3) No person may, without the permission of the management authority, enter or remain in a nature reserve that has been closed in terms of subregulation (2).

Entrance and accommodation in a nature reserve

21. Any person entering or staying in a nature reserve is subject to conditions set by the management authority.

Points of entry and exit

22(1) No person may, other than in an open access nature reserve, or subject to the provisions of Section 46 of the Act and regulation 21, enter or leave a nature reserve at any place other than through the point of entry or exit, without the written authorization of the management authority.

(2) Where a public road or railway line passes through a nature reserve—

(a) no permission is required by a person to pass through the nature reserve on such a road or railway line to a destination outside the nature reserve in question; and

(b) no person may be authorised—

(i) to leave such a public road; or

(ii) to enter into a nature reserve from such public road or railway line other than in compliance with subregulation (1).

(3) No person may land in a nature reserve using an aircraft without the prior permission from the management authority.

(4) Subregulation (3) does not apply —

(a) in the case of an emergency; or

(b) to a person acting on the instructions of the management authority.

Proof of entry

- 23(1) Where the issue of a written authorization is required for entry to a nature reserve, a person who enters the nature reserve in a vehicle must ensure that the receipt for the entrance fee in respect of, or the written authorization authorising his or her entry into the nature reserve is in his or her possession at all times until he or she or the vehicle leaves the nature reserve.
- (2) Where the issue of a permit is required for camping in a nature reserve, a person who camps in the nature reserve in or near a vehicle that he or she has travelled in to get to the camp site must ensure that the permit authorising him or her to camp in the nature reserve is displayed at all times in the vehicle in accordance with subregulation (4) while he or she is camping in or near the vehicle.
- (3) This regulation does not apply to any person who enters, or camps in, a nature reserve as the client of a person conducting a tour for a fee or reward if the vehicle concerned is owned by, or is under the control of a tour operator approved by the management authority.
- (4) For purposes of these Regulations a permit contemplated in subregulations (2) is displayed in a vehicle only if –
- (a) that the permit is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
- (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a) the permit is displayed in a permanent position in or on the vehicle, so that the permit is facing outwards from the vehicle and can be easily seen and read by a person outside the vehicle.
- (5) Any person who enters a nature reserve by aircraft or vessel may, after disembarking from such aircraft or vessel, travel by vehicle, without prior written approval or proof of entry, from the landing field or landing within the nature reserve to the nearest place designated by a management authority, to obtain the necessary proof permitting entry.

- (6) Any person who does not use a vehicle to enter a nature reserve must display or be in possession of proof of entry in a manner determined by the management authority.

Safe entering

24. No person may enter or take a vehicle or vessel in a nature reserve onto a place, road, river or water area in an unsafe, reckless or negligent manner.

Staying overnight

- 25(1) No person may stay overnight in a nature reserve—
- (a) without the written authorization of the management authority;
 - (b) without having first reported to the nature reserve reception office in a nature reserve or to an authorised person assigned by the management authority to perform escort duty;
 - (c) where no accommodation has been reserved or is available for that person;
 - (d) on a houseboat or any vessel without the permission of the management authority;
 - (e) at any place other than a place designated by the management authority.
- (2) No person may, without the permission of a management authority contemplated in subregulation (1), camp in a nature reserve except in an area set aside by the management authority for that purpose.

Times of entry and travel

26. No person may, without the written authorization of the management authority, enter, leave or travel in a nature reserve at any time other than the times determined by the management authority from time to time.

Vehicles

27. No person may enter or travel in a nature reserve except in a vehicle that conforms to the dimensions and other requirements determined by a management authority from time to time.

CHAPTER 7 USE OF WATER AREA IN A NATURE RESERVE

Permits for vessels

28. (1) Any person intending to use a vessel in a water area must apply for a permit for such a vessel in a form determined by a management authority.
- (2) No person may use a vessel in a water area —
- (a) without having a permit to do so; and
 - (b) except under strict conditions set by the management authority in the permit.
- (3) Unless in possession of a permit issued by the management authority, no person may use a vessel, including a vessel propelled by means of a propeller above the water, in any water area in a nature reserve.

