

Mr Esterhuizen

BUITENGEWONE

# OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA.



# OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA.

UITGAWE OP GESAC.

PUBLISHED BY AUTHORITY.

1/- Maandag, 5 Februarie 1951. WINDHOEK Monday, 5th February, 1951. No. 1576.

Die volgende Ontwerpordnansie wat gedurende die Hoof-sessie van die Wetgewende Vergadering in 1951 voorgelê sal word, word vir algemene inligting gepubliseer.

Belanghebbende persone word versoek om enige beswaar of kommentaar wat hulle oor die ontwerpwetgewing wil maak, voor 31 Maart 1951 in te dien.

J. NESER,  
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,  
Windhoek.

The following Draft Ordinance which it is proposed to introduce during the Main Session of the Legislative Assembly, is published for general information.

Interested persons are requested to lodge any objections or comments they wish to make on the draft legislation, before 31st March, 1951.

J. NESER,  
Secretary for South West Africa.

Administrator's Office,  
Windhoek.

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## ONTWERPORDNANSIE

Ter konsolidering en wysiging van die Wildbeskermingswette.

## DRAFT ORDINANCE

To consolidate and amend the law relating to the preservation of game.

Die Wetgewende Vergadering vir die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal vir soverre daardie toestemming nodig is, nadat dit ontvang is en deur leidskap van die Administrateur aan die Wetgewende Vergadering meegedeel is ooreenkomstig die bepaling van artikel 105-en-106 van die „Zuidwest-Afrika Konstitusie Wet 1925“ van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section 105-106 of the South West Africa Constitution Act, 1925, of the Parliament of the Union of South Africa as follows:—

1. In hierdie Ordonnansie, waar dit bestaanbaar is met die verband, beteken—  
„grootwild“ elke soort wild genoem in die eerste bylae van hierdie Ordonnansie, of die een of die ander geslag daarvan;  
„Raad“ die Wildbeskermings- en Jagraad wat ingestel word by artikel 106;  
„hiltong“ wildsvleis wat gesout, gepekkel of andersins ter bewaring toeberei is;  
„wild“ ook „beskernde wild“, „grootwild“ en „kleinwild“ soos hierin omskryf;  
„wylbewaarder“ iemand wat aangestel is ooreenkomstig lid (1) van artikel vier van hierdie Ordonnansie;  
„jag“ die doodmaak, skiet op, vang of probeer vang, agtervolg of opspoor, of inwag met die oogmerk om dood te maak, te skiet of te vang, of om opeelik te stuur;  
„bewoner“ die huurder van grond wat werklik daarop woon kragtens skriftelike ooreenkomste met die eienaar daarvan;  
„so ionend staan in die omgang bekend as graaslisensiehouer of weidingslisensiehouer“;  
„hierdie Ordonnansie“ ook die regulasies daar kragtens uitgevaardig;  
„eienaar“ ten opsigte van grond, die geregistreerde eienaar van sodanige grond, of voor registrasie van die transporente op sy naam die koper te goeder trou daarvan of by oorlyde van die eienaar die wettige erfgename of, waar sodanige grond aan vrugtebruik onderhevig is, die hetrokke vrugtebruiker, en by grond onder beheer van ’n plaaslike owerheid, die stadsklerk of sekretaris daarvan; of iemand wat uit hoofde van bestaande landbesittingswette grond van die Administrasie huur.  
„regsdienaar“ ’n blanke lid van die Suid-Afrikaanse Polisemagte;

1. In this Ordinance, unless inconsistent with the context—  
„big game“ means any species of game included in the First Schedule to this Ordinance, or either sex of any such species;  
„Board“ means the Game Preservation and Hunting Board established under the provisions of section 106;  
„hiltong“ means game meat which has been dried, cured or in any other manner prepared for the purposes of preservation;  
„game“ means „protected game“, „big game“ and „small game“ as herein defined;  
„game warden“ means any person appointed in terms of sub-section (1) of section four of this Ordinance;  
„hunt“ means kill, shoot at, capture or attempt to capture, follow or search for or lie in wait for with intent to kill, shoot or capture, or wilfully disturb;  
„occupier“ means a lessee of land who is in actual occupation of such land under an agreement in writing with owner thereof; or any person hiring grazing rights on land owned by the Administration (such person being commonly known as a grass licensee or grazing licensee);  
„this Ordinance“ includes the regulations framed thereunder;  
„owner“ in relation to land means the registered owner of such land, or the bona fide purchaser of such land before registration of deed of transfer in his name; or the lawful heir of the owner at his death, or if such land is subject to a usufruct, the usufructuary thereof, and in the case of land subject to the control of a local authority the town clerk or secretary thereof, or any person hiring land from the Administration under the laws for the time being in force relating to land settlement;  
„police officer“ means a European member of the South African Police.

„beskermd wild” elke widsdoort, inbegrepe by die tweede bylaag van hierdie Ordonnansie, of die een of ander geslag daarvan;

„Sekretaris” die Sekretaris van Suidwes-Afrika;

„verkoop” die verkoop, verruil, te koop aanhief of daartoe ten toon stel, of skenk, of aanhief vir genote waarde;

„kleinwild” elke soort wild, inbegrepe by die derde bylaag van hierdie Ordonnansie of die een of die ander geslag daarvan;

„voldoende omheining” waar dit geësig word ten opsigte van draadomheining, ’n heining met minstens vier goed gegalwaniseerde draade, met trekspale hoogstens vyftiendertig jaarts uitmekaar en ysterstaanders (elk minstens veertien pond grofgewig) of hardhoutpale (elk minstens vier duim dik op sy dunste en minstens twee voet diep in die grond geplant) hoogstens tien, vyftien of twintig jaarts uitmekaar, met minstens twee, drie of vier hangpaaltjies (is die hangpaaltjies hardhout, moet hul minstens anderhalfduim dik wees by hul duim punt) onderskeidelik tussenin; andersins beteken dit ’n heining, insoer of heg waardeur geen wild gewoonweg sou kan dring sonder om dit te breek nie, of ’n natuurlike grens waardeur van waaroor geen wild gewoonweg sou gaan nie.

2. (1) Die Administrateur stel ’n Raad in met name die Wildbeskermings- en Jagraad.

(2) Minstens vyf lede wat deur die Administrateur aangestel word, dien in die Raad, en drie lede is ’n kworum.

(3) Die Administrateur kan die lede van die Raad van tyd tot tyd na goeदनुके verhoeg.

(4) Die lede van die Raad kies ’n mede-lid tot voorsitter, en hy roep al hul byeenkomste saam. Kan die Voorsitter so ’n byeenkoms nie saamroep nie, kan drie ander lede die byeenkomste saamroep. Is die voorsitter by ’n byeenkoms van die Raad afwesig, kies die teenwoordige lede ’n mede-lid tot voorsitter by daardie byeenkoms.

(5) Die voorsittende lid het by elke byeenkoms ’n gewone sowel as ’n beslissende stem.

(6) Die Administrateur kan nuwe lede in die Raad aanstel, en kan persone aanstel om toevallige vakatures te vul. Elke lid wat by ’n toevallige vakature aangestel word, voltooi die ampsterm van sy voorganger.

(7) Elke aanstelling in die Raad word in die *Offisiële Koerant* bekendgemaak.

3. (1) Die werksaamhede en pligte van die Raad is—

- (i) om al die wildbeskermingsaangeleenthede deur die Administrateur aan die Raad opgedra, te ondersoek, en daaroor verslag te doen;
- (ii) om na goeदनुके by die Administrateur aanbevelings insake wildbeskerming te doen en wysigings tot die Gebied se wildbeskermingswette voor te stel;
- (iii) om minstens eenkeer per jaar te Windhoek byeën te kom;
- (iv) om hoewedien die werksaamhede, magte en pligte uit te oefen wat die Administrateur vir regulasie aan die Raad voorskryf.

(2) Elkeen wat die Raad as sodanig, of ’n raadslid, by die uitvoering van sy pligte belemmer, teengaan of steur, is skuldig aan ’n oortreding.

4. (1) Die Administrateur kan een of meer geskikte persone as wildbewaarders vir elke magistratsdistrik in die Gebied aanstel. Sodanige aanstelling kan in ere-hoedanigheid geskied, of onderhawig aan die staatsdienswette, wanneer sodanige aangesteltes aanpene van die Administrasie is.

(2) ’n Wildbewaarder moet elke oortreding of verdagte oortreding van die bepalings van hierdie Ordonnansie, wat onder sy aandag kom, by die naaste polisiepos aanhaal, en waar dit oortredings van die bepalings van hierdie Ordonnansie betref, het elke wildbewaarder voorts in die magistratsdistrik ten opsigte waarvan hy aangestel is, al die magte tot ares waarvoor geregsdienaars ooreenkomstig artikel ses-en-twintig van die Krininede Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) beskik.

(3) Die Administrateur kan te eniger tyd ’n wildbewaarder wat in ere-hoedanigheid aangestel is, ontslaan, en ’n ander geskikte persoon in sy plek aanstel.

(4) Indien ’n wildbewaarder van sy pos afwesig is, of andersins sy pligte nie kan waarnaem nie, of indien hy uit sy amp bedank, kan die Administrateur ’n ander wildbewaarder in sy plek aanstel.

(5) Alle aanstellings ingevolge hierdie artikel word in die *Offisiële Koerant* bekendgemaak.

(6) Elkeen wat ’n wildbewaarder by die uitvoering van sy pligte belemmer, teengaan of steur, is skuldig aan ’n oortreding.

„protected game” means any species of game included in the Second Schedule to this Ordinance, or either sex of any such species of game;

„Secretary” means the Secretary for South West Africa;

„sell” means sell, barter, offer or expose for sale or give, or offer as any valuable consideration;

„small game” means any species of game included in the Third Schedule to this Ordinance, or either sex of any such species;

„sufficient fence” means when applied to wire fences a fence having not less than four strands of well galvanized wire, with straining posts not more than five hundred yards apart, and iron standards (these shall weigh not less than fourteen pounds avoirdupois each) or hardwood poles (these shall be at least four inches in diameter at the thin end and be planted not less than two feet deep in the ground) at not more than ten, fifteen or twenty yards apart, with not less than two, three or four droppers (if hardwood droppers are used, these shall be at least one and a half inches in diameter at the thin end) between them respectively; in other cases it means any fence, wall or hedge through which no game could pass without breaking the same, or any natural boundary through or across which no game would ordinarily pass.

2. (1) The Administrator shall establish a Board to be known as the Game Preservation and Hunting Board.

(2) The Board shall consist of not less than five members to be appointed by the Administrator of which three shall form a quorum.

(3) The Administrator may from time to time increase the number of the members of the Board should he so deem fit.

