



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

**No. 10182**

*Regulasiekoerant*

**Vol. 586**

**Pretoria, 29 April 2014**

**No. 37596**

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**GOVERNMENT NOTICES**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

No. R. 323

29 April 2014

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004  
(ACT NO. 10 OF 2004)****AMENDMENTS TO CITES REGULATIONS, 2014**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby amend the CITES Regulations, 2010 in terms of section 97(1)(b)(iv) read with section 97(4) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), set out in the Schedule hereto.



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

## SCHEDULE

### Definition

1. In these regulations “the Regulations” means the CITES Regulations, 2010, published under Government Notice No. R. 173 of 5 March 2010, as amended by Government Notice No. R. 575 of 11 July 2011.

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

- (a) by the substitution for the definition of “**customs legislation**” of the following definition:

“**customs legislation**” means the Customs and Excise Act, 1964 (Act No 91 of 1964), its Schedules, rules and notices published under the Act, as amended from time to time;

- (b) by the substitution for the definition of “**personal or household effects**” of the following definition:

“**personal or household effects**” means dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions read with Article VII paragraph 3 of the CITES;

- (c) by the insertion after the definition of “**primarily commercial purposes**” of the following definition:

“**provincial department**” means the provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

- (d) by the substitution for the definition of “**transit**” of the following definition:

“**transit**” means the conveying or transporting a specimen of a species included in the Appendices of CITES from a destination outside the Republic, through the Republic, to a destination outside the Republic, without removing the specimen from the control of Customs and Excise while so conveying or transporting; and

- (e) by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Recommendations included in Resolutions, as amended from time to time, and

Decisions of the Conference of Parties to CITES can serve as a source of interpretation of the provisions of these regulations”.

### **Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is hereby amended—

(a) by the substitution for paragraphs (c) and (d) of sub-regulation (2) of the following paragraphs:

“(c) to maintain records of international trade in specimens and prepare an annual report concerning such trade, and submit this report to the CITES Secretariat by the deadline stipulated in the relevant Resolution;

(d) to prepare a biannual report on legislative, regulatory and administrative measures taken to enforce the Convention, and to submit this report to the CITES Secretariat by the deadline stipulated in the relevant Resolution;”;

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The National Minister responsible for environmental affairs is the authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A(1)(b) of the National Environmental Management: Biodiversity Act, 2004.”; and

(c) by the substitution of sub-regulation (4) for the following sub-regulation:

“(4) The MEC of the provincial department responsible for nature conservation in a Province, is the Provincial Management Authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A (2) of the National Environmental Management: Biodiversity Act, 2004.”.

### **Amendment of regulation 5 of the Regulations**

4. Regulation 5 of the Regulations is hereby amended by the insertion after sub-regulation (2) of the following sub-regulation:

“(2A) Notwithstanding sub-regulation (2), the National Management Authority may in exceptional circumstances grant written permission, based on the evaluation of a motivation

provided by the applicant, for an alternative port to be used for the import, export or re-export of live specimens of CITES listed species where the survival of these specimens may be at risk if the ports in Appendix VI are used.”.

#### **Amendment of regulation 7 of the Regulations**

5. Regulation 7 of the Regulations is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

“(4) The import of any specimen of species included in Appendix III requires the prior presentation of an import permit, a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.”.

#### **Substitution of regulation 14 of the Regulations**

6. The following regulation is hereby substituted for regulation 14 of the Regulations:

##### **“Personal effects**

14. Provisions foreseen in Part 4 shall not apply to dead specimens, parts and derivatives of species listed in Appendix I, II and III, which are personal effects being introduced into the Republic, or exported or re-exported there from for a period not exceeding three months or for personal effects exempted in terms of the related Resolution Conference of Parties to CITES, provided that it is done in compliance with Article VII of the CITES.”.

#### **Amendment of regulation 16 of the Regulations**

7. Regulation 16 of the Regulations is hereby amended—
- (a) by the insertion after sub-regulation (1) of the following sub-regulation:

“(1A) Failure by the permit holder—

- (a) to have a CITES import permit cancelled in terms of Regulation 10 (7); or
- (b) to have a CITES export or re-export permit endorsed in terms of Regulation 10 (8) before the export or re-export takes place,

is an offence in terms of these Regulations.”; and

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) A person contravening sub-regulation (1) or (1A) is guilty of the offence and shall be liable on conviction to—

- (a) a fine not exceeding five million rand 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 10 years; or
- (b) in both instances referred to in paragraph (a), both such fine or imprisonment; or
- (c) in the case of repeated offenders, a fine or imprisonment or both a fine and imprisonment as referred to in (a) above and being banned from ever applying for a permit to trade in CITES listed species again.”.

#### **Amendment of Appendix VI of the Regulations**

8. Appendix VI of the Regulations is hereby amended by the addition to the list of designated ports of entry and exit for import, export and re-export of CITES listed species, Airports and Harbours, of the following airport:

“King Shaka International Airport”

**No. R. 324**

**29 April 2014**

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004  
(ACT NO. 10 OF 2004)**

**AMENDMENT TO THE THREATENED OR PROTECTED SPECIES REGULATIONS, 2007**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby, in terms Section 97(1)(g), (h) and (i) of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004), make the regulations in the Schedule hereto.



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



## SCHEDULE

### Definitions

1. In these regulations—

“**the Regulations**” means the Threatened or Protected Species Regulations, 2007 published in Gazette No. 29657, Notice No. R. 152 of 23 February 2007, as amended by Notice No. R. 69 of 28 January 2008, published in Gazette No. 30703, as amended by Notice No. R. 209 of 27 February 2009, published in Gazette No. 31962, as amended by Notice No. R. 210 of 27 February 2009, published in Gazette No. 31963, as amended by Notice No. R. 576 of 11 July 2011, published in Gazette No. 34453, as amended by Notice No. R. 614 of 02 August 2012, published in Gazette No. 35565.

### Amendment of Regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby amended—

(a) the substitution for subregulation (1) of the following subregulation:

“(1) A person may apply for a permit by submitting an application on the form set out in Annexure 1 to these regulations.”;

(b) the substitution for subregulation (2) of the following subregulation:

“(2) Unless the Minister directs otherwise in the case of a specific application or applications, the application contemplated in subregulation (1) must be submitted to the organ of state as specified in Section 87A of the Biodiversity Act.”.

### Repeal of Regulation

3. Regulation 3(2) and 3(3) of the Regulations is repealed.

### COMMENCEMENT DATE

This notice comes into operation on the date of publication thereof in the *Gazette*.













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