Bathing, diving and swimming

29. No person may bathe, dive or swim in any area in a nature reserve—
- (1) except where bathing, diving and swimming is permitted; or
 - (2) where bathing, diving or swimming is prohibited by means of a Protected Area Notice.

Safety ropes

30. No person may hang from, sit on, interfere with or cause safety ropes or other devices to sink where such safety ropes or devices are provided for the assistance of bathers in distress or for the protection of users of water area.

Life saving apparatus

31. Except in an emergency, no person, with the exception of an authorised person or lifeguard, may handle, touch or use in any manner a life-saving rope, buoy or other life-saving apparatus installed or maintained in or at a water area, or do anything which will impede the proper working of such life-saving apparatus.

Water skiing

32 No person may water ski in a water area other than in a place and at times permitted by a management authority.

**CHAPTER 8
RESTRICTED ACTIVITIES****Activities which may have an adverse effect in the nature reserve**

- 33(1)** No person may without the prior written authorization of the management authority—
- (a) introduce any specimen, or part thereof to a nature reserve;
 - (b) convey, move or otherwise translocate any specimen in a nature reserve;
 - (c) intentionally disturb any species or specimen in a nature reserve;
 - (d) feed any species or specimen in a nature reserve;

- (e) use any recording of the sound of a species or specimen or the imagery or scent of a species or specimen to attract animals in a nature reserve;
 - (f) lure, bait or attract by any means or for any purpose or intention any specimen in a nature reserve;
 - (g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood or firewood in a nature reserve;
 - (h) hunt, catch, capture or kill any living specimen by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen in a nature reserve;
 - (i) gather, collect or pluck any specimen in a nature reserve;
 - (j) pick parts of, or cut, chop off, uproot, damage or destroy, any specimen in a nature reserve;
 - (k) possess or exercise physical control over any specimen in a nature reserve;
 - (l) grow, breed or in any other way propagate any specimen, or cause it to multiply in a nature reserve;
 - (m) sell or otherwise trade in, buy, receive, give, donate or accept as a gift, or in any way acquire or dispose of any specimen in a nature reserve; or
 - (n) angle, attempt to angle, catch or attempt to catch fish in a nature reserve other than in an area designated for such purpose.
- (2) Subregulation (1)(f) does not apply to the use of bait or lures for the purpose of angling where such activity is permitted in a nature reserve.
- (3) No person within a nature reserve may —
- (a) intentionally or negligently cause pollution;

- (b) deface cultural heritage resources; or
 - (c) harm or cause death to any individual or population of any species without the prior written authorization of a management authority.
- (4) No person may, other than with the prior written authorization of a management authority and subject to the management plan, open or close the mouth of a tidal lagoon or a tidal river within any nature reserve.
- (5) No person may, within a nature reserve place, throw, dump or let out any refuse, rubbish, used containers, effluent, toilet waste or any objectionable matter in areas other than those areas designated for this purpose by the management authority.

Specified activities

- 34(1)** No person may undertake any of the following activities in a nature reserve except pursuant to a licence, permit or agreement between that person, or some other person, and the management authority:
- (a) The filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device;
 - (b) the conducting of tours;
 - (c) the conducting of any kind of competition;
 - (d) the selling or hiring of goods or the offering of goods for sale or hire;
 - (e) the provision of, or the offering to provide, any service for a fee or reward;
 - (f) the conducting of speed trials;

- (g) an activity of any kind for the purpose of fund raising, personal gain or making a profit;
- (h) any organised or special event, including sporting or cultural events; or
- (i) visual imaging of animals for purposes of any virtual hunting or other such activity.

Research and monitoring

35(1) No person may, without the written authorization of a management authority, carry out scientific research in a nature reserve.