(4) The members of the Board shall choose one of their number as chairman, who shall convene all meetings of the Board. If the chairman is unable to convene a meeting any three other members may convene a meeting. If at any meeting of the Board the chairman is absent, the members present shall choose one of their number as chairman at that meeting.

(5) The member presiding at any meeting of the Board shall have a deliberative as well as a casting vote.

(6) The Administrator may appoint new members to the Board and may appoint persons to fill casual vacancies which may arise. Every person appointed to fill a casual vacancy shall hold office for the remainder of the period for which his predecessor would have remained in office.

(7) All appointments to the Board shall be notified in the *Gazette*.

3. (1) The functions and duties of the Board shall be—

- (i) to investigate and report on all such matters concerning the preservation of game as may be referred to it by the Administrator;
- (ii) to make such recommendations to the Administrator as it may deem fit regarding the preservation of game or any amendment to the laws of the Territory concerning game;
- (iii) to meet at Windhoek at least once in every year;
- (iv) such further functions, powers and duties as the Administrator may by regulation prescribe.

(2) Any person obstructing, resisting or hindering the Board or any of its members in the execution of its or his duties shall be guilty of an offence.

4. (1) The Administrator may appoint one or more suitable persons for each magistrats district in the Territory to act as game wardens. Such appointments may be made in an honorary capacity, or subject to the laws relating to the public service, as officers of the Administration.

(2) It shall be the duty of every game warden to report to the nearest police post any contravention or suspected contravention of the provisions of this Ordinance that comes to his notice, and he shall further be vested with all the powers of arrest given to a police officer, in terms of section twenty-six of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935), in so far as any contravention of the provisions of this Ordinance is concerned, in the magistrats district in respect of which he has been appointed.

(3) The Administrator may at any time remove from office any game warden appointed in an honorary capacity and appoint another suitable person in his place.

(4) Should any game warden be absent from or unable to fulfil his duty, or should he resign from his office, the Administrator may appoint another game warden in his place.

(5) All appointments in terms of this section shall be notified in the *Gazette*.

(6) Any person obstructing, resisting or hindering a game warden in the execution of his duties shall be guilty of an offence.

5. (1) Die Administrateur kan van tyd tot tyd by kennis-gewing in die *Offisiële Koerant*—

(a) ten opsigte van die hele Gebied, of die geheel of 'n deel van 'n distrik daarvan, die geslote tyd (want 'n hele jaar mag duur) voorskryf, vastel en wysig, en daarinne is die jag op enige soort groot- of kleinwild, of op die een of die ander geslag van enige soort sodanige wild onwettig (behoudens die uitsonderings in hierdie Ordinnansie), of verklaar dat daar geen geslote tyd moet wees nie vir enige soort groot- of kleinwild, of vir die een of die ander geslag van enige soort sodanige wild, of dwarsdeur die hele Gebied, of dwarsdeur enige distrik of gedeelte van 'n distrik daarvan;

(b) 'n beperking stel, ten opsigte van die hele Gebied of ten opsigte van 'n distrik of gedeelte van 'n distrik daarvan, op die getal van enige soort, of van die een of die ander geslag van enige soort groot- of kleinwild waarop daar ingevoel 'n willissensie geëig mag word;

(c) die naam van enige vol of dier, in enige klas wild in hierdie Ordinnansie genoem ten opsigte van die hele Gebied of van enige distrik of distrikte daarvan, verander, daartoe byvoeg of daaruit verwyder.

(2) Tot tyd en wyl andersins voorgeskryf ingevolge die bepaling van paragraaf (a) van lid (1) van hierdie artikel, is die geslote tyd vir alle wild, behalwe beskerende wild (uitgesonderd elke soort wilde-ende en -gans) die tydperk vanaf een September van elke jaar tot net dertig April van die daaropvolgende jaar.

(3) Tot tyd en wyl andersins voorgeskryf ingevolge die bepaling van paragraaf (a) van lid (1) van hierdie artikel is die geslote tyd vir elke soort wilde-ende en -gans die tydperk vanaf een September van elke jaar tot die laaste dag van Februarie van die daaropvolgende jaar.

6. (1) Niemand behalwe die wettige houër van 'n permit uitgeveel ingevolge inagting van die Administrateur mag te eniger tyd beskerende wild jag nie.

(2) Sodanige permissie kan uitgereik word op sodanige voorwaardes betreffende die bedrag betaalbaar (indien enige), die geel dierse of voël wat geneem of geskiet mag word, die tyd wanneer en die plek waar die jag toegelaat word, en ander algemene voorwaardes, soos die Administrateur, met hoorbare inagting van die doeleindes hetsy wetenskaplik of andersins, waarvoor die permit uitgereik is, wenslik ag.

(3) Die Administrateur kan 'n verskil maak tussen die bedrae wat deur eienaars of bewoners van grond en deur ander persone betaalbaar is.

(4) Iemand wat enige bepaling van hierdie artikel of enige voorwaarde van 'n permit kragtens hierdie artikel uitgereik, verontsaam, is skuldig aan 'n oortreding en is by skuldigevindings strafbaar met 'n boete van minstens vyf-en-twintig pond en hoogstens vyftiendertig pond, of by wanbetaling met gevangenisstraf van hoogstens twee jaar.

7. (1) Niemand behalwe die wettige houër van 'n grootwild-lisensie mag (behoudens waar in hierdie Ordinnansie andersins bepaal) grootwild jag nie.

(2) 'n Grootwildlisensie word deur die Sekretaris of 'n persoon wat behoorlik deur hom daartoe genagtig is, onderteken en uitgereik, en stel die wettige houër in staat om die grootwild daarin genoem, te jag op die plek of plekke daarin aangewys, onderworpe aan moontlike voorwaardes daarin vervat: Met dien verstande dat die Sekretaris of enige sodanige genagtigde persoon sonder oopgaaf van redes so 'n lisensie kan weier: Voorts met dien verstande dat 'n weiering deur 'n sodanige genagtigde persoon onbetwyfel by die Sekretaris aangevend moet ter bekragtigting of andersins, na sy goeddunke.

(3) 'n Grootwildlisensie bly dertig dae van krag: Met dien verstande dat waar die jagttyd op 'n sodanige datum sluit dat die lisensie nie vir 'n volle dertig dae uitgereik kan word nie, die geldigheid daarvan gestel word op die aantal dae wat oorbly voordat die sluitingsdatum aanbreek: 'n Grootwildlisensie kan hernu word, of vir nog dertig dae op 'n keer, of vir die korter tydperk by hierdie lid bepaal. So 'n grootwildlisensie verloorloof die jag op slegs een stuk grootwild linne die termyn van die lisensie, en niemand is geregtig op meer as een grootwildlisensie per sodanige termyn nie. Elke grootwildlisensie, en elke hernuwing daarvan, kos een pond.

(4) Elkeen wat die bepaling van hierdie artikel oortree, of die voorwaardes van 'n grootwildlisensie verontsaam, is skuldig aan 'n oortreding, en is by skuldigevindings strafbaar met 'n boete van minstens vyftien pond en hoogstens honderd pond, en by wanbetaling met gevangenisstraf van hoogstens ses maande.

8. (1) 'n Eienaar of bewoner van grond kan in die jagttyd op sodanige grond enige hooftwild grootwild sonder lisensie jag: Met dien verstande dat so 'n eienaar of bewoner gedurende die jagttyd geen grootwildsoort, of enige stuk grootwildsoort, van die een of ander geslag waarop die jag nie kragtens grootwild-lisensie gedurende daardie jagttyd in die distrik waarin die grond geleë is, wettig is nie, mag jag nie.

5. (1) The Administrator may from time to time by notice in the *Gazette*—

(a) prescribe, fix and alter either for the whole Territory or for any district or portion of a district thereof the period of the close season (which may include the whole year) within which it shall not be lawful (save as in this Ordinance is expected) to hunt any species of big game or small game of one or other sex of any species of such game, or declare that there shall be no close season for any species of big game or small game or for one or other sex of any species of such game either throughout the whole Territory or throughout any district or any portion of a district thereof;

(b) impose a limit in respect of either the whole Territory or in respect of any district or portion of a district thereof upon the number of any species or of one or other sex of any species of big game or small game which may be hunted under any game licence;

(c) vary, add to or withdraw from any category of game in this Ordinance the name of any bird or animal either in respect of the whole Territory or any district or districts thereof.

(2) Until otherwise prescribed under the provisions of paragraph (a) of sub-section (1) of this section the close season for all game other than protected game (with the exception of all varieties of wild duck and geese) shall be from the first September in any year to the thirtieth April (both days inclusive) in the following year.

(3) Until otherwise prescribed under the provisions of paragraph (a) of sub-section (1) of this section the close season for all varieties of wild duck and geese shall be from the first of September in any year to the last day of February in the following year.

6. (1) No person other than the lawful holder of a permit issued under the authority of the Administrator shall at any time hunt protected game.

(2) Such permits may be issued on such conditions as to the amount (if any) payable, the number of animals or birds to be taken or shot, the time when and the locality where the hunting is permitted, and generally as the Administrator, having due regard to the purposes, whether scientific or otherwise, for which the permit is issued, shall deem fit.

(3) The Administrator may differentiate between the amounts to be paid by owners or occupiers of land and by other persons.

(4) Any person who contravenes any of the provisions of this section or any condition of a permit issued under this section shall be guilty of an offence and shall upon conviction be liable to a fine not less than twenty-five pounds and not exceeding five hundred pounds or in default of payment to imprisonment for a period not exceeding two years.

7. (1) No person other than the lawful holder of a big game licence shall (save as in this Ordinance is otherwise provided) hunt big game.

(2) A big game licence shall be issued under the hand of the Secretary or any person duly authorised thereto by him and shall enable the lawful holder to hunt such big game in such locality or localities as may be stated on the licence and subject to such conditions as may be stated thereon: Provided that the Secretary or any such authorised person may without reason assigned refuse to issue any such licence: Provided further that every refusal by any such authorised person shall forthwith be reported to the Secretary for confirmation or otherwise as he may deem fit.

(3) A big game licence shall be valid for a period of thirty days: Provided that when owing to the fact that the open season closes on a particular date such licence cannot be issued for the full period of thirty days it may be issued for such lesser period terminating on such date: A big game licence may be renewed for further periods of thirty days at a time or for the lesser period specified in this sub-section: Such big game licence shall authorise the hunting of one head of big game only during the period specified in the licence and no person shall be entitled to more than one big game licence for any such period: For each big game licence taken out or renewed there shall be payable the sum of one pound.

(4) Any person who contravenes any of the provisions of this section or who fails to comply with any condition of a big game licence shall be guilty of an offence and liable on conviction to a fine of not less than fifteen pounds and not exceeding one hundred pounds or in default of payment to imprisonment for a period of not exceeding six months.

