

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIELE KOERANT

VAN SUIDWES-AFRIKA



PUBLISHED BY AUTHORITY

UITGAWE OP GESAG

10c

Monday, 30 April 1973

WINDHOEK

Maandag 30 April 1973

No. 3318

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The following Draft Ordinance is published for general information.

H. S. P. W. VAN NIEUWENHUIZEN,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

H. S. P. W. VAN NIEUWENHUIZEN,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

GENERAL EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

[] Words in square brackets indicate deletions proposed.

DRAFT ORDINANCE

To amend the Nature Conservation Ordinance, 1967, so as to substitute the expression "Executive Committee" for the word "Administrator"; to define the words "Director", "Territory" and "raw" and the expressions "certificate of competency", "proclaimed road", "coyote getter", "problem animal" and "Executive Committee" and to substitute the definition of "hunt"; to amend the provisions relating to the capture of game by the owner or occupier of land; to amend the provisions relating to the export of skins of game and wild animals; to provide for the control of problem animals; to extend the matters in respect of which the Executive Committee may make regulations; to repeal the Vermin Extermination Ordinance, 1965; and to provide for incidental matters.

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

Amendment of Ordinance 31 of 1967 to substitute the expression "Executive Committee" for the word "Administrator".
Substitution of section 1 of Ordinance 31 of 1967.

1. The Nature Conservation Ordinance, 1967 (Ordinance 31 of 1967) — hereinafter referred to as the principal Ordinance — is hereby amended by the substitution for the word "Administrator" wherever it appears of the expression "Executive Committee".

2. The following section is hereby substituted for section 1 of the principal Ordinance:

"Division of Ordinance.

1. This ordinance is divided as follows:—

CHAPTER I:

Division of ordinance, definitions and powers and duties of the Nature Conservation and Tourism Branch: sections 1 up to and including 3.

CHAPTER II:

Wild animals: sections 4 up to and including 36.

CHAPTER IIA:

Problem animals: sections 36A up to and including 36L.

CHAPTER III:

Game parks: sections 37 up to and including 47.

ALGEMENE VERDUIDELIKENDE NOTA:

- _____ Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.
- [] Woorde tussen vierkantige hake dui aan skrap-pings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op Natuurbewaring 1967, om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang; om die woorde "bevoegdheidsertifikaat", "Direkteur", "Gebied", "gifskietter", "probleemdier" en "rou" en die uitdrukking "geproklameerde pad" en "Uitvoerende Komitee" te omskryf en die woordbepaling van "jag" te vervang; om die bepalings betreffende die vang van wild deur die eienaar of bewoner van grond te wysig; om die bepalings betreffende die uitvoer van velle van wild en wilde diere te wysig; om voorsiening te maak vir die beheer van probleemdiere; om die aangeleenthede ten opsigte waarvan die Uitvoerende Komitee regulasies kan maak, uit te brei; om die Ordonnansie op die Uitroeiing van Ongediertes 1965 te herroep; en om voorsiening te maak vir bykomstige aangeleenthede.

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

Wysiging van Ordonnansie 31 van 1967 om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang.

Vervanging van artikel 1 van Ordonnansie 31 van 1967.

1. Die Ordonnansie op Natuurbewaring 1967 (Ordonnansie 31 van 1967) — hieronder die Hoofordonnansie genoem — word hierby gewysig deur die woord "Administrateur" oral waar dit voorkom deur die uitdrukking "Uitvoerende Komitee" te vervang.

2. Artikel 1 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

"Indeling van Ordonnansie.

1. Hierdie ordonnansie word soos volg ingedeel:—

HOOFSTUK I:

Indeling van ordonnansie, woordbepaling en bevoegdheids en pligte van die Afdeling Natuurbewaring en Toerisme: artikels 1 tot en met 3.

HOOFSTUK II:

Wilde diere: artikels 4 tot en met 36.

HOOFSTUK IIA:

Probleemdiere: artikels 36A tot en met 36L.

HOOFSTUK III:

Wildtuine: artikels 37 tot en met 47.

CHAPTER IV:

Indigenous plants: sections 48 up to and including 54.

CHAPTER V:

Inland fisheries: sections 55 up to and including 56.

