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UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.



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Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

J. J. KLOPPER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 7.]

[3 January 1969

The Administrator has been pleased, under and by virtue of the powers in him vested by sections 45 and 70 of the Nature Conservation Ordinance, 1967 (Ordinance 31 of 1967), as amended, to approve the following regulations:—

CHAPTER 11.

PROCLAMATION OF PRIVATE GAME AND NATURE RESERVES.

1. Any owner or occupier of land who intends to have his land, or any part thereof, proclaimed a private game reserve or a private nature reserve in terms of the provisions of section 42 of the ordinance, shall address his application in writing to the Director of Nature Conservation and Tourism, Windhoek, in a form approved by the Administrator.

2. On receipt of such application the Director shall, subject to the provisions of regulation 3 of this chapter, publish the applicant's intention of having his land, or part thereof, proclaimed a private game reserve or a private nature reserve in the *Official Gazette* and in a news-

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 7.]

[3 Januarie 1969

Dit behaag die Administrateur om kragtens en ingevolge die bevoegdheid hom verleen by artikels 45 en 70 van die Ordonnansie op Natuurbewaring 1967 (Ordonnansie 31 van 1967), soos gewysig, sy goedkeuring aan die onderstaande regulasies te heg:—

HOOFSTUK II.

PROKLAMERING VAN PRIVATE WILD- EN NATUURRESERWES.

1. Elke eienaar of bewoner van grond wat voornemens is om ooreenkomstig die bepalings van artikel 42 van die ordonnansie sy grond, of enige gedeelte daarvan, tot 'n private wildreserwe of 'n private natuurreserwe te laat proklameer, moet sy aansoek skriftelik in die vorm goedgekeur deur die Administrateur aan die Direkteur van Natuurbewaring en Toerisme, Windhoek, rig.

2. Op ontvangs van sodanige aansoek maak die Direkteur, behoudens die bepalings van regulasie 3 van hierdie hoofstuk applikant se voorneme om sy grond, of 'n gedeelte daarvan, tot 'n private wildreserwe of 'n private natuurreserwe te laat proklameer in die *Offisiële*

paper circulating in South West Africa at the applicant's expense, and invite interested persons who may have objections, to lodge such objections with him in writing within three months of the date on which the notice was published in the *Official Gazette* and the newspaper.

3. The cost of publishing such notices shall be paid in advance by the applicant.

4. The Administrator may, in his discretion, grant or refuse any such application.

5. If the application is approved and the land is proclaimed a private game reserve or a private nature reserve, the owner shall erect and maintain notice boards in accordance with the specifications and wording set forth in the schedule to this chapter, at all entrances to the reserve.

SCHEDULE.

1. The notice board shall be at least 3 feet by 4 feet in size.

2. The lettering shall be black on a yellow background.

3. All lettering except that of the name of the reserve shall be at least one and a half inches high.

4. The name of the reserve shall be in lettering at least four and a half inches high.

5. The wording of the notice on the board shall be as follows:—

Private Wildreserwe/Natuurreserwe
Private Game/Nature Reserve
Privates Wild/Naturreservat.

Oortreders sal vervolgd word.

Trespassers will be prosecuted.

Zuwiderhandlungen bei Strafe verboten.

Proklamasie

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CHAPTER 12.

DUTIES AND POWERS OF NATURE CONSERVATORS AND HONORARY NATURE CONSERVATORS.

Appointment of Nature Conservators and Honorary Nature Conservators.

1. Every person appointed as a Nature Conservator or an Honorary Nature Conservator, as the case may be, in terms of the provisions of section 71 of the ordinance, shall have the powers defined in these regulations: Provided that such powers shall not be exercised by a non-white person in respect of a white person.

Certificate of Appointment and Badge.

2. (1) Every nature conservator and every honorary nature conservator shall, while on duty, carry with him a certificate of appointment and a badge: Provided that nothing contained in these regulations shall be deemed to mean that such a nature conservator or honorary nature conservator may not exercise the powers vested in him if he does not carry such certificate and/or badge with him: Provided further that if he should act under such circumstances he shall immediately make known his identity.

(2) The wording of the certificate of appointment shall be as approved by the Director.