8. (1) Any owner or occupier of land may without licence hunt on such land during the open season any number of big game: Provided that such owner or occupier shall not during any open season hunt any species of big game or any individual of one or other sex of any species of big game which may not lawfully be hunted during that season under big game licence in the district in which such land is situate.

(2) Die eienaar en die bewoner van sodanige grond mag nie albei grootwild sonder lisensie in dieselfde jagtyd daarop jag nie, en die reg om dan daar te jag, kom die eienaar toe, tensy hy uit die Gebied afwesig is, of skriftelik sodanige reg aan die bewoner oorgedra het.

(3) Elke eienaar van grond kan die reg wat hom ingevolge lid (1) hiervan toekom, in 'n persoon, of deur sy kind of kinders, of deur sy vaste blanke werknemers of werknemers, wat op sodanige grond woon, uitoefen.

(4) Vir die doeleindes van lid (1) en lid (2) van hierdie artikel word jemaat wat weidingsregte op grond behorende aan die Administrasie huur (so jemaat staan in die omgang bekend as 'n graslisensiehouer of 'n weidingslisensiehouer) nie as 'n bewoner van sodanige grond beskou nie. So 'n graslisensiehouer of weidingslisensiehouer is sonder lisensie geregtig op die jag van slegs een stuk grootwild per kalendermaand in die jagtyd. Elke graslisensiehouer of weidingslisensiehouer wat op meer stukke grootwild jag, as wat hierdie lid (4) hom toelaat, is skuldig aan 'n oortreding, en hy skuldige bevindings strafbaar met 'n boete van minstens vyftien pond en hoogstens enhoender pond, en hy wanhetaling met gevangenisstraf van hoogstens ses maande.

(5) Elke eienaar of bewoner van grond, of elke graslisensiehouer of weidingslisensiehouer op grond behorende aan die Administrasie, wat in die jagtyd op sodanige grond enige soort grootwild, of enige stuk grootwildsoort, van die een of die ander geslag jag wanneer die jag op daardie soort grootwild nie ingevolge 'n grootwildlisensie in die distrik waarin die grond geleë is, wettig is nie, is skuldig aan 'n oortreding, en hy skuldige bevindings strafbaar met 'n boete van minstens vyftien pond en hoogstens enhoender pond, of by wanhetaling met gevangenisstraf van hoogstens ses maande.

9. (1) Andersluidende bepalings van hierdie Ordonnansie uitgesonderd, mag niemand behalwe die wettige houer van 'n kleinwildlisensie, uitgereik deur 'n magistraat, kleinwild jag nie.

(2) 'n Kleinwildlisensie is onderhevig aan sodanige voorwaardes soos daarin vervat is, en is vir 'n tydperk van dertig dae op 'n keer, of vir 'n korter tydperk gelurende die jagtyd geldig. So 'n lisensie kan vir verdere tydperke van dertig dae of korter hernu word. Elke sodanige lisensie, en elke hernuwing daarvan, kos een pond.

(3) Elkeen wat enige oepaling van hierdie artikel oortree of wat enige voorwaarde van 'n kleinwildlisensie verontagsaam is skuldig aan 'n oortreding.

10. (1) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie, kan 'n eienaar of bewoner van grond sonder lisensie kleinwild (huiten die verskillende soorte wilde-ende -gans) op sodanige grond binne die tydperk vanaf een Mei tot en met een-en-dertig Augustus van elke jaar jag, en elke soort wilde-ende -gans in die tydperk vanaf een Maart tot en met een-en-dertig Augustus van elke jaar: Met dien verstande dat sodanige eienaar of bewoner binne sodanige tyd nie 'n groter getal van enige soort van die een of die ander geslag van enige soort kleinwild mag jag, as wat ooreenkomstig die beperkings deur die Administrasie ingevolge paragraaf (b) van lid (1) van artikel 77/ oorgeleë, gedurende die jagtyd met 'n kleinwildlisensie gejag mag word nie.

(2) Elke eienaar of bewoner wat in die tydperk genoem in lid (1) hiervan op sodanige grond 'n groter getal van enige soort of 'n groter getal van die een of die ander geslag van enige soort kleinwild jag, as wat ooreenkomstig die beperkings deur die Administrasie ingevolge paragraaf (b) van lid (1) van artikel 77/ oorgeleë gedurende die jagtyd met 'n kleinwildlisensie gejag mag word, is skuldig aan 'n oortreding.

(3) Die eienaar en bewoner van enige sodanige grond mag nie albei in dieselfde jagtyd sonder lisensie daarop jag nie, en die reg om dan sodanige lisensie te jag, kom die eienaar toe, tensy hy uit die Gebied afwesig is, of sodanige reg skriftelik aan die bewoner oorgedra het.

(4) 'n Eienaar kan die regte hom verleen by lid (1) in 'n persoon uitoefen, en ook deur een of meer van sy kinders, en een of meer van sy vaste blanke werknemers wat op sy grond woon. Indien die getal van die een of die ander geslag van enige soort kleinwild wat binne die tydperk genoem in lid (1) hiervan deur die eienaar en die persone deur wie hy die genoemde regte uitoefen, gejag word, groter is as die aantal wat ooreenkomstig die beperkings deur die Administrasie ingevolge paragraaf (b) van lid (1) van artikel 77/ oorgeleë, in die jagtyd met 'n kleinwildlisensie gejag mag word, is die eienaar skuldig aan 'n oortreding.

11. (1) Waar daar tot oortuiging van die Sekretaris, of enigeen deur hom aangestel om te besluit, bewys word dat dit nodig is om welwet te beswaar, kan die Sekretaris of die persoon aldus aangestel, aan die eienaar of bewoner van sodanige

(2) The owner and occupier of any such land shall not both hunt big game without licence thereon during the same open season, and the right so to hunt shall be deemed to be vested in the owner unless he is absent from the Territory or unless he shall have transferred such right to the occupier in writing.

(3) Any owner of land may exercise the rights given him under sub-section (1) in his own person and also through any one or more of his children and any European or Europeans permanently employed by him and resident upon such land.

(4) For the purposes of sub-sections (1) and (2) of this section a person hiring grazing rights on land owned by the Administration (such person being commonly known as a grass licensee or grazing licensee) shall not be regarded as an occupier of such land. Such grass licensee or grazing licensee shall be entitled to hunt without licence on such land one head of big game only in each calendar month during the open season. Any grass licensee or grazing licensee who hunts big game in excess of the number allowed by this sub-section shall be guilty of an offence and liable on conviction to a fine of not less than fifteen pounds and not exceeding one hundred pounds and in default of payment to imprisonment not exceeding six months.

(5) Any owner or occupier of land or any grass licensee or grazing licensee hiring grazing rights on land owned by the Administration who during any open season hunts on such land any species of big game or any individual of one or other sex of any species of big game which may not lawfully be hunted during that season under a big game licence in the district in which such land is situate shall be guilty of an offence and liable on conviction to a fine of not less than fifteen pounds and not exceeding one hundred pounds or in default of payment to imprisonment not exceeding six months.

9. (1) No person other than the lawful holder of a small game licence issued by a magistrate shall (save as in this Ordinance is otherwise provided) hunt small game.

(2) A small game licence shall be subject to such conditions as may be stated thereon and shall be valid for a period of thirty days at a time or any lesser period during the open season. Such licence may be renewed for further periods of thirty days or any lesser period than thirty days. The fee payable for each licence taken out or renewed shall be the sum of one pound.

(3) Any person who contravenes any of the provisions of this section or fails to comply with any condition of a small game licence shall be guilty of an offence.

10. (1) Notwithstanding anything in this Ordinance contained, an owner or occupier of land may, without licence, hunt small game (other than varieties of wild duck and geese) in and upon such property during the period from the first day of May to the thirty-first day of August (both days inclusive) in each year, and all varieties of wild duck and geese during the period from the first day of March to the thirty-first day of August (both days inclusive) in each year: Provided that such owner or occupier shall not during any such period hunt a greater number of any species or of one or other sex of any species of small game than may be in accordance with the limits imposed by the Administrator under paragraph (b) of sub-section (1) of section 77, be hunted during the open season under a small game licence.

(2) Any owner or occupier who during the period referred to in sub-section (1) hereof hunts on such land a greater number of any species or of one or other sex of any species of small game than may, in accordance with the limits imposed by the Administrator under paragraph (b) of sub-section (1) of section 77, be hunted during the open season under a small game licence, shall be guilty of an offence.

(3) The owner and occupier of any such land shall not both hunt small game without licence thereon during the same open season, and the right so to hunt without licence shall be deemed to be vested in the owner unless he is absent from the Territory or unless he shall have transferred such right to the occupier in writing.

(4) Any owner of land may exercise the rights given him under sub-section (1) in his own person and also through any one or more of his children and any European or Europeans permanently employed by him and resident upon such land. If the number of one or other sex of any species of small game hunted during the period referred to in sub-section (1) hereof by the owner and the persons through whom he exercises the said rights exceeds the number that may, in accordance with the limits imposed by the Administrator under paragraph (b) of sub-section (1) of section 77, be hunted during the open season under a small game licence, the owner shall be guilty of an offence.

11. (1) Upon its being proved to the satisfaction of the Secretary, or to the satisfaction of any person appointed by him to exercise such discretion, that it is necessary to protect the grazing on any land, the Secretary or any person so appointed may grant to the owner or occupier of such land

weiveld 'n permit toestaan om self wild op sodanige weiveld te jag binne die tydperk daarop gemeld en onderworpe aan sodanige voorwaardes en beperkings soos daarin vervat. Elke weiering deur 'n persoon aldis aangestel om sodanige permit uit te reik, moet onvervuld hy die Sekretaris aangemeld word ter bekragtiging of verwerping na goeddunke. Elke sodanige eienaar of bewoner wat enige voorwaarde van sodanige permit oortree of verontagsaam, is skuldig aan 'n oortreding.

(2) Wanneer soewel wild op plaasgrond verskyn dat hul die weiding daarop kan hieskadig, kan die eienaar of bewoner daarvan by die bevelvoerende geregsdienaar by die naaste polisiepos of die naaste wildbewaarder verlof aanvra om 'n geselskap op die heen te bring om die wild te verdryf. Is sodanige geregsdienaar of wildbewaarder oortuig dat die omstandighede dit regverdig, kan hy verlof daartoe verleen. Weier so 'n geregsdienaar of so 'n wildbewaarder eger sodanige verlof, kan sodanige eienaar of bewoner 'n beroep doen op die magistraat van die distrik waarin die grond geleë is, en die magistraat so beslissing is afdoende. Vind so 'n dryfjag plaas, moet sodanige geregsdienaar of wildbewaarder, indien sy pligte dit toelaat, so 'n dryfjag hywoon en daaraan deelneem om te verseker dat daar nie meer stuks wild geskiet word as wat nodig is om die wild te verdryf nie.