(2) Any person undertaking research or monitoring projects in a nature reserve must—

- (a) submit a research project proposal to a management authority contemplated in subregulation (1) in a format determined by the management authority;
- (b) submit all data and information gathered to the management authority in a format determined by and at stages of the project specified by the management authority;
- (c) submit copies of all reports and publications as a result of the research project to the management authority within four weeks of their publication; and

Interference with soil or substrate

36(1) No person may, except with the prior written authorization of a management authority—

- (a) remove from a nature reserve any —

- (i) soil, sand, gravel, pebbles, stone, rock, mineral or similar material;
 - (ii) wood, mulch or other dead vegetation;
 - (iii) fossil, archaeological remains or cultural artefacts;
 - (iv) coral or sea shells;
 - (v) guano; or
 - (vi) a shipwreck, flotsam or jetsam.
- (b) dig any soil or similar material in a nature reserve; or
- (c) intentionally disturb in a nature reserve —
- (i) wood, mulch, peat or other dead vegetation or animal;
 - (ii) termite mounds;
 - (iii) fossil, shell midden, archaeological remains or paleontological specimens or meteorites; or
 - (iv) any of the marine components contemplated in paragraph (a);
 - (v) any object or material that is or was used for any ritual, spiritual or other practice; or
 - (vi) any object that has historical or cultural significance.

Use of biological resources in nature reserves

37(1) No person may, without the prior written authorisation of a management authority, and subject to the provisions of Chapter 7 of the Biodiversity Act, 2004 within a nature reserve undertake, support or participate in any restricted activity.

(2) For purposes of subregulation (1) a restricted activity also includes –

(a) in relation to cultural heritage elements—

(i) touching, removing, altering or interfering with cultural resources;

(ii) preventing participation in living cultural heritage; and

(iii) preventing the cultural or spiritual development of people, groups or communities.

Bioprospecting

38. No person may undertake any manner or form of bioprospecting in a nature reserve without the prior written authorization of a management authority and subject to such conditions as determined by the management authority.

Buildings and improvements

39(1) Written authorization of the management authority, for any development in a nature reserve is subject to prior environmental authorization in terms of section 24 of the National Environmental Management Act, 1998.

(2) No person in a nature reserve may, without the prior written authorization of a management authority, erect, construct or transform or cause to be erected, constructed or transformed any building or any other improvement, including but not limited, to a building or structure of any kind, jetty, dock, pier, landing stage, landing

float,marker,anchor bouy,raft,fence or any obstruction,bridge,pontoon,road or crossing in respect of a building or other immovable property.

- (3) Any person who has applied in terms of subregulation (2) for the erection of a building or any other improvement in respect of a building or other immovable property must, if required to do so by the management authority—
- (a) in the case where prior environmental authorisation in terms of section 24 of National Environmental Management Act, 1998 is not required in terms of any law, employ an independent environmental consultant to conduct an assessment of the proposed erection or improvement in compliance with the minimum requirements set by the Act, or other applicable legislation, and to submit the findings of the assessment to the management authority;
- (b) in instances where prior environmental authorisation in terms of section 24 of National Environmental Management Act, 1998 is compulsory, provide the management authority with such environmental authorisation before the management authority considers the application.

French drains, pit latrines and other sewerage disposal systems

40. No person may, without the prior written authorization of a management authority accompanied by a site plan, establish or in any way alter, extend or enlarge any french drain system, pit latrine or any other sewerage disposal system on any land situated within a nature reserve or replace it with another french drain system, pit latrine or any other sewerage disposal system.

Holiday resort, caravan park, camping or picnic site

41. No person may erect, establish, transform, extend or enlarge any holiday resort, caravan park or camping or picnic site situated on private land within a nature reserve at which members of the public can stay, camp or picnic upon payment of a fee, other than in accordance with the management plan for the nature reserve.

Land and in airspace

42. No person may in a nature reserve, except with the prior written authorization of a management authority—
- (a) engage in the sport of climbing rock faces;
 - (b) engage in the sport of parachuting or abseiling;
 - (c) use a hang glider or any other kind of glider;
 - (d) launch or fly a hot air balloon;
 - (e) fly model planes or gliders;
 - (f) engage in the sport of any kind of boarding;
 - (g) operate any motorised vehicle for recreational purposes;
 - (h) launch or propel, missile or flare into the airspace above a nature reserve unless such activity is a bona fide emergency; or
 - (i) ignite or use any fireworks.