(3) The badges shall be as approved by the Secretary.

3. The production of a letter or other document of appointment of a nature conservator or honorary nature

Koerant en in 'n nuusblad wat in Suidwes-Afrika omloop op applikant se koste bekend en nooit hy belanghebbendes wat daarteen beswaar wil aanteken uit om hulle besware binne drie maande van die datum waarop die kennisgewing in die *Offisiële Koerant* en nuusblad verskyn skriftelik by hom in te dien.

3. Die applikant moet die koste van die plasing van sodanige kennisgewings vooruitbetaal.

4. Die Administrateur kan na goeëdunke so 'n aansoek goed- of afkeur.

5. Word die aansoek goedgekeur en die grond tot 'n private wildreserwe of 'n private natuurreserwe geproklameer, moet die eienaar kennisgewingborde ooreenkomstig die spesifikasie en bewoording in die bylae tot hierdie hoofstuk by alle ingange tot die reserwe oprig en instandhou.

BYLAE.

1. Die kennisgewingborde moet minstens 3 voet by 4 voet groot wees.

2. Die letters moet swart en die agtergrond geel wees.

3. Met uitsondering van die naam van die reserwe moet die letters minstens anderhalf duim hoog wees.

4. Die naam van die reserwe moet in letters van minstens vier en 'n half duim hoog geskrywe wees.

5. Die bewoording van die kennisgewing moet soos volg op die borde aangebring word:—

Private Wildreserwe/Natuurreserwe.
Private Game/Nature Reserve.
Privates Wild/Naturreservat.

Oortreders sal vervolgd word

Trespassers will be prosecuted

Zuwiderhandlungen bei Strafe verboten.

Proklamasie

Proclamation 19.....

Proklamation

HOOFSTUK 12.

PLIGTE EN BEVOEGDHEDE VAN NATUURBEWAARDERS EN ERE-NATUURBEWAARDERS.

Aanstelling van Natuurbewaarders en Ere-Natuurbewaarders.

1. Elkeen wat ooreenkomstig die bepalinge van artikel 71 van die ordonnansie as 'n natuurbewaarder of as 'n ere-natuurbewaarder na gelang, aangestel word, besit die bevoegdhede wat by hierdie regulasies bepaal word: Met dien verstande dat sodanige bevoegdhede nie deur 'n nie-blanke teenoor 'n blanke uitgeoefen kan word nie.

Sertifikaat van Aanstelling en Kenteken.

2. (1) Elke natuurbewaarder en elke ere-natuurbewaarder moet terwyl hy diens doen, 'n sertifikaat van aanstelling en 'n kenteken dra: Met dien verstande dat niks in hierdie regulasies opgeneem moet word as sou 'n natuurbewaarder of ere-natuurbewaarder nie die bevoegdhede aan hom verleen mag uitoefen as hy nie sodanige sertifikaat en/of kenteken by hom dra nie: Met dien verstande voorts dat, as hy onder sodanige omstandighede optree, hy onverwyld sy identiteit bekend moet maak.

(2) Die bewoording van die sertifikaat van aanstelling moet lui soos deur die Direkteur goedgekeur.

(3) Die kentekens moet wees soos deur die Sekretaris goedgekeur.

3. Die vertoning van 'n brief of ander dokument van aanstelling van 'n natuurbewaarder of van 'n ere-natuur-

conservator shall, unless the contrary be proved, be sufficient proof of the appointment of such officer.

4. Whenever requested to do so, a nature conservator or an honorary nature conservator who —

- (a) does not carry his certificate of appointment and/or his badge with him; and
- (b) is engaged in performing his duties or exercising his powers,

shall produce the letter or other document of appointment mentioned in regulation 3.

POWERS OF A NATURE CONSERVATOR.