(3) Nieteenstaande andersluidende bepaling in hierdie Ordonansie, kan die eienaar of bewoner van grond, of enige skriftelik deur die eienaar of bewoner daartoe gemagtig, te enige tyd sonder lisensie of permit enige wild wat gesaai of plante of beboude land of tuine met voldoende omheining op die grond van sodanige eienaar of bewoner, verniel of hieskadig, jag; en enige wild wat ingevolge die bepaling van hierdie artikel doodgemaak is, is die wettige eiendom van sodanige eienaar, bewoner of persoon, al na gelang. Die doodmaak van enige wild ingevolge die bepaling van hierdie lid moet binne tien dae by die naaste polisiepos aangemeld word. Indien die verantwoordelike persoon versium of nalaat om sodanige logenoomde aanmelding te doen, is hy skuldig aan 'n oortreding.

(4) As daar by enige aanklag of beskuldiging teen 'n persoon weens oortreding van of artikel *sex* of artikel *nove*, uit die getuens lyk dat die wild wat die onderwerp van die akte van hieskadiging of aanklag uitmaak wettig ingevolge die bepaling van lid (3) van hierdie artikel doodgemaak is, maar dat die doodmaak nie aangemeld is soos bepaal by daardie lid nie, is die hof bevoeg om sodanige persoon skuldig te bevind aan versium om sodanige aanmelding te doen.

12. (1) Die Administrateur kan goedkeur dat permitte uitgereik word aan lede van die staatsdiens, aan persone wat in 'n tydelike of toevallige hoedanigheid deur die Administrasie in diens geneem word, aan lede van die polisie en aan *bona fide* prospektoreters, om wild vir voedsel in enige jystyd of geslote tyd te jag, terwyl sodanige voorname persone in die diens van die Administrasie en sodanige lede van die polisie ampshalwe reis, of tydelik of permanent gestasioneer is, om terwyl sodanige prospektoreters hulle met prospektore besig hou in dele van die Gelde waar geneessame voedsel op geen ander redelike wyse verkry kan word nie. Sodanige permitte is onderhewig aan sodanige voorwaardes en betaling van gelde (indien enige), soos die Administrateur na goeddunke ople.

(2) Enigen wat versium uit enige voorwaarde van 'n permit uitgereik ingevolge lid (1) hiervan, na te kom, of dit verontagsaam, is skuldig aan 'n oortreding.

13. (1) Wanneer die Administrateur oortuig is dat sekere soort groot- of kleinwild benodig vir enige openbare museum, dieretuin of wetenskaplike instelling, of vir wetenskaplike doeleindes, of vir maknaking of inburgering, kan hy goedkeur dat 'n permit uitgereik word aan enige persoon om sodanige groot- of kleinwild te enige tyd te jag, dood te maak of te vang. Sodanige permitte is onderhewig aan sodanige voorwaardes soos die Administrateur na goeddunke ople, veral wat betref die gelde betaalbaar (indien enige), die getal hore of soorte wild wat doodgemaak of gevang moet word, die tyd wanneer en die plek waar die jag moet plaasvind.

(2) Enigen wat versium uit die voorwaardes van 'n permit uitgereik ingevolge lid (1) hiervan na te kom, of verontagsaam, is skuldig aan 'n oortreding en onderhewig aan die volgende strafwette—

(a) in die geval van 'n permit betreffende grootwild met 'n hoete van minstens vyftien pond en hoogstens eenhonderd pond of by waasbaling met gevangenstraf van hoogstens ses maande; en

(b) in die geval van 'n permit betreffende kleinwild met die straf bepaal by artikel *three-and-thirty* van hierdie Ordonansie.

a permit authorising such owner or occupier to hunt game on such land during any period stated in the permit, subject to such conditions and limitations as may be stated therein. Every refusal by any person so appointed to grant such a permit shall forthwith be reported to the Secretary for confirmation or otherwise, as he may deem fit. Any such owner or occupier who contravenes or fails to comply with any of the conditions of any such permit shall be guilty of an offence.

(2) Whenever game appears on any land in such numbers as to constitute a threat to the grazing on such land the owner or occupier of such land may apply to the police officer in command of the nearest police post or to the nearest game warden for permission to organize a number of persons with the object of driving such game away. If such police officer or such game warden is satisfied that the circumstances warrant the organization of a drive he may grant permission to such owner or occupier to organize such drive. Should such police officer or game warden refuse to grant such permission such owner or occupier shall have the right to appeal to the magistrate of the district wherein such land is situated whose decision shall be final. If such a drive is held such police officer or game warden shall if his duties permit him to do so be present and take part in such drive in order to ensure that no greater number of game is shot than is necessary for the purpose of driving the game away.

(3) Anything to the contrary notwithstanding contained in this Ordinance, it shall be lawful for the owner or occupier of land or any person duly authorised thereto in writing by such owner or occupier to hunt at any time without a licence or permit in cultivated lands or gardens enclosed by a sufficient fence on the land of such owner or occupier; and any game killed under the provisions of this section may be lawfully possessed by such owner, occupier or person, as the case may be. The killing of any game under the provisions of this sub-section shall be reported within ten days to the nearest police post. Failure or neglect on the part of the person responsible to make such report as aforesaid shall constitute an offence.

(4) Upon any charge or indictment against any person for contravention of either section *sex* or section *nove*, if it appears upon the evidence that the game the subject of the charge or indictment was lawfully killed under the provisions of sub-section (3) of this section, but that such killing was not reported as provided in that sub-section, it shall be competent for the court to convict such person for failure so to report.

12. (1) It shall be lawful for the Administrator to authorise the issue of permits to members of the public service, persons employed in a temporary or casual capacity by the Administration, members of the police and to *bona fide* prospectors to hunt game for the purpose of food supplies during any open or close season while such aforesaid persons in the employ of the Administration and such members of the police are travelling on duty or are stationed either temporarily or permanently, and while such prospectors are engaged in prospecting, in portions of the Territory where adequate food supplies cannot by any other reasonable means be obtained. Such permits shall be subject to such conditions and payment of such fees (if any) as the Administrator may deem fit to impose.

(2) Any person who fails to comply with or contravenes any condition of any permit issued under sub-section (1) hereof shall be guilty of an offence.

13. (1) When the Administrator is satisfied that certain species of big game or small game are required for any public museum, zoological garden or scientific institution or for scientific purposes or for domestication or acclimatisation, it shall be lawful for him to authorise the issue of a permit to any person to hunt and kill or capture such big game or small game at any time. Such permits shall be subject to such conditions as the Administrator may deem fit to impose, more particularly as to the amount of fee payable (if any), the number of animals or birds to be killed or captured, the time when and the locality where the hunting is to take place.

(2) Any person who fails to comply with or contravenes any condition of any permit granted under sub-section (1) shall be guilty of an offence and liable to the following penalties, to wit—

(a) in the case of a permit relating to big game to a fine not less than fifteen pounds and not exceeding one hundred pounds or in default of payment to imprisonment for a period of not exceeding six months; and

(b) in the case of a permit relating to small game to the penalty prescribed by section *thirty-three* of this Ordinance.

14. (1) Niemand mag sonder 'n permit uitgereik met die goedkeuring van die Administrateur en onderbewing van sodanige voorwaardes soos hy goedvind, wild met opset doodmaak, vang of jag op enige ander manier as deur te skiet nie. Met dien verstande dat niks hierin vervat beskou moet word as 'n verbod op die gebruik van opjaers of honde by die opspoor van wild nie.

(2) Wanneer iemand ingevolde die bepalings van lid (1) daarvan skuldig bevind word dat hy wild met 'n hond doodgemaak, gevang of gejaag het, kan die hof wat sodanige persoon skuldig bevind het, bevel dat die hond vernietig word.

(3) Niemand mag op enige soort wildehoek wat onder die beskrywing groot- of kleinwild ressorteer met 'n vuurwapen van 'n kleiner kaliber as sewe millimetre nie, tensy die snelheid van die koeël uit so 'n geweer by die mondel meer as 2,500 voet per sekonde by die skiet van kleinwild, en meer as 2,800 voet per sekonde by die skiet van grootwild is.

(4) Niemand mag op enige voertuig op enige pad in die Gebied 'n vuurwapen (behalve in 'n goed-vasgemaakte kis of sak) vervoer nie, tensy sodanige persoon die eienaar of bewoner is van die grond waarop die pad geleë is, of 'n lid van die gesin van sodanige eienaar of bewoner is en by hom inwoon, of die reg het om wild of enige ander dier op sodanige grond te jag.

(5) Enigen wat enige van die bepalings van hierdie artikel verontagsaam, of wat enige voorwaarde van 'n permit uitgereik ingevolde lid (1) verontagsaam of versuim om dit na te kum, is skuldig aan 'n oortreding.

15. (1) Enigen wat by die jag op wild gebruik maak van kunstmatige lig is skuldig aan 'n oortreding.

(2) Enigen wat met die doel om wild te jag, gebruik maak van 'n motorvoertuig of enige soort vliegtuig, of wat met water dood hoegenaamd, insluitende dié van verfilming of fotografie, wild met sodanige motorvoertuig of vliegtuig aandryf, op loop jag of linder, is skuldig aan 'n oortreding: Met dien verstande dat niks hierin vervat beskou moet word as 'n verbod teen die wetlike eienaar of bewoner van grond om motorvoertuie of vliegtuie te gebruik om diere in die onstandighede bepaal by lid (2) en lid (3) van artikel *et* van hierdie Ordonansie te verdryf of te vernietig nie.

16. (1) Behoudens die bepalings van artikel *agt* en *tien* mag niemand wild jag op grond behorende aan die Administrasie nie, behalve kragtens 'n skriftelike permit, onderken deur die magistraat van die distrik waarin sodanige grond geleë is, wat uitgereik kan word by betaling van sodanige gelde en onderbewing aan sodanige voorwaardes soos die Administrateur bepaal: Met dien verstande dat 'n sodanige permit nie geldig is ten opsigte van grond behorende aan die Administrasie wat verhuur is nie, tensy die skriftelike toestemming van die huurder daarvan verkry word.

