OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.

UITGAWE OP GESAG. *PUBLISHED BY AUTHORITY.*

10c **Tuesday 25 May 1971** **WINDHOEK** **Dinsdag 25 Mei 1971** No. 3173

CONTENTS INHOUD *Page/Bladsy*

DRAFT ORDINANCE: **ONTWERPORDONNANSIE:**

Nature Conservation Amendment Draft Ordinance, 1971 . Wysigingsontwerpordonnansie op Natuurbewaring, 1971 412

Draft Ordinance

The following Draft Ordinance is published for general information.

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

Administrator's Office,
Windhoek.

Ontwerpordonnansie

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika

Kantoor van die Administrateur,
Windhoek.

GENERAL EXPLANATORY NOTE:

——— Words underlined with solid line indicate insertions proposed.

[ ] Words in square brackets indicate omissions proposed.

DRAFT ORDINANCE

To amend the Nature Conservation Ordinance, 1967, in relation to the definitions; so as to provide for the infliction of imprisonment without the option of a fine for repeated convictions in relation to protected and specially protected game committed in game parks; to prohibit the removal in specified circumstances of game found dead; to provide for the hunting of game to preserve grazing on land owned by a local authority; to restrict the capturing and killing of fish, reptiles and rodent animals for commercial or scientific purposes; to provide for the disposal of game or produce obtained from game hunted, killed or captured in accordance with section 20; to prohibit the shooting or driving of game from or by means of motor vehicles or aircraft in specific circumstances; to restrict donations of game or the meat of game in the hunting season and to prohibit such donations outside the hunting season; to authorise the sale of game and the advertising of such sale by a licensed game dealer; and to provide for incidental matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, as follows:-

Amendment of section 2 of Ordinance 31 of 1967, as amended by section 1 of Ordinance 3 of 1968 and section 1 of Ordinance 29 of 1969.

1. Section 2 of the Nature Conservation Ordinance, 1967, (Ordinance 31 of 1967), hereinafter referred to as the principal Ordinance, is hereby amended —

(a) by the insertion after the definition of "hunt" of the following definitions:

" "huntable game" means any species of game mentioned in schedule 3 to this ordinance, or either sex thereof;";

" "huntable game bird" means any species of game bird mentioned in schedule 4 to this ordinance, or either sex thereof;";

(b) by the insertion after the definition of "hunting season" of the following definition:

" "children" means the natural children, step children and lawfully adopted children of a person, and also the husband or wife of any such child;";

(c) by the insertion after the definition of "natural bait" of the following definition:

" "parents" means the parents of whom a person is

ALGEMENE VERDUIDELIKENDE NOTA:

________ Woorde met 'n volstreep daaronder dui aan invoegings voorgestel.

[ ] Woorde tussen vierkantige hake dui aan skrappings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op Natuurbewaring 1967 met betrekking tot die woordomskrywings; om voorsiening te maak vir die oplegging van gevangenisstraf sonder die keuse van 'n boete by herhaalde skuldigbevindings met betrekking tot beskermde en spesiaal beskermde wild wat in wildtuine plaasvind; om die verwydering van wild wat dood aangetref word in bepaalde omstandighede te verbied; om voorsiening te maak vir die jag van wild ter beskerming van weiveld waarvan 'n plaaslike bestuur die eienaar is; om die vang en aanhou van visse, reptiele of knaagdiere vir kommersiële of wetenskaplike doeleindes te beperk; om voorsiening te maak vir die beskikking oor wild of produkte verkry van wild wat ooreenkomstig artikel 20 gejag, doodgemaak of gevang is; om die skiet of aandrywing van wild uit of met bewegende motorvoertuie of vliegtuie in bepaalde omstandighede te verbied; om skenkings van wild of vleis van wild binne die jagseisoen te beperk en daarbuite te verbied; om die verkoop van wild en adverteer van sodanige verkoop deur gelisensieerde wildhandelaars te magtig; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:—

Wysiging van artikel 2 van Ordonnansie 31 van 1967, soos gewysig deur artikel 1 van Ordonnansie 3 van 1968 en artikel 1 van Ordonnansie 29 van 1969.

1. Artikel 2 van die Ordonnansie op Natuurbewaring 1967, (Ordonnansie 31 van 1967), hieronder die Hoofordonnansie genoem, word hierby gewysig —

(a) deur na die omskrywing van „jag" die volgende omskrywings in te voeg:

„ ,jagbare wild' elke soort wild genoem in bylae 3 van hierdie ordonnansie, of die een of ander geslag daarvan;

,jagbare wildvoëls' elke soort wildvoël genoem in bylae 4 van hierdie ordonnansie, of die een of ander geslag daarvan;";

(b) deur na die omskrywing van „jagseisoen" die volgende omskrywing in te voeg:

„ ,kinders' die natuurlike kinders, stiefkinders en wettiglik aangenome kinders van 'n persoon en ook die eggenoot of eggenote van enige sodanige kind;";

(c) deur na die omskrywing van „natuurlike aas" die volgende omskrywing in te voeg:

„ ,ouers' die ouers van wie 'n persoon die natuur-

the natural child, step child or lawfully adopted child and also the husband or wife of any such parent;";

(d) by the substitution for the definition of "local authority" of the following definition:
the following definition:
" "local authority" means a municipal council or village management board and includes the Peri-Urban Development Board established in terms of the provisions of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);";

(e) by the substitution for the definition of "game" of the following definition:

" "game" means [any species of game mentioned in schedule 3 to this ordinance, or either sex thereof, and includes] huntable game, specially protected game, huntable game birds and exotic game;";

(f) by the deletion of the definition of "game bird".