5. A nature conservator may, if he has reason to believe that there has been a contravention of any of the provisions of the ordinance, or any regulation framed thereunder, or if he conducts an official routine inspection in connection with the execution of his powers and duties, at any time —

- (a) enter any land, premises, building, water, vessel or vehicle upon or in which —
 - (i) any game or wild animal, or any carcass of any game or part thereof;
 - (ii) any fire-arm, bird lime, trap, snare-hole, ambush, net or other similar device, or any dog; or
 - (iii) any fish, fishing tackle, set line, artificial lure, spoon or natural bait;
 - (iv) protected or indigenous plant; or
 - (v) any book, register, paper or document referring to the capture, angling, hunting, picking, keeping, sale, importation or exportation or any other acquisition or alienation of game, fish or indigenous or protected plant,

is or was kept or is suspected of being kept, and such nature conservator may, with that object in view, stop any vessel or vehicle or instruct the driver thereof to bring it to a stop, and such driver shall not leave or proceed on his way without the permission of such nature conservator;

- (b) inspect any land, premises, building, water, vessel or vehicle or any game or wild animal or any carcass or part of a carcass of game or fish or indigenous or protected plants found on or in such land, premises, building, water, vessel or vehicle;
- (c) require the owner, occupier or person in charge of —
 - (i) any land, premises, building, water, vessel or vehicle, or
 - (ii) any game or any wild animal or any carcass of any game or part thereof, or any fish or indigenous or protected plant being kept, or suspected of being kept, in or on such land, premises, building, water, vessel or vehicle,

to furnish his name and place of residence and any information in connection with the capture, angling, hunting, picking, keeping, sale, importation or exportation, or other acquisition or alienation of game, fish or indigenous or protected plants or information in connection with any book, register, paper or document referring to it;

- (d) confiscate any game, article or thing mentioned in subparagraphs (i) to (iii) of paragraph (a) kept or found in or on such land, premises, building, water, vessel or vehicle and which may supply proof of, or have a bearing on, or may have been used in

bewaarder is, tensy die teendeel bewys word, voldoende bewys van die aanstelling van sodanige beampte.

4. Waar dit van hom verlang word, moet 'n natuur-bewaarder of 'n ere-natuur-bewaarder wat —

- (a) nie sy sertifikaat van aanstelling en/of sy ken-teken dra nie; en
- (b) besig is met die vervulling van sy pligte of die uit-oefening van sy bevoegdhede,

die brief of ander dokument van aanstelling toon wat in regulasie 3 genoem word.

BEVOEGDHEDE VAN 'N NATUURBEWAARDER.

5. 'n Natuur-bewaarder kan, as hy rede het vir die oortuiging dat 'n oortreding van enige bepalings van die ordonnansie, of enige regulasie daarkragtens uitgevaardig begaan is, of as hy 'n amptelike roetine-inspeksie in verband met die uitoefening van sy magte en pligte uitvoer, te eniger tyd —

- (a) enige grond, perseel, gebou, waters, vaar- of voer-tuig betree waarin of waarop —
 - (i) wild of 'n wilde dier of enige karkas of gedeelte van die karkas van wild;
 - (ii) enige vuurwapen, voëllym, strik, vanggat, lok-val, net of ander soortgelyke middel, of enige hond; of
 - (iii) vis, visgerei, stellyn, kunslokmiddel, lepel of natuurlike aas;
 - (iv) beskermdede of inheemse plant; of
 - (v) enige boek, register, stuk of dokument wat op die vang, hengel, jag, pluk, aanhou, verkoop, invoer of uitvoer of ander verkryging of ver-vreemding van wild, vis of inheemse of be-skermdede plante, betrekking het,

gehou word of gehou is of vermoedelik gehou word, en sodanige natuur-bewaarder kan, met die oog daarop, enige vaar- of voertuig tot stilstand bring of die bestuurder daarvan opdrag gee om dit tot stilstand te bring, en sodanige bestuurder mag nie sonder die toestemming van die natuur-bewaarder vertrek of voortgaan nie;