(2) Niemand mag op private eiendom wild jag sonder die toestemming van die eienaar of bewoner daarvan nie. Vir die doeleindes van hierdie lid (2), word grond wat onder die beheer van 'n plaaslike bestuur is en grond wat aan die Administrasie behoort en ingevolge die sakte betreffende landnedersetting verhuur is, beskou as private eiendom: Met dien verstande dat grond waarop weidingsregte van die Administrasie geluur word nie as private eiendom beskou word nie, en elkeen wat weidingsregte op sodanige grond huur (sodanige persoon synde alom bekend as 'n grasliensiehouer of 'n weidingsliensiehouer) het nie die reg om toestemming te verleen tot jag op wild op sodanige grond nie. Dit is die plig van elke sodanige persoon wat kennis dra van onwettige jag op sodanige grond, om die saak by die naaste polisiepos na te meld, en indien hy dit nie doen nie, is hy skuldig aan 'n oortreding.

(3) Die eienaar van private grond of die bewoner van grond behorende aan die Administrasie of 'n ander daartoe gemagtigde persoon wat iemand op sodanige grond by die jag op wild aantroef, kan sodanige persoon versoek om sy magtiging om op sodanige grond te jag, te toon, en indien hy dit nie doen nie, kan hy bevel word om sy wese naam en adres te gee en onmiddellik die grond te verlaat. 'n Persoon wat versuim of nalat om sodanige bevel te gehoorsaam is skuldig aan 'n oortreding.

(4) 'n Hond wat aangetref word by die najaag van wild op enige grond, en wat nie vergees is van sy eienaar of 'n persoon wat toesig oor hom het nie, kan onmiddellik vernietig word deur, of op bevel van die eienaar of bewoner van sodanige grond.

(5) Elkeen wat die bepalings van lid (1) verontagsaam of wat die voorwaardes van 'n permit uitgereik kragtens daardie lid nie nakom nie, is skuldig aan 'n oortreding.

14. (1) No person shall without a permit issued under the authority of the Administrator and subject to such conditions as he may deem proper, intentionally kill, capture or hunt game by any other means than by shooting; provided that nothing herein contained shall be deemed or taken to prohibit the employment of beaters or dogs for the purpose of finding game.

(2) When any person is convicted under the provisions of sub-section (1) of killing, capturing or hunting game by means of a dog, the court convicting such person may order the dog to be destroyed.

(3) No person shall shoot at any species of antelope coming under the description of big or small game with any firearm of a smaller calibre than 7 millimetres, unless in the case of small game the muzzle velocity of the bullet fired from such firearm is more than 2,500 feet per second and in the case of big game such velocity is more than 2,800 feet per second.

(4) No person shall convey in any vehicle any firearm (other than in a securely fastened case or cover) along any road in the Territory unless such person is the owner or occupier of the land upon which such road is situated or a member of the family of such owner or occupier residing with him or has the right to hunt game or any other animal on such land.

(5) Any person who contravenes any of the provisions of this section or who contravenes or fails to comply with any condition of a permit issued in terms of sub-section (1) shall be guilty of an offence.

15. (1) Any person who makes use of artificial light in connection with the hunting of game shall be guilty of an offence.

(2) Any person who makes use of a motor vehicle or any form of aircraft for the purpose of hunting game or drives, stampedes or disturbs game by means of any such motor vehicle or aircraft for any purpose whatsoever, including that of filming or photography, 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 sub-sections (2) and (3) of section *eleven* of this Ordinance.

16. (1) Save as in sections *eight* and *ten* provided no person shall hunt game upon land owned by the Administration except under written permit signed by the magistrate of the district in which such land in situata which may be issued upon payment of such fee and subject to such conditions as the Administrator may prescribe: Provided that no such permit shall be valid in respect of land owned by the Administration and leased except with the written consent of the lessee thereof.

(2) No person shall hunt game upon private property without the written consent of the owner or occupier thereof. For the purposes of this sub-section land subject to the control of a local authority and land owned by the Administration and leased under the laws relating to land settlement shall be deemed to be private property: Provided that land on which grazing rights are hired from the Administration shall not be deemed to be private property and any person hiring grazing rights on such land (such person being commonly known as a grass licensee or grazing licensee) shall not be entitled to give his consent to the hunting of game on such land. It shall be the duty of any such person who becomes aware of any illegal hunting on such land to report the matter to the nearest police post, failing which such person shall be guilty of an offence.

(3) Any person found hunting game on land owned by the Administration or private land may be requested by the owner or occupier thereof or other authorised person to produce his authority to hunt upon such land, and if he fails to produce such authority he may be ordered to furnish his true name and address and to depart forthwith. Any person who fails or neglects to comply with any such order shall be guilty of an offence.

(4) Any dog found in pursuit of game upon any land, unaccompanied by its owner or by some other person having control over it, may be forthwith destroyed by or on the order of the owner or occupier of such land.

(5) Any person who contravenes the provisions of sub-section (1) or who fails to comply with any conditions of any permit issued in terms of that sub-section shall be guilty of an offence.

17. (1) Behoudens die bepalings van lid (2) mag niemand te eniger tyd met opset die eiers van wildeveels verwyder, steur, vernietig, verkoop, vent, vir verkoop ten toon stel of koop nie.

(2) Die Administrateur kan die uitreiking van 'n permit aan 'n geskikte persoon goedkeur om die eiers van enige wildeveels te neem of te verwyder met die doel om hulle te laat uitbroei of die kuikens groot te maak, of vir wetenskaplike ondersoek. Sodanige permit moet die getal en soort eiers wat die houder daarvan geregtig is om te kry of te neem, aangee, en is onderhevig aan sodanige ander voorwaardes soos die Administrateur aan goeddunne oë.

(3) Enigeen wat die bepalings van lid (1) verontagsaam, of wat enige voorwaarde van 'n permit uitgereik ingevolge lid (2) nie nakom nie, is skuldig aan 'n oortreding. By skuldigbevinding word alle eiers ten opsigte waarvat die skuldigbevinding verkry is, aan die Kroon verhoor.

18. (1) Die eienaar of bewoner van grond, of sy blanke agent kan sonder 'n lasbrief tot visitering enige hut, tent, kampeerplek, voertuig of houer hoegenaamd op daardie grond deursoek, en elke blanke geregsdienaar of wildebeerder kan sonder 'n lasbrief tot visitering enige hut, tent, kampeerplek, voertuig of houer wat behoort aan, of onder die sorg is van 'n persoon behalwe die eienaar of bewoner van die grond waarop die soektoeg uitvoer word, deursoek, indien in elke geval die persoon wat die soektoeg uitvoer redde het om te vermoed dat die gewuste plek of ding, wild of 'n deel van die karkas van wild bevat, en die persoon wat sodanige soektoeg uitvoer kan op alle wild of dele van die karkas van wild wat hy by sodanige soektoeg aantref, of enige middel of ding waarmee 'n oortreding ingevolge hierdie Ordonnansie gepleeg is, beslag lê.

(2) Enigeen wat 'n persoon genoem in lid (1) belemmer by die uitvoering van 'n soektoeg kragtens daardie lid, is skuldig aan 'n oortreding.

19. Niemand mag sonder 'n permit van die Administrateur enige oifantstand of gedeelte daarvan uit hierdie Gebied uitvoer nie. Enigeen wat die bepalings van hierdie artikel verontagsaam of wat enige voorwaardes van 'n permit hierkragtens uitgereik, nie nakom nie, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met 'n boete van minstens vyf-en-twintig pond of hoogstens vyfhoonderd pond, of hy wanbetaling met gevangenisstraf van hoogstens twee jaar.

20. 'n Geregsdienaar of wildebeerder kan te eniger tyd, van enige persoon wat hy by die jag aantref, vercis dat hy 'n lisensie of permit uitgereik ingevolge hierdie Ordonnansie, toon, en hy kan die naam en adres van sodanige persoon eis, en elkeen wat weier om sy lisensie of permit te toon of om sy naam en adres te gee wanneer daartoe gelas, is skuldig aan 'n oortreding.

21. (1) Geen geselskap persone wat in die Unie of enige ander land of gebied op die been gebring is met die doel om in die Gebied te jag, mag die Gebied niet daardie doel binnekom nie.

(2) Elke persoon uit so 'n geselskap wat die Gebied teenstrydig met die bepalings van lid (1) binnekom, is skuldig aan 'n oortreding.

(3) Aan geen persoon uit so 'n geselskap soos bepaal in lid (1), wat die Gebied binnekom teenstrydig die bepalings van lid (1) word 'n lisensie tot die jag op wild ingevolge die bepalings van hierdie Ordonnansie uitgereik nie.

22. (1) Behoudens die bepalings van artikel 107 mag niemand enige wild jag gedurende die tydperk vanaf 'n halfuur na sondergang op enige dag tot 'n halfuur voor sonop van die volgende dag nie.

(2) Elkeen wat die bepalings van lid (1) verontagsaam is skuldig aan 'n oortreding.

23. (1) Niemand mag wild of die vleis van die wild (hetsy vars of gedroog), of wildsilting verkoop nie: Met dien verstande dat die eienaar of bewoner van grond sodanige wildsoorte (of die vars vleis daarvan) kan verkoop, soos die Administrateur van tyd tot tyd by kennisgewing in die *Offisiele Koerant* as verkoopbaar ingevolge die bepalings van hierdie lid (1) vastel.

(2) Niemand mag opsetlik 'n dier of voel wat wild is, of die vleis van enige wild (hetsy vars of gedroog), of enige wildsilting koop nie: Met dien verstande dat niks hierin eienaar beskoon word as 'n verhoor teen enige persoon om van die eienaar of bewoner van grond enige sodanige wildsoort of die vars vleis daarvan te koop, soos sodanige eienaar van grond ingevolge die bepalings van lid (1) geregtig is om te verkoop nie.

(3) Niemand mag in enige koerant of ander stuk literêre hierdie Gebied gefotruk, die verkoop van enige wild of van die vleis van enige wild (hetsy vars of gedroog), of van enige

17. (1) Save as in sub-section (2) is provided, no person shall at any time wilfully take away, disturb, destroy, sell, hawk, expose for sale or purchase the eggs of any game birds.

(2) It shall be lawful for the Administrator to authorise the issue of a permit to any fit and proper person to take or carry away the eggs of any game birds for the purpose of rearing or breeding the same or for purposes of scientific investigation. Such permit shall state the number and variety of the eggs which the holder is empowered to obtain or take and shall be subject to such other conditions as the Administrator may deem fit to impose.

(3) Any person who contravenes the provisions of sub-section (1) or who fails to comply with any condition of any permit issued in terms of sub-section (2) shall be guilty of an offence. Upon conviction, any eggs in respect of which the conviction was obtained shall be confiscated to the Crown.

18. (1) The owner or occupier of any land or his European agent, may, without a search warrant, search any hut, tent, camping place, vehicle or receptacle whatever on that land, and any European police officer or game warden may without a search warrant, search any hut, tent, camping place, vehicle or receptacle belonging to or in the custody of a person other than the owner or occupier of the land on which the search is effected, if in either case the person effecting the search has reason to suspect that the place or article in question contains any game or any part of the carcass of game, and the person effecting such search may seize any game or any part of the carcass of game found by him during such search or any article or thing with which any offence under this Ordinance was committed.

