



# GOVERNMENT GAZETTE

## OF THE

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### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 119 Nature Conservation Ordinance, 1975: Amendment of the Regulations relating to Nature Conservation.....	1
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## Government Notice

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#### MINISTRY OF ENVIRONMENT AND TOURISM

No. 119 1997

#### NATURE CONSERVATION ORDINANCE, 1975: AMENDMENT OF THE REGULATIONS RELATING TO NATURE CONSERVATION

The Minister has under section 84 of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975), further amended the regulations promulgated by Government Notice 240 of 1976 as set out in the Schedule.

#### SCHEDULE

1. In this Schedule, "the Regulations" means the Regulations relating to Nature Conservation, promulgated by Government Notice 240 of 1976, as amended by Government Notices 256 of 1976; 112, 248, 302, 314 and 346 of 1977; 114, 190 and 247 of 1978; 10, 50 and 56 of 1979; AG. 8 of 1981; AG. 41 of 1982; 23, 49 and 61 of

1983; 72 of 1984; 3, 36, 101 and 121 of 1985; 122 and 242 of 1986; 81 of 1987; 89 of 1988; AG. 37 and AG. 44 of 1989; 152 of 1993 and 83 of 1997.

2. The "Definitions" are amended by the insertion before the definition of "Naukluft Mountain Zebra Park" of the following definition:

" 'bow hunting guide' means any professional hunter, master hunting guide or hunting guide, as the case may be, registered as a bow hunting guide under regulation 108B;"

3. Regulation 107 is amended -

(a) by the substitution in subregulation (1) for the words following paragraph (b) of the following words:

"may apply to the Director to be registered as a professional hunter.";

(b) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

"(2) The Director may direct one or more nature conservators or other competent persons to test the applicant's - ";

(c) by the substitution in subregulation (3) for the words preceding the proviso of the following words:

"(3) If the Director, after consideration of the report referred to in subregulation (2), is satisfied that the applicant is competent to be registered as a professional hunter, the Director shall register the applicant as a professional hunter: "; and

(d) by the substitution for paragraph (a) of the proviso to subregulation (3) of the following paragraph:

"(a) the Director may, if it is deemed necessary or expedient, act without such report or without a report regarding any matter mentioned in subregulation (2); ".

4. Regulation 108 is amended -

(a) by the substitution in subregulation (1) for the words preceding the proviso of the following words:

"(1) The owner or lessee of a hunting or guest farm as well as the wife or any child of such owner or lessee, or the manager of such hunting or guest farm may apply to the Director for registration as a hunting guide :";

(b) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

"(2) The Director may direct one or more nature conservators or other competent persons to test the applicant's -";

- (c) by the substitution for paragraph (g) of subregulation (2) of the following paragraph:

"(g) knowledge of the official language of Namibia;";

- (d) by the substitution in subregulation (3) for the words preceding the proviso of the following words:

"(3) If the Director, after consideration of the report referred to in subregulation (2), is satisfied that the applicant is competent to be registered as a hunting guide, the Director shall register the applicant as a hunting guide: "; and

- (e) by the substitution for paragraph (a) of the proviso to subregulation (3) of the following paragraph:

"(a) the Director may, if it is deemed necessary or expedient, act without such report or without a report regarding any matter referred to in subregulation (2);".

5. Regulation 108A is amended -

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

"(1) Any person who has been registered as a hunting guide for a period of at least two years and who has led at least twelve hunting expeditions in that capacity, may apply to the Director to be registered as a master hunting guide."; and

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

"(2) The Director may direct one or more nature conservators or other competent persons to re-examine the applicant's ability and knowledge in relation to the matters referred to in regulation 108(2) and his or her general skills and competence in connection with such matters, and to report to the Director the result of such examination.".

6. The following regulation is inserted after regulation 108A:

***"Additional registration as a bow hunting guide***

108B. (1) No person shall conduct bow hunting expeditions unless he or she is registered as a bow hunting guide under these regulations.

(2) Any person registered or applying for registration as a professional hunter, a master hunting guide or a hunting guide and who wishes to conduct bow hunting expeditions, shall, in the form

determined by the Director, apply to the Director for additional registration as a bow hunting guide.

(3) The Director may upon receipt of an application contemplated in subregulation (2), direct a nature conservator and one or more persons nominated by the Namibia Professional Hunting Association, or such other competent person or persons as the Director may determine, to test and examine any applicant contemplated in subregulation (2) relating to his or her -

- (a) facilities to accommodate the practical needs of bow hunters;
- (b) knowledge pertaining to -
  - (i) all equipment usually required to execute bow hunting successfully;
  - (ii) the ballistics of bow hunting equipment;
  - (iii) the requirements and restrictions relating to the use of bow hunting equipment; and
  - (iv) the ethics of, and the applicant's general skills and competence relating to, bow hunting,

and to make a written report to the Director relating to the results of such tests and examinations.