CHAPTER VI:

General: sections 57 up to and including 78.

SCHEDULE 1:

Specially protected game.

SCHEDULE 2:

Protected game.

SCHEDULE 3:

Huntable game.

SCHEDULE 4:

Huntable game birds.

SCHEDULE 5:

Application for a game dealer's licence.

SCHEDULE 6:

Game dealer's licence.

SCHEDULE 7:

Definition of boundary of Etosha National Park.

SCHEDULE 8:

Protected indigenous plants.

SCHEDULE 9:

Laws repealed."

Amendment of section 2 of Ordinance 31 of 1967, as amended by section 1 of Ordinance 3 of 1968, section 1 of Ordinance 20 of 1969 and section 1 of Ordinance 21 of 1971.

3. Section 2 of the principal Ordinance is hereby amended —

- (a) by the insertion after the definition of "protected game" of the following definition:

"certificate of competency" means a certificate of competency issued under the provisions of section 36F;"

- (b) by the insertion after the definition of "biltong" of the following definition:

"Director" means the Director of Nature Conservation and Tourism referred to in section 3;"

HOOFSTUK IV:

Inheemse plante: artikels 48 tot en met 54.

HOOFSTUK V:

Binnelandse Visserye: artikels 55 tot en met 56.

HOOFSTUK VI:

Aigemeen: artikels 57 tot en met 78.

BYLAE 1:

Spesiaal beskernde wild.

BYLAE 2:

Beskernde wild.

BYLAE 3:

Jagbare wild.

BYLAE 4:

Jagbare wildvoëls.

BYLAE 5:

Aansoek om wildhandelaarslisensie.

BYLAE 6:

Wildhandelaarslisensie.

BYLAE 7:

Omskrywing van Nasionale Etosha-Wildtuin.

BYLAE 8:

Beskernde inheemse plante.

BYLAE 9:

Wette herroep."

Wysiging van artikel 2 van Ordonnansie 31 van 1967 soos gewysig deur artikel 1 van Ordonnansie 3 van 1968, artikel 1 van Ordonnansie 29 van 1969 en artikel 1 van Ordonnansie 21 van 1971.

3. Artikel 2 van die Hoofordonnansie word hierby gewysig —

- (a) deur na die woordbepaling van "beskernde wild" die volgende woordbepaling in te voeg:

““bevoegdheidsertifikaat” ’n bevoegdheidsertifikaat uitgereik kragtens die bepalings van artikel 36F;”;

- (b) deur na die woordbepaling van "biltong" die volgende woordbepaling in te voeg:

““Direkteur” die in artikel 3 bedoelde Direkteur van Natuurbewaring en Toerisme;”;

- (c) by the insertion after the definition of "honorary nature conservator" of the following definitions:

"Territory" means the Territory of South West Africa;

"proclaimed road" means a proclaimed road as defined in the Roads Ordinance, 1972 (Ordinance 17 of 1972);

"coyote getter" means the device known as coyote getter or a similar device;"

- (d) by the substitution for the definition of "hunt" of the following definition:

["hunt" means to kill or shoot at game with a weapon or to pursue, track, or to lie in wait with intent to kill, shoot or wilfully to disturb game;]

"hunt" —

(a) for the purposes of chapter II, means by any means whatsoever to kill or attempt to kill, or to shoot or attempt to shoot at, or to pursue, to search for, lie in wait for or drive with intent to kill or shoot at, or wilfully to disturb;

(b) for the purposes of chapter IIA, means to —

(i) search for, trace, lie in wait for or pursue problem animals;

(ii) set a trap, spring-trap, net, drug, poison or any other means or device approved by the Director to capture or kill problem animals;

(iii) shoot at, or with dogs to hunt for, problem animals;

(iv) kill or capture problem animals in any other manner whatsoever approved by the Director;"

- (e) by the insertion after the definition of "pick" of the following definition:

"problem animal" means any animal declared a problem animal in terms of the provisions of section 36B;"

- (f) by the insertion after the definition of "regulation" of the following definition:

"raw" in relation to a skin, means a skin which has not been prepared or tanned till it is soft;"; and

- (g) by the insertion after the definition of "exotic game" of the following definition:

"Executive Committee" means the Administrator-in-Executive Committee as referred to in section 6 of the South West Africa Constitution Act, 1968 (Act 39 of 1968);"

- (c) deur na die woordbepaling van "ere-natuurbewaarder" die volgende woordbepalings in te voeg:

"Gebied" die Gebied Suidwes-Afrika;

"geproklameerde pad" 'n geproklameerde pad soos omskryf in die Ordonnansie op Paaie, 1972 (Ordonnansie 17 van 1972);

"gifskiet" die toestel bekend as "coyote getter" of 'n soortgelyke toestel;";

- (d) deur die woordbepaling van "jag" deur die volgende woordbepaling te vervang:

"["jag" die doodmaak of die skiet op wild met 'n wapen, of die agtervolg, opspoor, of inwag met die doel om dood te maak, te skiet, of om opsetlik te steur;]

"jag" —

- (a) vir die toepassing van hoofstuk II, om met watter middel ookal dood te maak of te probeer doodmaak, of om te skiet of probeer skiet op, of om te agtervolg, te soek na, voor te lê of te dryf met die bedoeling om dood te maak of te skiet op, of om opsetlik te verstoor;

- (b) vir die toepassing van hoofstuk IIA, om —

(i) probleemdiere te soek, op te spoor, in te wag of te agtervolg;

(ii) 'n val, slagyster, net, verdowingsmiddel, gif, of enige ander middel of toestel wat deur die Direkteur goedgekeur is, te stel om probleemdiere te vang of dood te maak;

(iii) te skiet, of met honde jag te maak, op probleemdiere;

(iv) probleemdiere op enige ander wyse hoegenaamd wat deur die Direkteur goedgekeur is, te vang of dood te maak;"

- (e) deur na die woordbepaling van "pluk" die volgende woordbepaling in te voeg:

"probleemdier" enige dier wat ingevolge die bepalinge van artikel 36B tot probleemdiere verklaar is;";

- (f) deur na die woordbepaling van "regulasie" die volgende woordbepaling in te voeg:

"rou" met betrekking tot 'n vel, 'n vel wat nie sag gebrei of gelooi is nie;"; en

- (g) deur na die woordbepaling van "uitheemse wild" die volgende woordbepaling in te voeg:

"Uitvoerende Komitee" die Administrateur-in-Uitvoerende Komitee soos bedoel in artikel 6 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968);"

Amendment of section 16 of Ordinance 31 of 1967, as amended by section 3 of Ordinance 3 of 1968, section 1 of Ordinance 12 of 1969 and section 11 of Ordinance 21 of 1971.

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

(a) by the substitution for paragraph (a) of subsection (2A) of the following paragraph:

“[(a) Notwithstanding anything to the contrary in subsection (1) but otherwise subject to all the provisions of this ordinance and of any other law in force in the Territory relating to the keeping, care, transport, sale and export of game, the owner or occupier of land may capture and keep game, except specially protected and protected game, on such land with the aid of helpers under his personal supervision provided —

- (i) such land is enclosed with a sufficient fence; and
- (ii) the Director of Nature Conservation and Tourism has approved beforehand in writing the proposed method whereby, the equipment with which, and the purpose for which such owner or occupier wishes to capture such game.]

(a) Notwithstanding anything to the contrary in subsection (1) but otherwise subject to all the provisions of this ordinance and any other law in force in the Territory relating to the keeping, care, transport, sale and export of game, the owner or occupier of land may, under the supervision of an officer of the Nature Conservation and Tourism Branch, and with the aid of helpers under his personal supervision capture and keep game, except specially protected and protected game, on such land, provided such land is enclosed with a sufficient fence and the Director has beforehand approved in writing the method whereby, the equipment with which and the purpose for which such owner or occupier intends to capture such game: Provided that —

- (i) the Executive Committee may grant permission to such owner or occupier for capturing such game in such manner without an official of the Nature Conservation and Tourism Branch supervising it;
- (ii) such owner or occupier of land may engage any person approved by the Executive Committee (whether in general or for that specific case) to capture such game in such manner.”; and

(b) by the insertion after subsection (5) of the following subsection:

“(5A) (a) The Executive Committee may in its discretion and in respect of such game, wild animals, birds and reptiles as it may determine, grant exemption from any or all the provisions of this section to a person who is the holder of a licence authorising him to sell pets.