Amendment of section 5 of Ordinance 31 of 1967.

2. Section 5 of the principal Ordinance is hereby amended by the substitution in subsection (4) for all the words preceding paragraph (a) of the following words:

"(4) Any person who contravenes any [of the] provision of this section or fails to comply with any condition of a permit issued under this section shall be guilty of an offence and be liable on conviction —

(i) in the case of any conviction relating to an offence committed outside a game park or in the case of a first conviction relating to an offence committed in a game park, to a fine of not less than four hundred rand and not exceeding one thousand rand or, in default of payment, to imprisonment for a period of not less than six months and not exceeding two years; or

(ii) in the case of a second or subsequent conviction relating to an offence committed in a game park, to a fine of not less than four hundred rand and not exceeding one thousand rand, or, [in default of payment,] to imprisonment for a period of not less than six months and not exceeding two years and the court convicting such person of such offence—".

Amendment of section 6 of Ordinance 31 of 1967.

3. Section 6 of the principal Ordinance is hereby amended —

(a) by the substitution in subsection (4) for all the words preceeding paragraph (a) of the following words:

"(4) Any person who contravenes any provision of this section or fails to comply with any condition of a permit issued under this section shall be quilty of an offence and liable on conviction —

(i) in the case of any conviction relating to an offence committed outside a game park or in the case of a first or second conviction relating to an offence committed in a game park, to a fine of not less than two hundred rand and not exceeding five hundred rand, or, in

like kind, stiefkind of wettig aangenome kind is en ook eggenoot of eggenote van enige sodanige ouer;";

(d) deur die omskrywing van plaaslike bestuur deur die volgende omskrywing te vervang:
„,plaaslike bestuur' 'n munisipale raad of 'n dorpsbestuur en sluit in die Raad vir Buitestedelike Ontwikkeling ingestel ingevolge die bepalings van die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling 1970 (Ordonnansie 19 van 1970);";

(e) deur die omskrywing van „wild" deur die volgende omskrywing te vervang:
„,wild' [elke soort wild genoem in bylae 3 van hierdie Ordonnansie, of die een of ander geslag daarvan en sluit ook in] jagbare wild, spesiaal beskermde wild, beskermde wild, jagbare wildvoëls en uitheemse wild;";

(f) deur die omskrywing van „wildvoëls" te skrap.

2. Artikel 5 van die Hoofordonnansie word hierby gewysig deur in subartikel (4) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: **Wysiging van artikel 5 van Ordonnansie 31 van 1967.**

„(4) Iemand wat 'n bepaling van hierdie artikel oortree of enige voorwaarde van 'n permit kragtens hierdie artikel uitgereik, veronagsaam, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar —

(i) in die geval van enige skuldigbevinding met betrekking tot 'n oortreding wat buite 'n wildtuin plaasgevind het of in die geval van 'n eerste skuldigbevinding met betrekking tot 'n oortreding wat in 'n wildtuin plaasgevind het, met 'n boete van minstens vierhonderd rand en hoogstens eenduisend rand, of, by wanbetaling met gevangenisstraf van minstens ses maande en hoogstens twee jaar; of

(ii) in die geval van 'n tweede of daaropvolgende skuldigbevinding met betrekking tot 'n oortreding wat in 'n wildtuin plaasgevind het, met 'n boete van minstens vierhonderd rand en hoogstens eenduised rand, of, [by wanbetaling] met gevangenisstraf van minstens ses maande en hoogstens twee jaar

en die hof wat sodanige persoon aan sodanige oortreding skuldig bevind —".

3. Artikel 6 van die Hoofordonnansie word hierby gewysig — **Wysiging van artikel 6 van Ordonnansie 31 van 1967.**

(a) deur in subartikel (4) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(4) Iemand wat 'n bepaling van hierdie artikel oortree of enige voorwaarde van 'n permit kragtens hierdie artikel uitgereik, veronagsaam, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar —

(i) in die geval van enige skuldigbevinding met betrekking tot 'n oortreding wat buite 'n wildtuin plaasgevind het, of in die geval van 'n eerste of tweede skuldigbevinding met betrekking tot 'n oortreding wat in 'n wildtuin plaas-

default of payment, to imprisonment for a period of not less than three months and not exceeding twelve months; or

(ii) in the case of a third or subsequent conviction relating to an offence committed in a game park, to a fine of not less than two hundred rand and not exceeding five hundred rand, or, [in default of payment,] to imprisonment for a period of not less than three months and not exceeding twelve months

and the court convicting such person of such offence — "; and

(b) by the addition of the following subsections:

"(6) Notwithstanding anything to the contrary provided in this ordinance all game and all wild animals, except those game and wild animals that are specially protected game in terms of this ordinance, are deemed to be protected game while such game and wild animals are in game parks or upon land belonging to the Administration, and the penalties prescribed by subsection (4) are applicable to offences in respect of such game and wild animals.

(7) (a) No provision contained in this section shall prohibit the owner or occupier of land from killing protected game on such land in order to defend a human life or in order to protect the life of any livestock, poultry or domestic animal of such owner or occupier.

(b) The owner or occupier of land who kills any protected game in terms of the provisions of this subsection shall report it in writing to the nearest nature conservator or police official within 10 days thereafter.

(c)Any person who fails or neglect to comply with the provisions of this subsection shall be guilty of an offence.".

Substitution of section 7 of Ordinance 31 of 1967.

4. The following section is hereby substituted for section 7 of the principal Ordinance:

"Right of ownership to huntable game, huntable game birds and exotic game.