Water areas

- 43(1) No person may, without the written authorization of a management authority, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water in a nature reserve unless the water has been set aside by the management authority for the use of vessels.
- (2) No person may paint any vessel in a water area unless the prior written approval by management authority has been obtained.

- (3) No person may dispose of any solid or liquid waste, including motor oil, into a water area other than in places designated by the management authority therefore.

Removal and dumping in water areas

- 44.** No persons may, without the prior written authorization of a management authority and subject to the conditions imposed by the management authority, in any manner in a nature reserve—
- (a) remove, dredge, pump or move any sand, soil or stones from a water area;
 - (b) deposit, dump or throw sand, soil, stones or other material of any kind in a water area.

Pets in nature reserves

- 45(1)** No person may, except on conditions determined by a management authority from time to time, allow any dog, cat or other pet belonging to or under the care of that person to enter and remain in or enter or remain in a nature reserve.
- (2) Any dog, cat or other pet contemplated in subregulation (1) which is not in the care of any person, may either be caught and removed or destroyed at the discretion of the management authority.
- (3) Any dog, cat or other pet not in control by a leash in a nature reserve may be impounded or destroyed at the discretion of the management authority during or after such act.

Firearms and dangerous weapons

- 46(1)** No person other than an authorised person entering a nature reserve may subject to the provisions of subregulation (2) convey into or within a nature reserve or be in possession of any firearm or dangerous weapon or any explosive, trap or poison in a nature reserve;

- (2) A person in possession of a valid licence for a firearm may convey that firearm into a nature reserve, other than an open access protected area, subject to conditions in subregulation (3).
- (3)(a) Any person visiting a nature reserve must, at the point of entry declare to the management authority, any weapon or firearm in his or her possession.
- (b) The management authority may require any weapon or firearm referred to in subregulation (1) to be sealed, for the duration of the presence of the person in the nature reserve : Provided that the management authority, in the case of any weapon or firearm left in his or her custody, issue a written receipt.
- (4) Any person who fails to declare any weapon or firearm in compliance with subregulation (3)(a), or any person in a nature reserve found in possession of any weapon or firearm which has not been declared as contemplated in that subregulation, must be guilty of an offence.

General restrictions

- 47(1) No person may in a nature reserve without the written authorisation of the management authority—
- (a) offer any show or entertainment, conduct any business or trade or collect any money from the public;
- (b) carry on any agricultural or gardening activities without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time;
- (c) use or cause to be used, any loud speaker or similar device or other noisy equipment;
- (d) construct or erect any booth, marquee or other structure; or

- (e) organise or cause to be organised or attend or participate in any public meeting, demonstration or gathering.
- (2) No person may –
- (a) intentionally or negligently cause a fire or discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire other than at a place where the making of a fire is permitted by a management authority; or
 - (b) interfere with any management authority staff member undertaking his or her duties.

CHAPTER 9 PROHIBITED ACTIVITIES

Prohibitions relating to vehicles

- 48(1) No person driving a vehicle in a nature reserve may –
- (a) drive, park, or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
 - (b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of a management operation or emergency vehicle;
 - (c) park a vehicle in a place other than in a place designated for that purpose by a management authority;
 - (d) drive or park anywhere except on a designated road or place;
 - (e) damage or act in a manner that could cause damage of any nature whatsoever, including but not limited to, damage to a road, plants or animals;

- (f) drive or operate any vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property of whatever nature; or
 - (g) drive a vehicle off-road or off designated roads or tracks, except in an area set aside by the management authority for that purpose.
- (2) The management authority may restrict or preclude the use of any vehicle within the nature reserve.