(b) An application for the exemption referred to in paragraph (a) shall be submitted to the Director in writing.”.

Wysiging van artikel 16 van Ordonnansie 31 van 1967 soos gewysig deur artikel 3 van Ordonnansie 3 van 1968, artikel 1 van Ordonnansie 12 van 1969 en artikel 11 van Ordonnansie 21 van 1971.

4. Artikel 16 van die Hoofordonnansie word hierby gewysig —

(a) deur paragraaf (a) van subartikel (2A) deur die volgende paragraaf te vervang:

“[(a)] Nieteenstaande enige strydige bepaling van subartikel (1) maar origens onderworpe aan al die bepalinge van hierdie ordonnansie en van enige ander wet geldend in die Gebied betreffende die aanhou, versorging, vervoer, verkoop en uitvoer van wild, kan die eienaar of bewoner van grond op sodanige grond en met behulp van helpers onder sy persoonlike toesig wild, uitgesonderd spesiaal beskermde en beskermde wild, vang en aanhou mits —

- (i) sodanige grond van voldoende omheining voorsien is, en
- (ii) die Direkteur van Natuurbewaring en Toerisme die beoogde metode waarvolgens die toerusting waarmee en die doel waarvoor sodanige eienaar of bewoner sodanige wild wil vang, vooraf skriftelik goedgekeur het.]

(a) Nieteenstaande enige strydige bepalinge van subartikel (1), maar origens onderworpe aan al die bepalinge van hierdie ordonnansie en enige ander wet betreffende die aanhou, versorging, vervoer, verkoop en uitvoer van wild geldend in die Gebied, kan die eienaar of bewoner van grond onder toesig van 'n beampte van die Afdeling Natuurbewaring en Toerisme, en met behulp van helpers onder sy persoonlike toesig wild, uitgesonderd spesiaal beskermde en beskermde wild, op sodanige grond vang en aanhou, mits sodanige grond met 'n voldoende omheining omhein is en die Direkteur die metode waarvolgens, die toerusting waarmee en die doel waarvoor sodanige eienaar of bewoner sodanige wild wil vang vooraf skriftelik goedgekeur het: Met dien verstande dat —

- (i) die Uitvoerende Komitee aan sodanige eienaar of bewoner toestemming kan verleen om sodanige wild aldus te vang sonder dat 'n beampte van die Afdeling Natuurbewaring en Toerisme daarvoor toesig hou;
- (ii) sodanige eienaar of bewoner van grond enigiemand wat deur die Uitvoerende Komitee goedgekeur is (hetsy in die algemeen of vir daardie besondere geval) in diens kan neem om sodanige wild aldus te vang”; en

(b) deur na subartikel (5) die volgende subartikel in te voeg:

“(5A) (a) Die Uitvoerende Komitee kan na goeddunke en ten opsigte van sodanige wild, wilde diere, voëls en reptiele soos hy bepaal, vrystelling van enige of al die bepalinge van hierdie artikel verleen aan iemand wat die houër is van 'n lisensie wat hom magtig om troeteldiere te verkoop.

(b) 'n Aansoek om die vrystelling bedoel in paragraaf (a) word skriftelik by die Direkteur ingedien”.

Substitution
of section 19
of Ordinance
31 of 1967
as amended by
section 2 of
Ordinance 12
of 1969 and
section 4 of
Ordinance 29
of 1969.

5. The following section is hereby substituted for section 19 of the principal Ordinance:

"[Import
and
export
of wild
animals
or their
carcasses
or skins.

19. (1) No person shall import into the Territory or export from the Territory any wild animal or the carcase or skin of such wild animal, except under a permit issued under the authority of the Administrator or of any person appointed thereto by the Administrator, and the Administrator or such person may make such permit subject to any conditions he may deem fit.

(2) Except for the export of any game, carcase or skin to the Republic of South Africa, a levy for every such permit shall be payable to be determined per animal, carcase or skin by the Administrator from time to time; Provided that if the Administrator or the person mentioned in sub-section (1) is satisfied that the wild animal, or the carcase or skin of such wild animal destined for export is required for a public museum, zoological garden or scientific institution, or for scientific purposes and that the person to whom the permit is issued has no intention of making any profit therefrom, he may revoke the levy payable or reduce it as he deems fit.