7. Subject to the provisions of this ordinance any owner or occupier of a farm shall own all [game, other than specially protected and protected game] huntable game, huntable game birds and exotic game while such huntable game, huntable game birds and exotic game are lawfully upon such farm and while such farm is enclosed with a sufficient fence: Provided that the owner or occupier of a farm not enclosed with a sufficient fence has no right of ownership to any game that may be upon such farm, shall not hunt or catch any game that may be upon such farm and shall not allow any other person to hunt or catch any game that may be upon such farm.".

gevind het, met 'n boete van minstens tweehonderd rand en hoogstens vyfhonderd rand, of, by wanbetaling met gevangenisstraf van minstens drie maande en hoogstens twaalf maande; of

(ii) in die geval van 'n derde of daaropvolgende skuldigbevinding met betrekking tot 'n oortreding wat in 'n wildtuin plaasgevind het, met **'n boete van minstens tweehonderd rand** en hoogstens vyfhonderd rand, of, [by wanbetaling] met gevangenisstraf van minstens drie maande en hoogstens twaalf maande

en die hof wat sodanige persoon aan sodanige oortreding skuldig bevind —"; en

(b) deur die volgende subartikels by te voeg:

„(6) Nieteenstaande enige andersluidende bepalings in hierdie ordonnansie word alle wild en alle wilde diere, behalwe daardie wild en wilde diere wat ingevolge hierdie ordonnansie spesiaal **beskermde wild is, solank sodanige wild en wilde** diere verkeer in wildtuine of op grond wat aan die Administrasie behoort, geag beskermde wild te wees en die strawwe voorgeskryf deur subartikel (4) is op oortredings ten opsigte van sodanige wild en wilde diere van toepassing.

(7) (a) Geen bepaling in hierdie artikel vervat verbied die eienaar of bewoner van grond om beskermde wild op daardie grond dood te maak ter verdediging van 'n menselewe of ter beskerming van die lewe van enige vee, pluimvee of huisdier van sodanige eienaar of bewoner nie.

(b) Die eienaar of bewoner van grond wat enige beskermde wild ingevolge die bepalings van hierdie subartikel doodmaak, moet dit binne 10 dae daarna skriftelik by die naaste natuurbewaarder of polisiebampte aanmeld.

(c) Iemand wat versuim of nalaat om aan die bepalings van hierdie subartikel te voldoen, is skuldig aan 'n oortreding.".

Vervanging van artikel 7 van Ordonnansie 31 van 1967.

4. Artikel 7 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

"Eiendomsreg op jagbare wild, jagbare wildvoëls en uitheemse wild.

7. Behoudens die bepalings van hierdie ordonnansie, is elke eienaar of bewoner van 'n plaas die eienaar van alle [wild, buiten spesiaal beskermde en beskermde wild,] jagbare wild, jagbare wildvoëls en uitheemse wild, solank sodanige jagbare wild, jagbare wildvoëls en uitheemse wild wettig op sodanige plaas verkeer en solank sodanige plaas met 'n voldoende omheining omhein is: Met dien verstande dat die eienaar of bewoner van 'n plaas wat nie met 'n voldoende omheining omhein is nie, geen eiendomsreg het op enige wild wat op sodanige plaas verkeer nie, geen wild wat op sodanige plaas verkeer mag jag of vang nie, en niemand anders mag toelaat om enige wild wat op sodanige plaas verkeer te jag of te vang nie.".

Amendment of section 8 of Ordinance 31 of 1967, as amended by section 2 of Ordinance 3 of 1968.

5. Section 8 of the principal Ordinance is hereby amended —

(a) by the substitution for the word "game" wherever it occurs in that section of the words "huntable game"; and

(b) by the substitution in subsection (8) for the expression "9 (a)" of the expression "9".

Amendment of section 9 of Ordinance 31 of 1967.

6. Section 9 of the principal Ordinance is hereby amended —

(a) by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary provided in this ordinance any owner or occupier of a farm may without licence hunt [game, except specially protected and protected game] huntable game on such farm throughout the year, provided [it] such farm is enclosed with a sufficient fence.";

(b) by the deletion of the last proviso to subsection (2); and

(c) by the addition of the following subsection:

"(3) For the purposes of this section "owner" shall not include the town clerk or the secretary of a local authority.".

Amendment of section 10 of Ordinance 31 of 1967.

7. Section 10 of the principal Ordinance is hereby amended by the substitution for the words "game birds" wherever they occur in that section of the words "huntable game birds".

Amendment of section 11 of Ordinance 31 of 1967.

8. Section 11 of the principal Ordinance is hereby amended —

(a) by the substitution for the words "game birds" wherever they occur in that section of the words "huntable game birds";

(b) by the deletion of the last proviso to subsection (2); and

(c) by the addition of the following subsection:

"(3) For the purposes of this section "owner" shall not include the town clerk or the secretary of a local authority.".

Insertion of section 11A in Ordinance 31 of 1967.

9. The following section is hereby inserted in the principal Ordinance after section 11:

"Prohibition of the removal of game found dead.

11A. (1) No person other than the owner or occupier of land on which any game is found dead shall remove such game or any part thereof from the place where it is found dead unless it was killed in accordance with the provisions of this ordinance by the person removing it: Provided that any game found dead, or any part thereof, that is obstructing any route may be removed by any person as far as is necessary to open the route obstructed thereby.

(2) Any person who, in accordance with the provisions of subsection (1), removes

5. Artikel 8 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 8 van Ordonnansie 31 van 1967, soos gewysig deur artikel 2 van Ordonnansie 3 van 1968.

(a) deur die woord „wild" oral waar dit in daardie artikel voorkom deur die woorde „jagbare wild" te vervang; en

(b) deur in subartikel (8) die uitdrukking „(9)(a)" deur die uitdrukking „(9)" te vervang.