(2) Any person who obstructs any person mentioned in sub-section (1) in effecting any search under that sub-section shall be guilty of an offence.

19. It shall not be lawful for any person to export from this Territory any elephant tusk or portion thereof without a permit from the Administrator. Any person who contravenes the provisions of this section or who fails to comply with any condition of any permit issued hereunder shall be guilty of an offence and liable on conviction to a fine of not less than twenty-five pounds and not exceeding five hundred pounds or in default of payment to imprisonment for a period of not exceeding two years.

20. Any police officer or game warden may at any time demand the production of any licence or permit issued under this Ordinance from any person found hunting, and may demand the name and address of such person, and any person refusing to produce his licence or permit or to give his name and address when so required shall be guilty of an offence.

21. (1) It shall be unlawful for any assemblage of persons formed in the Union or any other country or territory with the object of hunting game in the Territory to enter the Territory for that purpose.

(2) Every member of such an assemblage of persons who enters the Territory in contravention of sub-section (1) shall be guilty of an offence.

(3) Any member of such assemblage of persons as is in sub-section (1) defined who enters the Territory in contravention of that sub-section shall not be issued with a licence to hunt game under the provisions of this Ordinance.

22. (1) Subject to the provisions of section 107, no person shall hunt any game during the period half an hour after sunset on any day and half an hour before sunrise on the following day.

(2) Any person contravening the provisions of sub-section (1) shall be guilty of an offence.

23. (1) No person shall sell any game or the flesh of any game (whether fresh or dried) or any game hiltong: Provided that the owner or occupier of any land may sell such species of game (or the fresh flesh thereof) as the Administrator may from time to time by notice in the *Gazette* determine may be sold under the provisions of this sub-section.

(2) No person shall knowingly purchase any animal or bird which is game or the flesh of any game (whether fresh or dried) or any game hiltong: Provided that nothing herein contained shall be deemed to prohibit any person from purchasing from the owner or occupier of any land any of such species of game or the fresh flesh thereof as such owner of land is entitled to sell under the provisions of sub-section (1).

(3) No person shall advertise in any newspaper or other matter which is printed within this Territory the sale of any game or the flesh of any game (whether fresh or dried) or any

wildsbilting adverteer nie. Met dien verstande dat niks hierin vervat 'n verbot is teen die eienaar of bewoner van grond om die verkoop van enige sodanige wildsoort sons die eienaar of bewoner van grond ingevalde die bepalings van lid (1) hiervan geregig is om te verkoop, te adverteer nie.

(4) Enigeen wat enige hepaling van lid (1), (2) en (3) van hierdie artikel verontagsaam, is skuldig aan 'n oortreding, en is by skuldigebevestiging ingevalde die bepalings van lid (1) of (3) strafbaar met 'n boete van minstens vyf-en-twintig pond en hoogstens vyfhonderd pond, en by wanbetaling met gevangenisstraf van hoogstens twee jaar.

24. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie is die eienaar van grond wat voldoende omhein is, en waarop daar gewoonlik wilde volstruise, wildeheeste, kwaggas en vlakvarke of enigeen of meer van sodanige wild-, voel- of diersoort aangevoer word, geregig om te besluit of hy enige of elkeen uit enige sodanige wild-, voel- of diersoort wil bewaar. Sodanige eienaar kan enige of elkeen uit enige sodanige wild-, voel- of diersoort wat hy nie wil bewaar nie, vernietig.

25. (1) Nieteenstaande andersluidende bepalings in die "Wildvlees Uitvoer Proklamasie 1922" (Proklamasie 22 van 1922), word enige persoon woonagtig luit die hierdie Gebied, wat 'n groot-wildlensie in hierdie Gebied uitgenem het, toegelaat om by sy vertrek uit die Gebied hoogstens twintig pondgewig van biltong sonder betaling van uitvoerbelasting saam met hom te neem. Op enige biltong ho twintig pond aan gewig wat deur sodanige persoon, woonagtig luit die Gebied, saangeneem word, is die gewone uitvoerbelasting betaalbaar.

(2) 'n Persoon wat binne hierdie Gebied woonagtig is, kan eenkeer per jaar hoogstens twintig pondgewig aan biltong sonder die betaling van uitvoerbelasting en kraegens 'n permit uitgereik deur die magistraat van die distrik waarin sodanige persoon woon, of deur enige ander persoon wat hehoorlik daartoe deur die Sekretaris gemagtig is, uitvoer. Die uitreiking van sodanige permit geskied na goeddunke van sodanige magistraat of sodanige hehoorlik gemagtigde persoon.

26. Niks in hierdie Ordonnansie vervat word beskou of aangeneem die bestaande wet betreffende wildreserwes enigins te raak, te verander of te wysig nie.

27. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie, kan die Administrateur in besondere omstandighede aan 'n vooraansende besoeker aan hierdie Gebied 'n permit uitreik om in die jagtyd enige wild te jag op sodanige voorwaardes en onderhewig aan sodanige beperkings sons deur sodanige permit opgele word.

28. (1) Enigeen wat in besit gevind word van, of van wie daar binne ses maande hewys word dat hy in besit was van die vleis van enige wild (hetsy vars of gedroog) of wildsbilting, huid, vel, horing of tand van wild, is, tensy hy bevredigende rekenskap aan die hof kan gee van sodanige besit, skuldig aan 'n oortreding. Die hieropvolgende tyeperk van ses maande word bereken vanaf die datum van die beskuldigde se arrest of vanaf die datum waarop die dagvaarling teen hom uitgereik is, na gelang van die geval.

(2) Enigeen wat aangekla word weens 'n daad wat kraegens hierdie Ordonnansie 'n oortreding is, indjin dit sonder 'n lensie, permit of verlot gedoen is, word beskou sodanige daad sonder 'n lensie, permit of verlot te gedoen het, tensy daar hewys word dat hy in besit was van sodanige lensie, permit of verlot wanneer hy die bewuste daad uitgevoer het.

(3) Die bewyslas insake 'n feit wat 'n verdediging sou vorm teen 'n aanklag weens oortreding van 'n bepaling van hierdie Ordonnansie rus op die beskuldigde.

(4) Wanneer ook al by 'n vervolging weens 'n oortreding van hierdie Ordonnansie—

(a) die vraag of vleis wat geen vet aan het nie (hetsy sodanige vleis vars of gedroog of biltong is) die vleis van wild is of was, ter sake is, word sodanige vleis geeng wildvleis te wees of te gewees het, tensy die teenoorgeselde hewys word;

(b) die vraag of 'n huid of vel wat nie as die huid of vel van 'n besondere soort dier uitreken kan word nie, wel die huid of vel van enige wild is of was, ter sake is, word sodanige huid of vel geeng die huid of vel van wild te wees of te gewees het, tensy die teenoorgeselde hewys word.

(5) Wanneer daar by 'n proses teen 'n persoon op 'n aanklag dat hy op 'n bepaalde stuk grond 'n oortreding kraegens hierdie Ordonnansie gepleeg het, hewys word dat enige daad wat 'n grondbestanddeel van sodanige oortreding uitmaak of vorm in of naby die omgewing waarin sodanige stuk grond geleë is, gepleeg is, word sodanige daad gelou vir gepleeg op sodanige stuk grond, tensy daar hewys word—

game biltong: Provided that nothing herein contained shall prohibit the owner or occupier of any land from advertising the sale of any such species of game as such owner or occupier of land is entitled to sell under the provisions of sub-section (1).

(4) Any person contravening any of the provisions of sub-sections (1), (2) and (3) of this section shall be guilty of an offence and in the case of a conviction for contravening the provisions of sub-sections (1) or (3) shall be liable to a fine not less than twenty-five pounds and not exceeding five hundred pounds or in default of payment to imprisonment for a period of not exceeding two years.

24. Notwithstanding anything to the contrary contained in this Ordinance the owner of land enclosed with a sufficient fence upon which there is normally to be found wild ostriches, wildebeest, zebras and warthogs or any one or more of such species of game, bird or animal shall be entitled to decide whether he wishes to preserve any or all of any of such species of game, bird or animal. It shall be lawful for such owner to kill any or all of any such species of game, bird or animal that he does not wish to preserve.

25. (1) Notwithstanding anything contained in the Venison Export Tax Proclamation, 1922 (Proclamation No. 22 of 1922), any person domiciled outside this Territory, who has taken out a big game licence in this Territory, shall be allowed on his departure from the Territory, to take away with him without payment of any export tax, biltong not exceeding twenty pounds in weight. On any biltong in excess of twenty pounds weight taken away by such person domiciled outside this Territory the ordinary export tax shall be paid.

(2) Any person resident in this Territory may export once in any year biltong not exceeding twenty pounds in weight without the payment of any export tax under the authority of a permit issued by the magistrate of the district within which such person resides or any other person duly authorised thereto by the Secretary. The issue of such permit shall be in the discretion of such magistrate or such duly authorised person.

26. Nothing in this Ordinance contained shall be deemed or taken to affect, alter or amend in any way the existing law relating to game reserves.

27. Notwithstanding anything in this Ordinance contained, it shall be lawful for the Administrator in special circumstances to issue to a distinguished visitor to this Territory a permit to hunt any game in open season on such conditions and subject to such limitations as may be laid down in such permit.

28. (1) Any person found in possession or proved within six months to have been in possession of the flesh of any game (whether fresh or dried) or game biltong, hide, skin, horn, tusk or part of the carcass of game shall, unless he can satisfactorily account to the court for such possession, be guilty of an offence. The period of six months herein referred to shall be calculated from the date of the accused person's arrest or the date on which the summons against him is issued, as the case may be.

(2) Any person charged with doing any act which is an offence under this Ordinance if done without a licence, permit or permission, shall be deemed to have done such act without such licence, permit or permission unless it is proved that he was in possession of such licence, permit or permission when he performed the act in question.

(3) The burden of proving any fact which would be a defence to a charge of contravening any provision of this Ordinance shall lie upon the person charged.

(4) Whenever in any prosecution for any contravention of this Ordinance—

(a) the question whether any flesh devoid of fat (whether such flesh be fresh or dried or biltong) is or was the flesh of game, is relevant to the issue, such flesh shall be deemed to be or to have been the flesh of game, unless the contrary is proved;

(b) the question whether any hide or skin which has been rendered unidentifiable as the hide or skin of any particular species of animal, is or was the hide or skin of any game is relevant to the issue such hide or skin shall be deemed to be or to have been the hide of game unless the contrary is proved.