- (b) enige grond, perseel, gebou, waters, vaar- of voer-tuig, of enige wild of wilde dier of enige karkas of gedeelte van die karkas van wild of vis of inheemse of beskermdede plante wat op sodanige grond, perseel, gebou, waters, vaar- of voertuig gevind word, inspekteer;
- (c) van die eenaar, bewoner of persoon wat toesig het oor —
 - (i) enige grond, perseel, gebou, waters, vaar- of voertuig, of
 - (ii) enige wild, of 'n wilde dier of enige karkas of gedeelte van die karkas van wild of vis of inheemse of beskermdede plante wat in of op so-danige grond, perseel, gebou, waters, vaar- of voertuig gehou word of gehou is, of vermoede-lik gehou word,

sy naam en woonplek, en enige inligting in verband met die vang, hengel, jag, pluk, aanhou, ver-koop, in- of uitvoer, of ander verkryging of ver-vreemding van wild, vis of inheemse of beskermdede plante of inligting in verband met enige boek, re-gister, stuk of dokument wat daarop betrekking het, eis;

- (d) beslag lê op enige wild of artikel of ding vermeld in subparagraph (i) tot (iii) van paragraaf (a) wat in of op sodanige grond, perseel, gebou, waters, vaar- of voertuig gehou of gevind word, en wat moontlik bewys lewer van, of betrekking het op of

connection with any offence under the ordinance or regulations framed thereunder, or under any other law controlling or prohibiting the hunting, acquisition, destruction or alienation of game or wild animals, fish or indigenous or protected plants in the Territory of South West Africa;

- (e) conduct any inquiry he may deem necessary in order to ascertain whether the provisions of the ordinance or the regulations framed thereunder or any other law prohibiting or controlling the hunting, acquisition, destruction or alienation of game or wild animals, fish or indigenous or protected plants in the Territory of South West Africa, have been complied with;
- (f) destroy any snare-hole, trap, ambush, fishing tackle, net or similar article or thing suspected of being used for the unlawful capture or hunting of game or wild animals or fish, and which cannot be removed from the place where it is found, or whose removal would be difficult;
- (g) for the better performance of his duties or for the exercise of his powers take an interpreter or assistant with him who, acting under the lawful instructions of such nature conservator, shall have the same powers and duties as such nature conservator: Provided that such powers shall not be exercised by a non-white person in respect of a white person;
- (h) where it is necessary for the performance of his duties or for the exercise of his powers, carry a fire-arm with him even on land of which he is not the owner;
- (i) on instructions from the Administrator and with the approval of the owner of the land concerned capture or destroy on such land any game —
 - (i) damaging any cultivated trees, plants or crops on land;
 - (ii) found in such numbers that they will, in his opinion, do considerable damage to grazing; or
 - (iii) which may be a danger to human beings;
- (j) on instructions from the Administrator and with or without the approval of the owner of the land, capture and transport to a proclaimed game park of the Administration, any wild animal which, owing to its scarcity is in danger of becoming extinct, in order to ensure its survival.

6. A nature conservator may, if he acts officially and if his action is directly connected with the exercise of his official duties, whether for scientific purposes or not —

- (a) hunt, capture or keep any game or wild animal;
- (b) catch any fish, irrespective of its size or species;
- (c) pick any protected or indigenous plant, on land or in water belonging to the Administration, or on privately-owned land or in privately-owned water with the consent of the owner.

DUTIES OF HONORARY NATURE CONSERVATORS.

7. (a) Every honorary nature conservator shall —

- (i) report regularly to his local Advisory Committee on Nature Conservation on any malconditions, abuses or other matters in connection with the protection of game, fish, indigenous or protected plants in his area; and
- (ii) report any contravention of the nature conservation laws coming to his notice, to the nearest na-

wat gebruik is in verband met 'n oortreding van die ordonnansie of regulasies wat daaringevolge afgekondig is, of kragtens enige ander wet wat die jag, verkryging, vernietiging of vervreemding van wild of wilde diere, vis of inheemse of beskermde plante in die Gebied Suidwes-Afrika beheer of verbied;