6. Artikel 9 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 9 van Ordonnansie 31 van 1967.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Nieteenstaande andersluidende bepalings in hierdie ordonnansie kan die eienaar of bewoner van 'n plaas sonder lisensie en dwarsdeur die jaar [wild, uitgesonderd spesiaal beskermde en beskermde wild] jagbare wild op sodanige plaas jag, mits [dit] sodanige plaas met 'n voldoende omheining omhein is.";

(b) deur die laaste voorbehoudsbepaling by subartikel (2) te skrap; en

(c) deur die volgende subartikel by te voeg:

„(3) Vir die doeleindes van hierdie artikel sluit "eienaar" nie die stadsklerk of die sekretaris van 'n plaaslike bestuur in nie.".

7. Artikel 10 van die Hoofordonnansie word hierby gewysig deur die woord „wildvoëls" oral waar dit in daardie artikel voorkom deur die woorde „jagbare wildvoëls" te vervang.

Wysiging van artikel 10 van Ordonnansie 31 van 1967.

8. Artikel 11 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 11 van Ordonnansie 31 van 1967.

(a) deur die woord „wildvoëls" oral waar dit in daardie artikel voorkom deur die woorde „jagbare wildvoëls" te vervang;

(b) deur die laaste voorbehoudsbepaling by subartikel (2) te skrap; en

(c) deur die volgende subartikel by te voeg:

„(3) Vir die doeleindes van hierdie artikel sluit „eienaar" nie die stadsklerk of die sekretaris van 'n plaaslike bestuur in nie.".

9. Die volgende artikel word hierby in die Hoofordonnansie na artikel 11 ingevoeg:

Invoeging van artikel 11A in Ordonnansie 31 van 1967.

"Verbod op verwydering van wild wat dood aangetref word.

11A.(1) Niemand behalwe die eienaar of bewoner van grond waarop enige wild dood aangetref word mag sodanige wild of enige deel daarvan verwyder van die plek waar dit dood aangetref word nie, tensy dit ooreenkomstig die bepalings van hierdie ordonnansie gedood is deur die persoon wat dit verwyder: Met dien verstande dat enige wild wat dood aangetref word, of enige deel daarvan, wat enige roete versper deur enigiemand verwyder mag word so ver as wat noodsaaklik is om die roete wat daardeur versper word, oop te stel.

(2) Enigiemand wat enige spesiaal beskermde wild of beskermde wild wat dood

any specially protected game or protected game that is being found dead, from the place where it is being found dead, shall report such removal to the Director in writing within 10 days thereafter.

(3) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.".

Amendment of Section 13 of Ordinance 31 of 1967.

10. Section 13 of the principal Ordinance is hereby amended —

(a) by the addition of the following further proviso to paragraph (a) of subsection (1):

"Provided further that if such grazing land is owned by a local authority such permit may be issued to a person or persons designated by such local authority."; and

(b) by the substitution for paragraph (c) of that subsection of the following paragraph:

"(c) Any such owner or occupier or person or persons designated by a company or local authority, as the case may be, who contravenes or fails to comply with any condition or restriction of such permit shall be quilty of an offence.".

Amendment of section 16 of Ordinance 31 of 1967, as amended by section 3 of Ordinance 3 of 1968 and section 1 of Ordinance 12 of 1969.

11. Section 16 of the principal Ordinance is hereby amended —

(a) by the substitution for subsection (1) of the following subsection:

"[(1) Subject to the provisions of this ordinance no person shall without a permit issued under the authority of the Administrator and subject to such conditions as he may deem fit, intentionally —

(a) kill game or any other wild animal by any means other than by shooting with a firearm; or

(b) capture game or any other wild animal by means of any snare, pitfall, trap, springtrap, net, birdlime, drug or any other device or means or by any method whatsoever;

(c) keep game or any other wild animal: Provided that any person who at the commencement of this ordinance is in possession of game or any wild animal for which he is required to have a permit under the provisions of this ordinance shall within six months from the date of such commencement apply for such permit: Provided further that this subsection shall in no way place any prohibition on —

(i) the use of beaters or dogs in the tracking down of game, or

(ii) the capture or killing of wild animals, not classified as game, in this ordinance by the owner or occupier of such land.]

aangetref word, ooreenkomstig die bepalings van subartikel (1) verwyder van die plek waar dit dood aangetref word, moet sodanige verwydering binne 10 dae daarna skriftelik by die Direkteur aanmeld.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, of versuim om daaraan te voldoen, is skuldig aan 'n oortreding.".

Wysiging van artikel 13 van Ordonnansie 31 van 1967.

10. Artikel 13 van die Hoofordonnansie word hierby gewysig —

(a) deur die volgende verdere voorbehoudsbepaling by paragraaf (a) van subartikel (1) te voeg:

„Met dien verstande voorts dat, indien 'n plaaslike bestuur die eienaar van sodanige weiveld is, sodanige permit aan 'n persoon of persone deur daardie plaaslike bestuur aangewys, uitgereik kan word."; en

(b) deur paragraaf (c) van daardie subartikel deur die volgende paragraaf te vervang:

„(c) Elke sodanige eienaar of bewoner of persoon of persone deur 'n maatskappy of plaaslike bestuur, na gelang, aangewys wat 'n voorwaarde of beperking van sodanige permit oortree of verontagsaam, is skuldig aan 'n oortreding.".

Wysiging van artikel 16 van Ordonnansie 31 van 1967, soos gewysig deur artikel 3 van Ordonnansie 3 van 1968 en artikel 1 van Ordonnansie 12 van 1969.