(5) Whenever in any proceedings against any person upon a charge alleging that he committed upon any particular piece of land an offence under this Ordinance it is proved that any act, constituting or forming an element of such offence, was committed in or near the locality wherein such piece of land is situated, such act shall be deemed to have been committed upon such piece of land unless it is proved—

- (a) dat dit op 'n ander stuk grond gepleeg is; en  
 (b) dat die persoon wat sodanige daad gepleeg het, die reg gehad het om dit op sodanige stuk grond te pleeg.

(6) Wanneer ook al enige wild of vleis (hetsy vars of gedroog), of enige liltong, huid, vel, horing, tand, kop of ander deel van die karkas van wild op 'n voertuig of by 'n kampeerplek aangetref word, word elke persoon wat op sodanige voertuig is of op enige wys daarnoe in verband staan, of wat by sodanige kampeerplek is of op enige wys daarnoe in verband staan, vir die doeleindes van lid (1) gegag in besit te wees van sodanige wild, vleis (hetsy vars of gedroog), liltong, huid, vel, horing, tand, kop of ander gedeelte van die karkas van wild.

(7) Wanneer ook al die jag op die een of die ander geslag, of op 'n besondere klas wildsoort onwettig is, en die jag op die teenoorgestelde geslag of op 'n ander klas sodanige wild wettig is, word elke karkas van sodanige wild waarvan die kenkens van sy geslag of sodanige besondere klas verwyder is, gegag die karkas van die geslag of van die klas wildsoort waarop die jag onwettig is, te wees.

(8) Wanneer ook al daar by 'n vervolging kragtens hierdie Ordonnansie in enige akte van beskuldiging of aanklag beweer word dat 'n oortreding begaan is in verband met of ten opsigte van enige wildsoort genoem in sodanige akte van beskuldiging of aanklag, word aangeneem dat die oortreding ten opsigte van sodanige wildsoort gepleeg is, tensy die teenoorgestelde bewys word.

(9) By elke vervolging kragtens hierdie Ordonnansie is elke voorgeskrewe aantekeningboek of stuk wat deur 'n amptenaar of gemagtigde persoon by die uitoefening van sy pligte gebou word, *prima facie* bewys van die feite daarin aangeteken, wanneer dit deur 'n amptenaar of persoon onder wie se toesig dit is, getoon word.

29. (1) Wanneer 'n persoon skuldig bevind is weens 'n oortreding van hierdie Ordonnansie kan die hof beveel—

- (a) dat enige wild of liltong of enige vel, huid, loring, tand of karkas van wild wat in sy besit gevind is en wat betrekking het op die oortreding waarvan hy skuldig bevind is, aan die Kroon verbruur word;  
 (b) dat enige lisensie of permit wat ingevolge hierdie Ordonnansie aan die veroordeelde persoon uitgereik is, gekanselleer word;  
 (c) dat enige vuurwapen wat by die jag op wild teenstrydig met enige bepaling van hierdie Ordonnansie gebruik is, aan die Kroon verbruur word.

(2) By 'n tweede of daaropvolgende skuldigbevinding kan die Hof, behalwe enige van die bevels in lid (1) hiervan genoem, beveel—

- (a) dat waar jag plaasgevind het in stryd met enige bepaling van hierdie Ordonnansie of 'n ander wet, op grond behorende aan die Administrasie (behalwe grond wat afgesonderd is vir landnedersetting kragtens die wet wat dan daarop van toepassing is), of in enige wild-reserve wat kragtens enige wet ingestel is, enige voertuig wat in verband met sodanige jag gebruik is, aan die Kroon verbruur word, tensy daar bewys word dat sodanige voertuig nie aan die veroordeelde persoon behoort nie, en dat sy eienaar die gebruik daarvan deur sodanige veroordeelde nie kon verhoed nie;  
 (b) dat die veroordeelde vir 'n tydperk soos in die bevel vasgestel, maar hoogstens vyf jaar, onbevoegd verklaar word om 'n lisensie of permit ingevolge hierdie Ordonnansie te verkry.

(3) Enige bevel kragtens die bepaling van lid (1) of (2) van hierdie artikel kan verstrekkend word tot en behalwe enige ander straf wat kragtens die bepaling van hierdie Ordonnansie opgelê word.

(4) 'n Persoon wat ingevolge paragraaf (b) van lid (2) van hierdie artikel deur die Hof onbevoegd verklaar word om 'n lisensie of permit ingevolge hierdie Ordonnansie te verkry, en wat sonder die skriftelike goedkeuring van die Administrateur in die tydperk van sy onbevoegdheid soos voormeld enige sodanige lisensie of permit verkry of probeer verkry, is skuldig aan 'n oortreding.

(5) Enige wild of liltong of enige vel, huid, loring, tand of karkas van enige wild, of enige vuurwapen of voertuig wat aan die Kroon verbruur word, kan deur die Administrateur van die land gesit word, en die opbrings daaruit word in die Gelidheidskomitees gestort.

30. Die Administrateur kan van tyd tot tyd met gelde wat daartoe bewillig is, sodanige maatreels tref, soos hy nodig vind, vir—

- (i) die aankoop van motorvoertuie of vliegtuig vir gebruik in verband met die pligte van wildbewaarders; en

- (a) that it was committed on another piece of land, and  
 (b) that the person committing such act had the right to commit it on such piece of land.

(6) Whenever any game or any flesh (whether fresh or dried) or any liltong, hide, skin, horn, tusk, head, or any part of the carcass of game is upon any vehicle or at any camping place, every person who is upon or in any way associated with such vehicle or who is at or in any way associated with such camping place shall be deemed to be in possession of such game, flesh (whether fresh or dried), liltong, hide, skin, horn, tusk, head or part of the carcass of game for the purposes of sub-section (1).

(7) Whenever the hunting of one or other sex or of any particular class of any species of game is unlawful and the hunting of the other sex or of any other class of such game is lawful, any carcass of such game from which the distinguishing features of sex or of such particular class have been removed shall be deemed to be the carcass of game of the sex or of a class which it is unlawful to hunt.

(8) Whenever in any prosecution under this Ordinance it is alleged in any indictment or charge that an offence was committed in connection with or in respect of any species of game stated in such indictment or charge it shall be presumed that the offence was committed in respect of such species of game unless the contrary is proved.

(9) In any prosecution under this Ordinance any prescribed record book or document kept by an officer or authorized person in the course of his duty shall be *prima facie* proof of the facts recorded therein upon its production by its officer or person in whose custody it is.

29. (1) When any person has been convicted of an offence against this Ordinance the court may order—

- (a) that any game or liltong or any skin, hide, horn, tusk or carcass of game found in his possession and relating to the offence of which he has been convicted be forfeited to the Crown;  
 (b) that any licence or permit granted under this Ordinance to the person convicted be cancelled;  
 (c) that any firearm used in connection with the hunting of game contrary to any of the provisions of this Ordinance be forfeited to the Crown.

(2) In the case of a second or subsequent conviction the Court may, in addition to any of the orders mentioned in sub-section (1) hereof, order—

- (a) that where any hunting has taken place contrary to any of the provisions of this Ordinance or any other law on land owned by the Administration (other than land set aside for land settlement under the laws for the time being in force relating thereto) or in any game reserve established under any law, any vehicle used in connection with such hunting be forfeited to the Crown unless it is proved that such vehicle does not belong to the person convicted and that its owner was unable to prevent its use by the person so convicted;  
 (b) that the person convicted be disqualified from obtaining a licence or permit under this Ordinance during a period to be specified in the order but not exceeding five years.

(3) Any order under the provisions of sub-sections (1) or (2) of this section may be made in addition to any other penalty which may be imposed under the provisions of this Ordinance.

(4) Any person who in terms of paragraph (b) of sub-section (2) is declared by the Court to be disqualified from obtaining a licence or permit under this Ordinance and who without the written permission of the Administrator obtains or attempts to obtain during the period he is disqualified as aforesaid any such licence or permit shall be guilty of an offence.

(5) Any game or liltong or any skin, hide, horn, tusk or carcass of any game, or any firearm or vehicle forfeited to the Crown may be disposed of by the Administrator and the proceeds thereby obtained shall be placed to the credit of the Territory Revenue Fund.

30. The Administrator may from time to time out of moneys appropriated for the purpose take such measures as he may deem necessary for—

- (i) the acquisition of motor vehicles or aircraft to be used as transport in connection with the duties of game wardens; and

(ii) die oprigting van omlênings, damme en drinkgate, en die voorsiening van ander middele of skemas ter bewaring en beskerming van wild in enige wildreserwe soos omskrywe in die tweede bylae van die Verodde Gebiede Proklamasie 1928 (Proklamasie 26 van 1928).

31. (1) Die Administrateur kan van tyd tot tyd regulasies maak, wat nie teenstrydig is met hierdie Ordonnansie nie—

- (i) wat die prosedure voorskryf in verband met die byeenkoms van die Raad ingestel kragtens die bepalings van artikel twee van hierdie Ordonnansie;
- (ii) wat die bevoegdheids van die lede van die Raad voorskryf;
- (iii) wat die ampstermyn van sy lede vasstel;
- (iv) wat die tarief vir reis- en onderhoudstoelae betaalbaar aan die lede van die Raad voorskryf;
- (v) wat die werksaamhede en pligte (behalwe dié omskryf in lid (2) van artikel vier) van wildbeheerders, aangestel ingevolge lid (1) van daardie artikel voorskryf;
- (vi) wat die tarief vir reis- en onderhoudstoelae betaalbaar aan wildbeheerders aangestel in ere-lidenskap ingevolge lid (1) van artikel vier, voorskryf;
- (vii) ten opsigte van alle sake waarvoor kragtens besondere voorsiening in hierdie Ordonnansie, regulasies voorgeskryf kan word; en
- (viii) algemeen ter verbeterde uitvoering van die oogmerke, doelstellings en voornemens van hierdie Ordonnansie.

(2) Enigeen wat 'n sodanige regulasie verontsaam of versuim om 'n sodanige regulasie na te kom, is, behalwe waar andersins bepaal, skuldig aan 'n oortreding en by skuldige bevinding strafbaar, in die geval van 'n eerste oortreding, met 'n boete van minstens tien pond en hoogstens vyftig pond, of by wanbetaling met gevangenisstraf, met of sonder hardepaal van hoogstens ses maande, en in die geval van 'n tweede of daaropvolgende oortreding met 'n boete van minstens twintig pond en hoogstens een honderd pond, of by wanbetaling, met gevangenisstraf, met of sonder hardepaal, van hoogstens twaalf maande.

32. Nieteenstaande andersluidende bepalings in enige wet betreffende magistratshoue, het 'n magistratshof die regsbevoegdheid en enige straf, boete of verbodverklaring, soos bepaal by hierdie Ordonnansie, op te lê.