- (e) enige ondersoek doen wat hy nodig ag om vas te stel of die bepalings van die ordonnansie of die regulasies daaringevolge afgekondig of enige ander wet wat die jag, verkryging, vernietiging of vervreemding van wild of wilde diere, vis of inheemse of beskermde plante in die Gebied Suidwes-Afrika, verbied of beheer, nagekom word;
- (f) enige vanggat, lokval, slagyster, visgerei, net of soortgelyke artikel of ding wat vermoedelik gebruik word om wild, wilde diere of visse onwettig te vang of te jag en wat nie van die plek waar dit gevind is verwyder kan word nie, of waarvan sodanige verwydering moeilik is, vernietig;
- (g) ter doelmatiger vervulling van sy pligte of die uitoefening van sy bevoegdhede, 'n tolk of assistent saamneem wat, terwyl hy onder wettige bevel van so 'n natuurbewaarder optree, dieselfde bevoegdhede en pligte het as sodanige natuurbewaarder: Met dien verstande dat sodanige bevoegdhede nie deur 'n nie-blanke teenoor 'n blanke uitgeoefen kan word nie;
- (h) waar dit vir die vervulling van sy pligte of vir die uitoefening van sy bevoegdhede nodig is, 'n vuurwapen by hom dra al is hy op grond waarvan hy nie die eienaar is nie;
- (i) in opdrag van die Administrateur en met die toestemming van die eienaar van die betrokke grond, wild wat —
 - (i) aangeplante bome, plante of gesaaides op lande beskadig;
 - (ii) in sodanige getalle aangetref word dat hulle na sy mening weiding aansienlik sal beskadig, of
 - (iii) 'n gevaar vir mense kan wees; op sodanige grond vang of van kant maak;
- (j) in opdrag van die Administrateur en met of sonder die toestemming van die eienaar van die grond 'n wilde dier wat weens sy skaarste gevaar staan om uitgeroei te word, vang en na 'n geproklameerde wildtuin van die Administrasie vervoer om sodoende sy behoud te verseker.

6. 'n Natuurbewaarder kan, as hy ampshalwe optree en wanneer sy optrede in direkte verband met die uitoefening van sy amptelike pligte staan, hetsy vir wetenskaplike doeleindes of andersins —

- (a) enige wild of wilde dier jag, vang of aanhou;
- (b) enige vis vang, ongeag die grootte of soort;
- (c) enige beskermde of inheemse plant pluk, op grond of in waters behorende aan die Administrasie, of op private grond of in private waters met die eienaar se toestemming.

PLIGTE VAN ERE-NATUURBEWAARDERS.

7. (a) Elke ere-natuurbewaarder moet —

- (i) gereeld aan sy plaaslike Advieskomitee insake Natuurbewaring verslag doen van wantoestande, misbruike of enige ander aangeleentheid in verband met die beskerming van wild, vis, inheemse of beskermde plante in sy gebied; en
- (ii) enige oortreding van die natuurbewaringswette wat onder sy aandag kom aan die naaste natuur-

ture conservator or police officer, or ensure that such contravention is reported.

(b) Every honorary nature conservator shall submit a report on the wild animals, fish and plants in his area to his local Advisory Committee on Nature Conservation at least at the end of every calendar year. Such report shall contain such information as the following:—

- (i) Noticeable decreases or increases in the numbers of any particular species of game or wild animals, and the probable reasons for it;
- (ii) any outstanding game movements, such as migration from one farm or area to another, and the possible reasons for it;
- (iii) epidemics or diseases occurring amongst wild animals, fish or plants;
- (iv) special difficulties or damage caused by wild animals;
- (v) commentary on the hunting, capture and keeping of game, the catching of fish or the picking of plants in defined areas;
- (vi) proposals with regard to the hunting regulations for the following hunting season;
- (vii) proposed amendments to existing legislation on nature conservation;
- (viii) commentary on the control and development of game parks or other tourist attractions;
- (ix) commentary on any matter related to nature conservation.

POWERS OF HONORARY NATURE CONSERVATORS.

8. (1) An honorary nature conservator may, if he has reason to believe that any of the provisions of the ordinance has been contravened, demand at any time the name and address of any suspected offender and submit it together with his reasons for such action, to the nearest nature conservator or police officer for further investigation and action.

(2) An honorary nature conservator shall, whenever he is in a game park, demand the name and address of a suspected offender in relation to game park regulations or take down the registration number of the vehicle of such suspected offender, and submit it, together with his reasons for such action, to the nearest nature conservator for further investigation and action.

PENALTIES.