Prohibitions in relation to use of water areas

- 49(1) No person may water ski in a water area in a nature reserve between sunset and sunrise.
- (2) No person in a vessel may, subject to the provisions of the Merchant Shipping Act, enter or be in a nature reserve, except if that vessel conforms to the dimensions and meets the requirements provided for in internal rules made by a management authority from time to time.
- (3) No person may use a motor boat, in any water area in a nature reserve within 50 metres of swimmers, skiers, sailing boats, canoes, rowing boats or anglers.
- (4) No person may launch or use a vessel anywhere or in any water area in a nature reserve unless it is equipped with adequate life-saving equipment for the persons being conveyed thereon.
- (5) No person may land from a vessel in any water area except at a place, designated by the management authority for such landing.

Prohibitions relating to development

- 50(1) No development contemplated in section 50(5) of the Act may be implemented—
- (a) in any area other than an area designated for such development in a management plan; and
 - (b) before a management authority has indicated in writing the nature and extent of the environmental impact assessment required for the development.
- (2) No commercial activity or activity contemplated in section 50 of the Act, which requires an environmental impact assessment to be undertaken, either in terms of subregulation (1)(b) or under any other law, may be implemented before a management authority has approved, with or without conditions, the environmental impact assessment before it is submitted to the relevant authority for approval.

Littering and pollution

51. No person may, in a nature reserve—
- (a) deposit or leave any litter which is either industrial or domestic, regardless of whether that litter is biodegradable or non-biodegradable, except in an area or receptacle provided for that purpose;
 - (b) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provided for that purpose;
 - (c) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing;
 - (d) deposit or leave any offal, dead species or specimen or dung;
 - (e) deposit, except in any receptacle provided for litter, any domestic garbage;

- (f) intentionally break any article of glass, china, pottery, plastic or other brittle material;
- (g) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product thereof;
- (h) discard or discharge any toxic chemical or substance, pharmaceutical substance, including biocides, or any other pollutant or harmful substance; or
- (i) dispose of containers or residuals of aerosols or any other hazardous substance of such nature.

Pollution of water

52. No person may, at any time or in any manner, including by the use of detergents, pollute any water area, spring, pan, well, borehole, groundwater, dam, reservoir or lake in a nature reserve.

General prohibitions

53(1) No person may, in a nature reserve —

- (a) unlawfully occupy, move into, inhabit or use any existing land, building or structure;
 - (b) at any time play any radio, compact disc player, music system, musical instrument or in any way whatsoever cause any noise in a manner that is likely to disturb any species or specimen or other person; or
 - (c) behave in an offensive, improper, indecent or disorderly manner.
- (2) No person may, in a nature reserve, intentionally obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the nature reserve.

- (3) No person may discharge a firearm within a nature reserve, except—
- (a) if that person is authorised by a management authority thereto;
 - (b) for the discharge of a blank by a life-guard during an organized competition or by any other person authorised by the management authority, during a sports meeting in a water area;
 - (c) in connection with the collection of specimens for scientific purposes, subject to the written authorization of the management authority; or
 - (d) to give a distress signal.
- (4) No person may, in a nature reserve, throw, roll or discharge any stone, substance or missile to endanger any person or species or specimen in the nature reserve.

CHAPTER 10 OFFENCES AND PENALTIES

Offences

54. Any person who -
- (a) contravenes or fails to comply with any provisions of these Regulations;
 - (b) fails to comply with any Protected Area Notice, an internal rule, or other document issued or displayed in terms of these Regulations;
 - (c) fails to comply with any lawful instruction, prohibition, rule or order given, imposed or issued in terms of an internal rule or these Regulations; or
 - (d) obstructs or hinders any authorised official in the execution of his or her duties under these Regulations; or

- (e) contravenes a condition mentioned in a written authorisation or agreement issued or entered into in terms of these Regulations;

is guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding R5 million or imprisonment for a period not exceeding five years and, in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years or in both instances to both a fine and such imprisonment.

CHAPTER 11

SHORT TITLE AND COMMENCEMENT

55 These Regulations are called the Regulations for the Proper Administration of Nature Reserves, 2012, and take effect on the date of publication thereof in the Gazette.