11. Artikel 16 van die Hoofordonnansie word hierby gewysig —

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„[(1) Behoudens die bepalings van hierdie Ordonnansie, mag niemand sonder 'n permit uitgereik op gesag van die Administrateur en onderhewig aan sodanige voorwaardes wat hy goedvind, opsetlik —

(a) wild of enige ander wilde dier op enige wyse, buiten deur te skiet met 'n vuurwapen, doodmaak nie; of

(b) wild of enige ander wilde dier deur middel van 'n strik, vanggat, val, slagyster, net, voëllym, verdowingsmiddels of enige ander toestel of middel hoegenaamd of op enige wyse hoegenaamd vang nie;

(c) wild of enige ander wilde dier aanhou nie: Met dien verstande dat iemand wat by die inwerkingtreding van hierdie ordonnansie in besit van wild of 'n wilde dier is waarvoor hy kragtens die bepalings van hierdie ordonnansie 'n permit moet hê, binne ses maande van die datum van sodanige inwerkingtrede om so 'n permit aansoek moet doen: Met dien verstande voorts dat hierdie subartikel geensins 'n verbod op —

(i) die gebruik van opjaers of honde by die opspoor van wild, of

(ii) die vang of doodmaak van wilde diere wat nie as wild in hierdie ordonnansie omskryf is nie, deur die eienaar of bewoner van sodanige grond,

plaas nie.]

(1) (a) Subject to the provisions of this ordinance no person shall without a permit issued under the authority of the Administrator subject to such conditions as he may deem fit, intentionally —

(i) kill any game or any other wild animal by any means other than by shooting with a firearm;

(ii) capture any game or any other wild animal by means of a snare, pitfall, trap, springtrap, net, birdlime, drug or any other device or means whatsoever or by any method whatsoever;

(iii) keep any game or any other wild animal.

(b) The provisions of this subsection shall by no means prohibit the owner or occupier of land from killing or capturing wild animals not being game as defined in section 2 of this ordinance on such land.

(c) The provisions of this subsection shall not apply to the killing, capturing and keeping of fish, reptiles and rodent animals.

(d) Those provisions of this subsection relating to the capturing and keeping of game and other wild animals shall not apply to a licensed game dealer;"

and

(b) by the insertion in that section after subsection (1) of the following subsection:

"(1A) No person shall without a permit issued under the authority of the Administrator subject to such conditions as he may deem fit capture or keep any fish, reptiles or rodent animals for scientific or commercial purposes.".

Amendment of section 20 of Ordinance 31 of 1967 as amended by section 4 of Ordinance 3 of 1968.

12. Section 20 of the principal Ordinance is hereby amended —

(a) by the substitution for subsection (1) of the following subsection:

"(1) Whenever the Administrator is satisfied that certain species of game or wild animals are required by any public museum, zoological garden or scientific institution or for scientific purposes for domestication or acclimatisation, he may authorize the issue of a permit to any person to hunt, kill or capture such game or wild animals at any time and by any means and such permit shall be subject to such conditions as the Administrator may [deem fit] in his discretion impose, including the fees payable, and the time when and the place or locality where the hunting, killing or capturing of game or wild animals may take place and the method by means of which such game or wild animals or any produce obtained from such game or wild animals may be disposed of.";

(b) by the substitution in paragraph (b) of subsection (2) for the word "game" of the words "huntable game,"; and

(c) by the substitution in paragraph (c) of that subsection for the words "game birds" of the words "huntable game birds".

(1)(a) Behoudens die bepalings van hierdie ordonnansie mag niemand sonder 'n permit uitgereik op gesag van die Administrateur onderhewig aan sodanige voorwaardes as wat hy goedvind, opsetlik enige wild of enige ander wilde dier —

(i) op enige wyse, buiten deur te skiet met 'n vuurwapen, doodmaak nie;

(ii) deur middel van 'n strik, vanggat, val, slagyster, net, voëllym, verdowingsmiddel of enige ander toestel of middel hoegenaamd of op enige wyse hoegenaamd, vang nie;

(iii) aanhou nie.

(b) Die bepalings van hierdie subartikel verbied geensins die eienaar of bewoner van grond om wilde diere wat nie wild, soos omskryf in artikel 2 van hierdie ordonnansie, is nie, op sodanige grond dood te maak of te vang nie.

(c) Die bepalings van hierdie subartikel is nie op die doodmaak, vang en aanhou van visse, reptiele en knaagdiere van toepassing nie.

(d) Die bepalings van hierdie subartikel betreffende die vang en aanhou van wild en ander wilde diere is nie op 'n gelisensieerde wildhandelaar van toepassing nie.";

en

(b) deur die invoeging van die volgende subartikel in daardie artikel na subartikel (1):

„(1A) Niemand mag sonder 'n permit uitgereik op gesag van die Administrateur onderhewig aan sodanige voorwaardes as wat hy goedvind enige visse, reptiele of knaagdiere vir wetenskaplike of kommersiële doeleindes vang of aanhou nie.".

12. Artikel 20 van die Hoofordonnansie word hierby gewysig — *Wysiging van artikel 20 van Ordonnansie 31 van 1967, soos gewysig deur artikel 4 van Ordonnansie 3 van 1968.*

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer ook al die Administrateur oortuig is dat 'n openbare museum, dieretuin of wetenskaplike inrigting bepaalde soorte wild of wilde diere nodig het, of dat hulle nodig is vir die wetenskap, ter makmaking of inburgering, kan hy dit goedkeur dat daar aan iemand 'n permit uitgereik word om sodanige wild of wilde diere te eniger tyd en met enige middel te jag, dood te maak of te vang en sodanige permit is onderhewig aan die voorwaardes wat die Administrateur na goeddunke stel, insluitende die gelde wat betaal word en die tyd wanneer en die plek of omgewing waar die wild of wilde diere gejag, doodgemaak of gevang mag word en die wyse waarop oor sodanige wild of wilde diere of enige produkte van sodanige wild of wilde diere verkry, beskik mag word.";

(b) deur in paragraaf (b) van subartikel (2) die woord „wild" deur die woorde „jagbare wild" te vervang; en

(c) deur in paragraaf (c) van daardie subartikel die woord „wildvoëls" deur die woorde „jagbare wildvoëls" te vervang.