9. Any person who —

- (a) professes to be a nature conservator or an honorary nature conservator, knowing that he is not; or
- (b) resists, hinders or obstructs a nature conservator or honorary nature conservator or his assistant or interpreter in the performance of his duties or the exercise of his powers;
- (c) refuses or fails to comply with any lawful request or requirement made or set by any nature conservator or honorary nature conservator or his assistant or interpreter in the performance of his duties or the exercise of his powers;
- (d) refuses or fails to answer any lawful question put to him by any nature conservator or honorary nature conservator or his assistant or interpreter in the performance of his duties or the exercise of his powers, or makes a false or misleading statement to him,

shall be guilty of an offence and, on conviction, liable to the penalties prescribed by the ordinance.

The regulations published under Government Notices 270 of 1959 and 231 of 1961 are hereby withdrawn.

bewaarder of polisiebeampte rapporteer, of seker maak dat dit wel gerapporteer is.

(b) Elke ere-natuurbeewaarder moet minstens aan die end van elke kalenderjaar 'n verslag oor die wilde diere, vis en plante in sy gebied by sy plaaslike Advieskomitee insake Natuurbewaring indien. Sodanige verslag moet inligting soos die volgende bevat:—

- (i) Opmerkbare verminderings of vermeerderings in die getalle van enige bepaalde soorte wild of wilde diere, en die vermoedelijke redes daarvoor;
- (ii) opvallende bewegings van wild, soos die trek van die een plaas of streek na 'n ander, en die moontlike redes daarvoor;
- (iii) epidemies of siektes wat onder wilde diere, vis of plante voorgekom het;
- (iv) besondere moeilikheid of skade wat deur wilde diere veroorsaak is;
- (v) kommentaar oor die jag, vang en aanhou van wild, die vang van vis of die pluk van plante in bepaalde gebiede;
- (vi) voorstelle in verband met die jagregulasies vir die volgende jageisoen;
- (vii) voorgestelde wysigings van die bestaande wetgewing op natuurbewaring;
- (viii) kommentaar oor die beheer en ontwikkeling van wildtuine of ander besienswaardighede;
- (ix) kommentaar oor enige saak waarby natuurbewaring betrokke is.

BEVOEGDHEDE VAN ERE-NATUURBEWAARDERS.

8. (1) 'n Ere-natuurbeewaarder kan, as hy rede het vir die oortuiging dat 'n oortreding van enige bepaling van die ordonnansie begaan is, te eniger tyd die naam en die adres van 'n verdagte oortreder opeis en dit, tesame met sy redes vir sodanige optrede aan die naaste natuurbeewaarder of polisiebeampte vir verdere ondersoek en optrede verstrek.

(2) 'n Ere-natuurbeewaarder moet, wanneer hy in 'n wildtuin verkeer, die naam en adres van 'n verdagte oortreder van enige wildtuinregulasie opeis, of die registrasienommer van die voertuig van sodanige verdagte oortreder neem, en dit tesame met sy redes vir sodanige optrede, aan die naaste natuurbeewaarder vir verdere ondersoek en optrede verstrek.

STRAFBEPALING.

9. Elkeen wat —

- (a) voorgee dat hy 'n natuurbeewaarder of 'n ere-natuurbeewaarder is, wetende dat hy dit nie is nie; of
- (b) 'n natuurbeewaarder of 'n ere-natuurbeewaarder of sy assistent of tolk in die vervulling van sy pligte of die uitoefening van sy bevoegdhede, teenstaan, hinder of belemmer; of
- (c) weier of in gebreke bly om aan enige wettige versoek of vereiste te voldoen wat 'n natuurbeewaarder of 'n ere-natuurbeewaarder of sy assistent of tolk in die vervulling van sy pligte of die uitoefening van sy bevoegdhede doen of stel; of
- (d) weier of in gebreke bly om enige wettige vraag te beantwoord wat 'n natuurbeewaarder of 'n ere-natuurbeewaarder of sy assistent of tolk in die vervulling van sy pligte of die uitoefening van sy bevoegdhede, stel of 'n valse of misleidende verklaring aan hom doen,

is skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan die strawwe bepaal deur die ordonnansie.

Die regulasies afgekondig by Goewermentskennisgewings 270 van 1959 en 231 van 1961 word hierby herroep.