(4) If the Director, after consideration of the report contemplated in subregulation (3), is satisfied that the applicant is competent and qualified to be registered as a bow hunting guide, the Director shall, in addition to the applicant's registration as a professional hunter, master hunting guide or hunting guide, as the case may be -

- (a) register the applicant as a bow hunting guide; and
- (b) subject to subregulation (5), issue, in the form the Director may determine, a registration certificate in the name of the person registered as contemplated in paragraph (a).

(5) Subregulations (3), (4), (5), (7), (8) and (9) of regulation 107 shall *mutatis mutandis* apply to a person registered as a bow hunting guide."

7. The following regulation is inserted after regulation 110:

***"Bow hunting of game for the sake of trophies***

110A. (1) The Minister may, when he or she under section 36(1)(a) of the Ordinance grants a permit to any person to hunt game for the sake of trophies, stipulate that the species of game, huntable game birds or other wild animals specified in such permit, may, subject to the further provisions of the Ordinance and to the conditions contained in the permit, be hunted by means of bow hunting.

(2) No -

(a) person shall hunt any game, bird or other wild animal by means of bow hunting, unless in terms of a permit contemplated in subregulation (1); and

(b) game, bird or other wild animal, excluding the game, huntable game birds or other wild animals listed in subregulation (10) or (11), shall, for the purpose of bow hunting, be specified in a permit referred to in paragraph (a).

(3) No bow or related bow hunting equipment, excluding a bow or the bow hunting equipment which conform to the specifications prescribed by subregulation (4), (5), (6), (7), (8) or (9), as the case may be, shall be used by any person for the purpose of bow hunting of any game or huntable game birds or other wild animals for the sake of trophies as contemplated in these regulations.

(4) A bow contemplated in subregulation (3) shall be either -

(a) a long bow, being a straight, one piece or take-down bow;

(b) a recurved bow, being a bow with curved tipped limbs which bend away from the archer when the bow is held in the shooting position; or

(c) a compound bow, being a bow which uses a cable and pulleys to increase its power or the velocity of the arrow shot from it, by means of the storing of energy,

and shall not include a cross-bow.

(5) An arrow shall have a shaft made of aluminium, wood, glass fibre, carbon or carbon compounds, with a minimum length of 500 millimetres.

(6) A broad head attached to the front end of the shaft of an arrow shall, subject to subregulation (8), be a pointed device made of steel, shall consist of at least two smoothly sharpened cutting edges with a length of 26 millimeters or more and, at the end of the broad head which is attached to the shaft of the arrow, with a width of, or if the broad head consists of more than two cutting edges, with a diameter of, 26 millimetres or more.

- (7) No broad head referred to in subregulation (6) or (8) shall -
- (a) have barbs of any kind whatsoever;
  - (b) have serrated edges; or
  - (c) be used in conjunction with, or have applied to it, any poison or narcotic.

(8) Notwithstanding subregulation (6), special arrow points known as "judo points", "blunt points" or "bird points" may, instead of broad heads, be used on arrows for the bow hunting of any rodent or of any huntable game bird.

(9) No person shall, when bow hunting for the sake of trophies, use any bow hunting equipment of which the arrow, when propelled from the bow -

- (a) has an energy of less than 33,9 joules (25 ft. lbs.), and has a weight of less than 22,68 gram (350 grain), when hunting any of the small game;
- (b) has an energy of less than 54,24 joules (40 ft. lbs.), and has a weight of less than 25,92 gram (400 grain), when hunting any of the medium game; or
- (c) has an energy of less than 88,13 joule (65 ft. lbs.), and has a weight of less than 29,16 gram (450 grain), when hunting any of the big game,

listed in subregulation (10).

(10) The following kinds of game or other wild animals may, for the sake of trophies, but subject to subregulation (9), be hunted by means of bow hunting:

<u>SMALL GAME</u>	<u>MEDIUM GAME</u>	<u>BIG GAME</u>
African wildcat ( <i>Felis lybica</i> );	baboon ( <i>Papio ursinus</i> );	eland ( <i>Taurotragus oryx</i> );
blesbok ( <i>Damaliscus dorcas phillipsi</i> );	cheetah ( <i>Acinonyx jubatus</i> );	gemsbok ( <i>Oryx gazella</i> );
bontebok ( <i>Damaliscus dorcas dorcas</i> );	nyala ( <i>Tragelaphus angasii</i> );	giraffe ( <i>Giraffa camelopardalis</i> );
bosbok ( <i>Tragelaphus scriptus</i> );	spotted hyena ( <i>Crocuta crocuta</i> );	hartebeest ( <i>Alcelaphus buselaphus</i> );
	warthog ( <i>Phacochoerus aethiopicus</i> ).	