Substitution of section 22 of Ordinance 31 of 1967.

13. The following section is hereby substituted for section 22 of the principal Ordinance:

[Use of vehicles or aircraft in hunting game.]

[22. Any person who wilfully during a hunting expedition makes use of a motor vehicle or an aircraft, or who for any purpose whatsoever, including that of filming or photography, drives, stampedes or wilfully disturbs game by means of any such motor vehicle or aircraft shall be guilty of an offence: Provided that nothing herein contained shall be deemed to be taken to prohibit the lawful owner or occupier of land from using motor vehicles or aircraft for the purpose of driving away or destroying animals under the circumstances provided for in section 13 (2) or of capturing animals as provided for in section 16 (1).]

"Use of vehicles and aircraft in hunting and capturing game.

22. Any person who, during a hunting expedition shoots from a moving motor vehicle or aircraft or who, for any purpose whatsoever, including that of filming or photography, wilfully drives game by means of a motor vehicle or an aircraft, shall be guilty of an offence: Provided that no provision contained in this section —

(a) shall prohibit the owner or occupier of land from using motor vehicles and aircraft for the purpose of driving away or destroying game in accordance with the provision of section 13(2), or for the purpose of capturing game or wild animals in accordance with the provisions of section 16(1) and 16 (2A);

(b) shall prohibit a licensed game dealer from using motor vehicles and aircraft for the purpose of capturing game for commercial purposes in accordance with the provisions of this ordinance.".

Amendment of section 23 of Ordinance 31 of 1967.

14. Section 23 of the principal Ordinance is hereby amended by the substitution for the word "game" wherever it occurs in that section of the words "game or any other wild animal".

Amendment of section 24 of Ordinance 31 of 1967, as amended by section 5 of Ordinance 29 of 1969.

15. Section 24 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

"[(1) The owner or occupier of land may make a gift of game, or the meat of game which he may lawfully hunt on his land, to a single person above the age of 18, or to the head of a family (irrespective of its size):

Provided that —

(a) every such gift shall be accompanied by —

(i) in the hunting season, a certificate or letter in ink by the donor, giving the name of such donor and the date of such gift, and

(ii) outside the hunting season, a permit issued by the magistrate of the district in which the donor resides, in a form approved by the Secretary; and

13. Artikel 22 van die Hoofordonnansie word hierby deur die volgende artikel vervang: Vervanging van artikel 22 van Ordonnansie 31 van 1967.

[Gebruik van voertuie of vliegtuie by jag van wild.]

[22. Elkeen wat opsetlik tydens 'n jagtog gebruik maak van 'n motorvoertuig of 'n vliegtuig, of wat met watter doel hoegenaamd, insluitende dié van verfilming of fotografie, wild met sodanige motorvoertuig of vliegtuig aandryf, op loop jaag of opsetlik hinder, is skuldig aan 'n oortreding: Met dien verstande dat niks hierin vervat beskou moet word as 'n verbod teen die wettige eienaar of bewoner van grond om motorvoertuie of vliegtuie te gebruik om diere in die omstandighede bepaal by artikel 13(2) te verdryf of te vernietig nie; of om diere te vang soos bepaal by artikel 16(1) nie.]

"Gebruik van voertuie en vliegtuie by jag en vang van wild.

22. Elkeen wat tydens 'n jagtog uit 'n bewegende motorvoertuig of vliegtuig skiet, of wat met watter doel ookal, insluitende dié van verfilming of fotografie, wild opsetlik met 'n motorvoertuig of vliegtuig aandryf, is skuldig aan 'n oortreding: Met dien verstande dat geen bepaling in hierdie artikel vervat —

(a) die eienaar of bewoner van grond verbied om motorvoertuie en vliegtuie te gebruik om wild ooreenkomstig die bepalings van artikel 13(2) te verdryf of te vernietig nie, of om wild ooreenkomstig die bepalings van artikels 16(1) en 16 (2A) te vang nie;

(b) 'n gelisensieerde wildhandelaar verbied om motorvoertuie en vliegtuie te gebruik om wild ooreenkomstig die bepalings van hierdie ordonnansie vir kommersiële doeleindes te vang nie.".

14. Artikel 23 van die Hoofordonnansie word hierby gewysig deur die woord „wild" oral waar dit in daardie artikel voorkom, deur die woorde „wild of enige wilde dier" te vervang. Wysiging van artikel 23 van Ordonnansie 31 van 1967.

15. Artikel 24 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 24 van Ordonnansie 31 van 1967, soos gewysig deur artikel 5 van Ordonnansie 29 van 1969.