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

Import
and
export
of game
or wild
animals
or their
raw skins.

19. (1) No person shall import into the Territory any game or wild animal or export from the Territory any game or wild animal or the raw skin of any game or wild animal except under a permit issued by the Executive Committee subject to the conditions it may deem fit: Provided that the provisions of this subsection shall not be applicable in respect of —

- (a) the raw skin of any game hunted under a game licence issued in terms of the provisions of this ordinance, provided such skin is exported during the calendar year in which the said game licence was issued;
- (b) the raw skin of any game hunted for the sake of trophies under a permit issued in terms of the provisions of this ordinance;

Vervanging van artikel 19 van Ordonnansie 31 van 1967, soos gewysig deur artikel 2 van Ordonnansie 12 van 1969 en artikel 4 van Ordonnansie 29 an 1969.

5. Artikel 19 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

"[In- en uitvoer van wilde diere of hul karkasse of velle.

19. (1) Niemand mag enige wilde dier of die karkas of vel van sodanige wilde dier in die Gebied invoer of uit die Gebied uitvoer nie, behalwe kragtens 'n permit wat ingevolge magtiging van die Administrateur of van 'n persoon deur die Administrateur benoem, uitgereik is en die Administrateur of sodanige persoon, kan sodanige permit onderhewig maak aan enige voorwaardes wat hy goed mag vind.

(2) Buiten vir die uitvoer van enige wild, karkas of vel na die Republiek van Suid-Afrika, moet vir elke sodanige permit 'n heffing betaal word soos van tyd tot tyd per dier, karkas of vel deur die Administrateur bepaal: Met dien verstande dat, indien die Administrateur, of die persoon genoem in subartikel (1), oortuig is dat die wilde dier, of die karkas of vel van sodanige wilde dier wat vir uitvoer bestem is, vir 'n openbare museum, dieretuin of wetenskaplike doeleindes benodig is, en dat die persoon aan wie permit uitgereik is nie bedoel om daaruit wins te maak nie, dan kan hy die heffing betaalbaar ophef of na goeddunke verminder.

(3) Elkeen wat die bepalings van hierdie artikel oortree of wat versuim om enige voorwaarde van 'n permit uitgereik ingevolge subartikel (1) na te kom of dit verontagsaam, is skuldig aan 'n oortreding.]

In- en uitvoer van wilde diere of hulle rou velle.

19. (1) Niemand mag enige wild of wilde dier in die Gebied invoer, of enige wild of wilde dier of die rou vel van enige wild of wilde dier uit die Gebied uitvoer nie behalwe kragtens 'n permit deur die Uitvoerende Komitee uitgereik onderhewig aan die voorwaardes wat hy goedvind: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van —

- (a) die rou vel van enige wild wat gejag is kragtens 'n wildlisensie wat ingevolge die bepalings van hierdie ordonnansie uitgereik is, mits sodanige vel uitgevoer word binne die kalenderjaar waarin die bedoelde wildlisensie uitgereik is;
- (b) die rou vel van enige wild wat ter wille van trofeë gejag is kragtens 'n permit wat ingevolge die bepalings van hierdie ordonnansie uitgereik is;

(c) the raw skin of any game lawfully purchased in accordance with the provisions of this ordinance by the person so exporting it.

(2) A permit referred to in subsection (1) shall be issued against payment of the fees determined by the Executive Committee: Provided that the Executive Committee may, if it is satisfied that the game, wild animal or raw skin to which such permit refers, is destined or required for a public museum, zoological garden or scientific institution, or for scientific purposes and that no profit will be made therefrom, in its discretion, reduce such fees or exempt the person to whom such permit is issued from the payment of such fees.

(3) Any person who contravenes the provisions of this section or the conditions of a permit issued thereunder or fails to comply therewith shall be guilty of an offence."

Insertion of
chapter IIA
in Ordinance
SI of 1967.

6. The following chapter is hereby inserted in the principal Ordinance after chapter II:

"CHAPTER IIA.

PROBLEM ANIMALS.

Application
of Chapter.