caracal ( <i>Felis caracal</i> )	kudu ( <i>Tragelaphus strepsiceros</i> );
dassie (rock-rabbit) ( <i>Procavia capensis</i> )	roan antelope ( <i>Hippotragus equinus</i> );
dik-dik ( <i>Madoqua kirkii</i> );	sable antelope ( <i>Hipotragus niger</i> );
duiker (common) ( <i>Sylvicapra grimmia</i> );	tsessebe ( <i>Damaliscus lunatus</i> );
hunnable game birds as specified in subregulation (11);	waterbok ( <i>Kobus ellipsiprymnus</i> );
jackal (black-backed) ( <i>Canis mesomelas</i> );	wildebeest species ( <i>Connochaetes taurinus</i> ) ( <i>Connochaetes gnou</i> );
klipspringer ( <i>Oreotragus oreotragus</i> );	zebra species ( <i>Equus zebra hartmannae</i> ) ( <i>Equus zebra burchelli</i> ).
lechwe ( <i>Kobus leche</i> );	
porcupine ( <i>Hystrix africae-australis</i> );	
rabbit/hare species ( <i>Pedetes capensis</i> ) ( <i>Lepus saxatiles</i> ) ( <i>Lepus capensis</i> );	
springbok ( <i>Antidorcas marsupialis</i> );	
steenbok ( <i>Raphiceros campestris</i> ).	

(11) The following huntable game birds may be hunted by means of bow hunting for the sake of trophies:

- (a) Guinea fowl (*Numida meleagris*)
- (b) Namaqua sandgrouse (*Pterocles namaqua*)
- (c) Kurrichane button quail (*Turnix sylvatica*)
- (d) Common quail (*Coturnix coturnix*)
- (e) Harlequin quail (*Coturnix delegorguei*)

- (f) Crested francolin (*Francolinus sephaena*)
- (g) Redbilled francolin (*Francolinus adspersus*)
- (h) Swainson's francolin (*Francolinus swainsonii*)
- (i) Orange River francolin (*Francolinus levillantoides*)
- (j) White-faced duck (*Dendrocygna viduata*)
- (k) Egyptian goose (*Alopochen aegyptiacus*)
- (l) Cape teal (*Anas capensis*)
- (m) Hottentot teal (*Anas hottentota*)
- (n) Redbilled teal (*Anas erythrorhyncha*)
- (o) Turtle dove (*Streptopelia capicola*)
- (p) Laughing dove (*Streptopelia senegalensis*)
- (q) Rock pigeon (*Columba guinea*)
- (r) Burchell's sandgrouse (*Pterocles burchelli*)
- (s) Double banded sandgrouse (*Pterocles bicinctus*)."

8. The following regulation is substituted for regulation 111:

"111. No trophy hunter may hunt any game; huntable game birds or wild animals unless he or she is accompanied by a professional hunter, master hunting guide or hunting guide, or, when he or she is so bow-hunting, by a bow hunting guide."

9. Regulation 114 is amended -

- (a) by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

"(b) A professional hunter, master hunting guide, hunting guide or bow hunting guide shall not allow a trophy hunter to hunt any game, huntable game birds or wild animals for the sake of trophies, with the exception of proclaimed problem animals or such game, huntable game birds or wild animals as may be hunted under a permit granted under section 36 of the Ordinance.";

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



"(3) Subject to subregulation (2), no professional hunter, master hunting guide, hunting guide or bow hunting guide shall during a hunting expedition be accompanied by more than five persons, which shall include trackers and skimmers, and not more than two trophy hunters."; and

- (c) by the substitution for subregulation (5) of the following subregulation:

"(5) No professional hunter, master hunting guide, hunting guide or bow hunting guide shall accompany or convey a trophy hunter, and no trophy hunter shall go on a hunting expedition, unless such professional hunter, master hunting guide, hunting guide or bow hunting guide, and such trophy hunter, are fully insured against personal liability for an amount of not less than N\$500 000, which insurance policy contract shall be submitted to the Director for perusal and approval prior to the commencement of the hunting expedition."

10. Subregulation (1) of regulation 115 is amended by the substitution for the words preceding the proviso of the following words:

"(1) A permit for the hunting of game or other wild animals for the sake of trophies shall be issued only to a professional hunter, a master hunting guide or a hunting guide, or if such game or other wild animals are to be hunted by means of bow hunting, to a bow hunting guide, who applies therefor in writing:"

11. Regulation 118 is amended -

- (a) by the substitution for paragraph (a) of the following paragraph:

"(a) order a re-examination of the competence of a professional hunter, master hunting guide, hunting guide or bow hunting guide, as the case may be, or the suitability of a hunting farm, and may withdraw the registration of such professional hunter, master hunting guide, hunting guide, bow hunting guide or hunting farm if he or she or it no longer complies with the requirements prescribed by this Chapter;" and

- (b) by the substitution in paragraph (b) for the words preceding subparagraph (i) of the following words:

"(b) withdraw the registration of a professional hunter, master hunting guide, hunting guide or bow hunting guide if he or she is found guilty of -".

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