„[(1) Die eienaar of bewoner van grond mag wild, of die vleis van wild, wat hy wettig op sy grond mag jag, aan 'n alleenlopende persoon bo die ouderdom van 18 jaar, of aan 'n gesinshoof (ongeag die grootte van die gesin), skenk: Met dien verstande —

(a) dat elke sodanige geskenk vergesel moet gaan —

(i) in die jagseisoen, van 'n sertifikaat of brief in ink deur die skenker, waarin die naam van sodanige skenker en die datum van sodanige geskenk aangegee word, en

(ii) buite die jagseisoen, van 'n permit uitgereik deur die landdros van die distrik waarin die skenker woon, in 'n vorm soos deur die Sekretaris goedgekeur; en

(b) no such gift of game or meat of game shall consist of more than one eland, oryx, hartebeest, kudu, buffalo or blue wildebeest and four springbuck or warthog or bushpigs and twelve game birds within every period of thirty days;

Provided further that the provision of paragraph (a) shall not apply to a gift of game meat, other than the meat of game birds, of a weight less than 20 pounds.]

(1) (a) The owner or occupier of land may, in the hunting season only, make a gift of game or the meat of game which he may hunt on such land in terms of this ordinance, to a single person above the age of 18 years or to the head of a family (irrespective of the size of the family).

(b) Every gift in terms of paragraph (a) shall be accompanied by a certificate or letter in ink, signed by the donor, giving the name of the donee and the date of the gift and such certificate, or letter shall, while the gift is being transported, be kept with him by the donee and shall be produced immediately when demanded by a police official or nature conservator, unless the donee can prove beyond reasonable doubt that he did have such certificate or letter.

(c) Every person to whom a gift was made in terms of paragraph (a) shall transport only the game or the meat of game donated to himself and shall not transport any game or meat of game donated to any other person.

(d) No gift in terms of paragraph (a) shall consist of more game than or of the meat of more game than —

(i) one eland, oryx, hartebeest, kudu, buffalo, or blue wildebeest; or
(ii) four springbok, warthogs or bushpigs; or
(iii) twelve huntable game birds

within any period of thirty days.

(e) The provisions of this section shall not apply —

(i) to a gift of game or the meat of game made to his parents or children by the owner or occupier of land; and
(ii) to a gift of meat of game other than the meat of huntable game birds, of less than 10 kilograms.".

Amendment of section 25 of Ordinance 31 of 1967.

16. Section 25 of the principal Ordinance is hereby amended by the substitution for the words "game birds" wherever they occur in that section of the words "huntable game birds or those protected game birds mentioned in schedule 2(ii)".

Deletion of section 26 of Ordinance 31 of 1967.

17. The principal Ordinance is hereby amended by the deletion of section 26.

Amendment of section 30 of Ordinance 31 of 1967, as amended by section 5 of Ordinance 3 of 1968 and section 7 of Ordinance 29 of 1969.

18. Section 30 of the principal Ordinance is hereby amended —

(a) by the addition of the following paragraph to the proviso to subsection (1):

(iii) any licensed game dealer may sell any game which he has in his possession in accordance with the provisions of this ordinance.";

(b) by the substitution for the proviso to subsection (2) of the following proviso:

(b) dat geen sodanige geskenk van wild of vleis van wild meer as een eland, gemsbok, hartebees, koedoe, buffel of blouwildebees, en vier springbokke of vlakvarke of bosvarke, en twaalf wildvoëls in elke periode van dertig dae mag wees nie;

Voorts met dien verstande dat die bepaling van paragraaf (a) nie van toepassing is nie op 'n geskenk van wildsvleis, uitgesonderd die vleis van wildvoëls, met 'n gewig van minder as 20 pond.]

(1)(a) Die eienaar of bewoner van grond mag, slegs **in die jagseisoen, wild of die vleis van wild** wat hy ingevolge hierdie ordonnansie op sodanige grond mag jag, aan 'n alleenlopende persoon bo die ouderdom van 18 jaar of aan 'n gesinshoof (ongeag die grootte van die gesin) skenk.

(b) Elke geskenk ingevolge paragraaf (a) moet vergesel gaan van 'n sertifikaat of brief in ink, deur die skenker onderteken, waarin die naam van die ontvanger en die datum van die skenking aangegee word **en sodanige sertifikaat of brief moet, tydens** die vervoer van die geskenk, deur die ontvanger by hom gehou en onmiddellik, wanneer opgeëis deur 'n polisiebeampte of natuurbewaarder, getoon word tensy die ontvanger bo redelike twyfel kan bewys dat hy wel sodanige sertifikaat of brief gehad het.

(c) Elke ontvanger van 'n geskenk ingevolge paragraaf (a) mag slegs die wild of die vleis van wild **wat aan homself geskenk is vervoer** en mag nie enige wild of vleis van wild wat aan enige ander persoon geskenk is vervoer nie.

(d) Geen geskenk ingevolge paragraaf (a) mag meer wild, of die vleis van meer wild as —

(i) een eland, gemsbok, hartebees, koedoe, buffel of blouwildebees; of

(ii) vier springbokke, vlakvarke of bosvarke; of

(iii) twaalf jagbare wildvoëls

in enige tydperk van dertig dae wees nie.

(e) Die bepalings van hierdie artikel is nie van toepassing nie op —

(i) 'n geskenk van wild of die vleis van wild wat deur die eienaar of bewoner van grond aan sy ouers of kinders geskenk word; en

(ii) 'n geskenk van wildsvleis, uitgesonderd die vleis van jagbare wild voëls, van minder as 10 kilogram.".

16. Artikel 25 van die Hoofordonnansie word hierby gewysig deur die woord „wildvoëls" oral waar dit in daardie artikel voorkom deur die woorde „jagbare wildvoëls of daardie beskermde voëls genoem in bylae 2(ii)" te vervang.

Wysiging van artikel 25 van Ordonnansie 31 van 1967.

17. Die Hoofordonnansie word hierby gewysig deur artikel 26 te skrap.

Skrapping van artikel 26 van Ordonnansie 31 van 1967.