33. Enigeen wat skuldig bevind word weens 'n oortreding van hierdie Ordonnansie, waarvoor daar geen straf uitdruklik voorgeskryf is nie, is by skuldige bevinding onderhewig aan die strawwe voorgeskryf in lid (2) van artikel een-en-dertig.

34. Die wette genoem in die vierde bylae van hierdie Ordonnansie word hierby herroep in die mate soos uitengesit in die derde kolom van daardie bylae: Met dien verstande dat alle regulasies wat kragtens die bepalings van enige sodanige wet, aldus herroep, en wat van krag is op die datum van die inwerkingtreding van hierdie Ordonnansie, van krag lyl tot dat hulle gewysig of herroep word.

35. Hierdie Ordonnansie heet die Ordonnansie op Wildbeskerming 1951.

(ii) the construction of fences, dams and watering holes and the provision of any other means or schemes for the preservation and protection of game in any game reserve defined in the Second Schedule to the Prohibited Areas Proclamation, 1928 (Proclamation No. 26 of 1928).

31. (1) The Administrator may make regulations, not inconsistent with this Ordinance—

- (i) prescribing the procedure in connection with the meeting of the Board established under the provisions of section two of this Ordinance;
- (ii) prescribing the qualifications of the members of the Board;
- (iii) prescribing the period for which its members shall hold office;
- (iv) prescribing the rates of travelling and subsistence allowances to be paid to members of the Board;
- (v) prescribing the functions and duties (other than those defined in sub-section (2) of section four) of game wardens appointed in terms of sub-section (1) of that section;
- (vi) prescribing the rates of travelling and subsistence allowances to be paid to game wardens appointed in an honorary capacity in terms of sub-section (1) of section four;
- (vii) in respect of any matter which this Ordinance specially provides may be prescribed by regulation; and
- (viii) generally for the better carrying out of the intents, objects and purposes of this Ordinance.

(2) Any person contravening or failing to comply with any such regulation, shall, save where otherwise provided, be guilty of an offence and liable on conviction in respect of a first offence to a fine of not less than ten pounds and not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period of not exceeding six months and in the case of a second or subsequent conviction to a fine of not less than twenty pounds and not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.

32. Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate's court shall have jurisdiction to impose any punishment, penalty or forfeiture provided for by this Ordinance.

33. Any person convicted of any offence against this Ordinance for which no penalty is specially provided shall be liable on conviction to the penalties prescribed in sub-section (2) of section thirty-one.

34. The laws mentioned in the Fourth Schedule to this ordinance are hereby repealed to the extent set forth in the third column of that schedule: Provided that any regulations made under the provisions of any such law so repealed and in force at the date of the coming into operation of this Ordinance shall remain in force until modified or repealed.

35. This Ordinance shall be called the Game Preservation Ordinance, 1951.

## EERSTE BYLAE. GROOT WILD.

### Soorte.

Buffels (*Syncerus caffer*).  
Gemsbokke (volwasse) (*Oryx gazella*).  
Hartbeeste (*Alelaphus species*).  
Knoedoes (*Strepsiceros strepsiceros*).  
Volstruie (*Struthio australis*).  
Tesselsies of Basterhartbeeste (*Damaliscus lunatus*).  
Wildheeste (*Gorgon taurinus*).  
Kwaggas (*Quagga quagga Burchelli*).

## FIRST SCHEDULE. BIG GAME.

### Species.

Buffalo (*Syncerus caffer*).  
Gemsbuck (adult) (*Oryx gazella*).  
Hartbeest (*Alelaphus species*).  
Kudu (*Strepsiceros strepsiceros*).  
Ostrich (*Struthio australis*).  
Sassaby (*Damaliscus lunatus*).  
Wildbeest (*Gorgon taurinus*).  
Zebra (*Quagga quagga Burchelli*).

TWEDE BYLAE.  
 BESKERMDE WILD.  
 (DEEL I DIERE).

Soorte.

- Aardwolwe (*Proteles cristatus*).
- Erdvarke (*Orycteropus afer*).
- Bosbokke (*Taifalaphus scriptus*).
- Blouhokkies (*Rhynchotragus damarensis*).
- Bakoorkakkalse (*Otomyx megalotis*).
- Elande (*Taurotragus oryx*).
- Oihafte (*Loxodonta africana*).
- Kameelperde (*Giraffa camelopardalis*).
- Krimpparkies (*Aethiops frontalis*).
- Seekeie (*Hippopotamus amphibius*).
- Katels (*Melivora capensis*).
- Rooibokke (*Alphyceros nelampus*).
- Klipbokke (*Oreotragus oreotragus*).
- Geelwaterbokke (*Omotragus lechei*).
- Nagapies (*Galago senegalensis* en *Otolemus crassicaudatus*).
- Oorhietjies (*Ourebia rutila*).
- Otters (*Lutra en Aonyx*).
- Baster-elande of Bastergermsbokke (*Egoceus equinus*).
- Rietbokke (*Redunca arundinum*).
- Reusters — Swart (*Diceros bicornis*).
- Reusters — Wit (*Ceratotherium simum*).
- Swartwitpens (*Egoceus niger*).
- Hernagogs (*Sinuasia naminiakii*).
- Silwerjakkalse (*Vulpes chama*).
- Waterkoedoes (*Limnotragus selousi*).
- Steenbokke (*Raphyceros campestris*).
- Bergsebras (*Hartmann's Mountain*) (*Hippotigris hartmannae*).

(DEEL II. VOELS).

- |                             |                       |
|-----------------------------|-----------------------|
| Bergwael.                   | Boskraaic, Bromvoels. |
| Poue en Korhane.            | Ibis.                 |
| Kraanvoels.                 | Pelikane.             |
| Duikers.                    | Pilkewyne.            |
| Arende.                     | Troupande.            |
| Reiers.                     | Sekretarisvoels.      |
| Flaminke.                   | Lepelaars.            |
| Hamerkoppe of Paddavangers. | Suikerhokkies.        |
| Valke.                      | Aasvoels.             |
| Reiers.                     |                       |

DERDE BYLAE.

KLEINWILD.

Soorte.

- Elke soort wilde-eend en -gans.
- Elke soort van frankolinus (ook bekend as lisante en patryse).
- Elke soort sandhoender (ook bekend as namakwapatryse).
- Tarentale.
- Elke soort kwartel.
- Duikers (*Solivcapra grinnia*).
- Springbokke (*Antidorcas marsupialis*).
- Wakvarke (*Phacochorus aethiopicus*).
- Wildevarke.

VIERDE BYLAE.

Nummer en datum van Wet.	Titel of Onderwerp van Wet.	Omvang van Herroeping.
Ordonnansie 5 van 1927	Wildbeskermings-Ordonnansie 1927	Die hele.
Ordonnansie 6 van 1928	Wildbeskermings-Ordonnansie Wysigings-ordonnansie 1928	Die hele.
Ordonnansie 2 van 1930	Wildbeskermings-Ordonnansie Verder Wysigings-ordonnansie 1930	Die hele.
Ordonnansie 4 van 1931	Wildbeskermings-Ordonnansie Wysigings-ordonnansie 1931	Die hele.
Ordonnansie 19 van 1937	Ordonnansie op Beskerming van Diere en Blomme 1937	Artikels twee, drie, vier, ses, sewe en agt.
Ordonnansie 13 van 1941	Wildbeskermings-Ordonnansie Wysigings-ordonnansie 1941	Artikels een, twee, en drie.

SECOND SCHEDULE.  
 PROTECTED GAME.  
 (PART I ANIMALS).

Species.

- Aard wolf (*Proteles cristatus*).
- Anthar (*Orycteropus afer*).
- Bushbuck (*Taifalaphus scriptus*).
- Damura Dikdik (*Rhynchotragus damarensis*).
- Delalandes Fox (*Otocyon megalotis*).
- Eland (*Taurotragus oryx*).
- Elephant (*Loxodonta africana*).
- Giraffe (*Giraffe camelopardalis*).
- Hedgehog (*Aethiops frontalis*).
- Hippopotamus (*Hippopotamus amphibius*).
- Honeybadger (*Melivora capensis*).
- Iupala (*Alphyceros nelampus*).
- Klippringer (*Oreotragus oreotragus*).
- Lechwe (*Omotragus lechei*).
- Night apes (*Galago senegalensis* and *Otolemus crassicaudatus*).
- Oribi (*Ourebia rutila*).
- Otter (*Lutra and Aonyx*).
- Roan antelope (*Egoceus equinus*).
- Reedbuck (*Redunca arundinum*).
- Rhinoceros — Black (*Diceros bicornis*).
- Rhinoceros — White (*Ceratotherium simum*).
- Sable antelope (*Egoceus niger*).
- Scaly anteater (*Sinuasia naminiakii*).
- Silver-jackal (*Vulpes chama*).
- Situnga (*Limnotragus selousi*).
- Steenbuck (*Raphyceros campestris*).
- Zebra (*Hartmann's Mountain*) (*Hippotigris hartmannae*).

(PART II. BIRDS).

- |             |                  |
|-------------|------------------|
| Bee-eaters. | Iffortbills.     |
| Bustards.   | Ibis.            |
| Cranes.     | Pelikans.        |
| Cormorants. | Penguins.        |
| Eagles.     | Rollers (Jays).  |
| Errets.     | Secretary Birds. |
| Flamingoes. | Spoonbill.       |
| Hamerhead.  | Sunbirds.        |
| Hawks.      | Vultures.        |
| Heron.      |                  |

THIRD SCHEDULE.

SMALL GAME.

Species.

- All varieties of wild duck and geese.
- All varieties of the francolin species (otherwise known as pheasants and partridges).
- All varieties of the sand grouse (otherwise known as Namaqualand partridges).
- Guinea fowl.
- All kinds of quails.
- Duiker (*Solivcapra grinnia*).
- Springbuck (*Antidorcas marsupialis*).
- Warthog (*Phacochorus aethiopicus*).
- Wildpig.

FOURTH SCHEDULE.

Number and Date of Law.	Title or Subject of Law.	Extent of Repeal.
Ordinance No. 5 of 1927	Game Preservation Ordinance, 1927	The whole.
Ordinance No. 6 of 1928	Game Preservation Ordinance Amendment Ordinance, 1928	The whole.
Ordinance No. 2 of 1930	Game Preservation Ordinance Further Amendment Ordinance, 1930	The whole.
Ordinance No. 4 of 1931	Game Preservation Ordinance Amendment Ordinance, 1931	The whole.
Ordinance No. 19 of 1937	Fauna and Flora Protection Ordinance, 1937	Sections two, three, four, six, seven and eight.
Ordinance No. 13 of 1941	Game Preservation Ordinance Amendment Ordinance, 1941	Sections one, two and three.