18. Artikel 30 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 30 van Ordonnansie 31 van 1967, soos gewysig deur artikel 5 van Ordonnansie 3 van 1968 en artikel 7 van Ordonnansie 29 van 1969.

(a) deur die volgende paragraaf by die voorbehoudsbepaling by subartikel (1) te voeg:

„(iii) dat enige gelisensieerde wildhandelaar enige wild wat hy ooreenkomstig die bepalings van hierdie ordonnansie in sy besit het, kan verkoop.";

(b) deur die voorbehoudsbepaling by subartikel (2) **deur die volgende voorbehoudsbepaling te vervang:**

"Provided that nothing contained in this subsection shall [be deemed to]prohibit any person from purchasing —

(i) from the owner or occupier of land any game, game meat, biltong or skins; or

(ii) from a licensed butcher any game meat or biltong; or

(iii) from a licensed game dealer any game which such owner or occupier of land, licensed butcher or licensed game dealer, as the case may be, is entitled to sell in terms of the provisions of subsection (1)."; and

(c) by the substitution for the proviso to subsection (3) of the following proviso:

"Provided that nothing contained in this subsection shall prohibit —

(i) the owner or occupier of land [to advertise] from advertising the sale of any game or game meat (whether fresh or dried), biltong or skins; or

(ii) a licensed butcher [to advertise] from advertising the sale of any game meat (whether fresh or dried), or biltong; or

(iii) a licensed game dealer from advertising the sale of any game

which such owner or occupier of land, licensed butcher or licensed game dealer, as the case may be, may sell in terms of the provisions of subsection (1).".

Deletion of section 32 of of Ordinance 31 of 1967.

19. The principal Ordinance is hereby amended by the deletion of section 32.

Amendment of section 43 of Ordinance 31 of 1967.

20. Section 43 of the principal Ordinance is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any person who contravenes any of the provisions of subsection (1), or who contravenes or fails to comply with any condition of such permission of the Administrator shall be guilty of an offence and shall be liable on conviction to the penalties prescribed by —

(i) section 5(4) if it is an offence in relation to the hunting of specially protected game;

(ii) section 6(4) if it is an offence in relation to the hunting of protected game;

(iii) section 8(8) if it is an offence in relation to the hunting of any other game or wild animal or bird.".

Amendment of schedule 3 to Ordinance 31 of 1967, as amended by section 10 of Ordinance 29 of 1969.

21. Schedule 3 to the principal Ordinance is hereby amended by the substitution for the heading thereof of the following heading:

"Huntable game.".

Amendment of schedule 4 to Ordinance 31 of 1967.

22. Schedule 4 to the principal Ordinance is hereby amended by the substitution for the heading thereof of the following heading:

"Huntable game birds."

Short Title.

23. This Ordinance shall be called the Nature Conservation Amendment Ordinance, 1971.

„Met dien verstande dat niks in hierdie subartikel vervat, [beskou word as 'n verbod teen] enigiemand verbied om —

(i) van die eienaar of bewoner van grond enige wild, wildsvleis, biltong, of velle; of

(ii) van 'n gelisensieerde slagter enige wildsvleis of biltong; of

(iii) van 'n gelisensieerde wildhandelaar enige wild

wat sodanige eienaar of bewoner van grond, gelisensieerde slagter of gelisensieerde wildhandelaar, na gelang, ingevolge die bepalings van subartikel (1) kan verkoop, te koop nie."; en

(c) deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat niks in hierdie subartikel vervat, [beskou word as 'n verbod teen] —

(i) die eienaar of bewoner van grond verbied om die verkoop van enige wild of wildsvleis (hetsy vars of gedroog), biltong of velle; of

(ii) [teen] 'n gelisensieerde slagter verbied om die verkoop van enige wildsvleis (hetsy vars of gedroog), of biltong; of

(iii) 'n gelisensieerde wildhandelaar verbied om die verkoop van enige wild

wat sodanige eienaar of bewoner van grond, gelisensieerde slagter of wildhandelaar, na gelang, ingevolge die bepalings van subartikel (1) kan verkoop, te adverteer nie.".

19. Die Hoofordonnansie word hierby gewysig deur artikel 32 te skrap. **Skrapping van artikel 32 van Ordonnansie 31 van 1967.**

20. Artikel 43 van die Hoofordonnansie word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: **Wysiging van artikel 43 van Ordonnansie 31 van 1967.**

„(2) Iedereen wat enige van die bepalings van subartikel (1) oortree of enige voorwaarde van sodanige toestemming van die Administrateur [by daad of versuim veronagsaam] oortree of versuim om daaraan te voldoen, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar met die strawwe voorgeskryf deur —

(i) artikel 5(4) indien dit 'n oortreding is wat betrekking het op die jag van spesiaal beskermde wild; of

(ii) artikel 6(4) indien dit 'n oortreding is wat betrekking het op die jag van beskermde wild; of

(iii) artikel 8(8) indien dit 'n oortreding is wat betrekking het op die jag van enige ander wild of wilde dier of voël.".

21. Bylae 3 by die Hoofordonnansie word hierby gewysig deur die opskrif daarvan deur die volgende opskrif te vervang: **Wysiging van bylae 3 by Ordonnansie 31 van 1967, soos gewysig deur artikel 10 van Ordonnansie 29 van 1969.**

„Jagbare wild.".

22. Bylae 4 by die Hoofordonnansie word hierby gewysig deur die opskrif daarvan deur die volgende opskrif te vervang: **Wysiging van bylae 4 by Ordonnansie 31 van 1967.**

„Jagbare wildvoëls.".

23. Hierdie Ordonnansie heet die Wysigingsordonnansie op Natuurbewaring, 1971. Kort Titel.