36A. No provision of this chapter shall be applicable within a game park, excluding a private game reserve: Provided that the Executive Committee may in its discretion declare that any one or more of the provisions of this chapter shall be applicable within any game park, or any part of a game park, designated by it.

Declaration
of problem
animal.

36B. (1) The Executive Committee may declare any wild animal a problem animal throughout the Territory or within such part or parts of the Territory as it may in its discretion designate.

(2) Whenever the Executive Committee declares a wild animal a problem animal in terms of the provisions of subsection (1) the name of such wild animal and a definition of the part or parts of the Territory within which such wild animal is declared a problem animal shall be made known by notice in the *Official Gazette*.

(c) die rou vel van enige wild wat wet-tiglik ooreenkomstig die bepalings van hierdie ordonnansie gekoop is deur die persoon wat dit aldus uitvoer.

(2) 'n Permit bedoel in subartikel (1) word uitgereik teen betaling van die gelde deur die Uitvoerende Komitee bepaal: Met dien verstande dat die Uitvoerende Komitee, indien hy oortuig is dat die wild, wilde dier of rou vel waarop sodanige permit betrekking het, bestem is of benodig word vir 'n openbare museum, dieretuin of wetenskaplike inrigting of vir wetenskaplike doeleindes en dat geen wins daaruit gemaak sal word nie, na goeddunke, sodanige gelde kan verminder of die persoon aan wie die permit uitgereik word, van die betaling van sodanige gelde kan vrystel.

(4) Iemand wat die bepalings van hierdie artikel of die voorwaardes van 'n permit daarkragtens uitgereik, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig."

Invoeging van hoofstuk IIA in Ordonnansie 31 van 1967.

6. Die volgende hoofstuk word hierby in die Hoofordonnansie na hoofstuk II ingevoeg:

"HOOFSTUK IIA.

PROBLEEMDIERE.

Toepas-sing van hoofstuk.

36A. Geen bepalings van hierdie hoofstuk is binne 'n wildtuin, uitgesonderd 'n private wildreserwe, van toepassing nie: Met dien verstande dat die Uitvoerende Komitee na goeddunke kan verklaar dat enige of meer van die bepalings van hierdie hoofstuk binne enige wildtuin, of enige gedeelte van 'n wildtuin, wat hy aanwys van toepassing is.

Verkla-ring tot probleem-dier.

36B. (1) Die Uitvoerende Komitee kan enige wilde dier dwarsdeur die Gebied of binne sodanige gedeelte of gedeeltes van die Gebied soos hy na goeddunke aanwys, tot probleemdier verklaar.

(2) Wanneer die Uitvoerende Komitee 'n wilde dier ingevolge die bepalings van subartikel (1) tot probleemdier verklaar, word die naam van sodanige wilde dier en 'n omskrywing van die gedeelte of gedeeltes van die Gebied waarbinne sodanige wilde dier tot probleemdier verklaar word, by kennisgewing in die *Offisiële Koerant* bekendgemaak.

Control
of
problem
animals.

36C. The general control and supervision over and guidance in connection with the hunting and control of problem animals shall vest in the Executive Committee.

Hunting
of problem
animals.

36D. (1) Notwithstanding anything to the contrary in this ordinance contained but subject to the provisions of this chapter the owner or occupier of land may —

(a) at any time hunt any problem animal found on such land;

(b) employ or request any other person at any time to hunt, or assist in the hunting of, any problem animal found on such land

as long as such problem animal is on such land.

(2) Notwithstanding anything to the contrary in this ordinance contained any nature conservator, or any other person authorised or instructed thereto by the Executive Committee, may at any time hunt any problem animal and for that purpose such nature conservator or other person may enter upon any land without the consent of the owner or occupier thereof.

Provision
of aids.

36E. Subject to the provisions of section 36H the Executive Committee may on the conditions and at the prices determined by it supply any person, authorised by or under the provisions of this chapter to hunt problem animals, with any apparatus and aids (including poison) which can be applied for or in connection with the hunting of problem animals.

Training
of hunters.

36F. (1) The Executive Committee may train nature conservators and other persons or cause them to be trained to hunt problem animals and to use any apparatus or aid which can be applied for or in connection with the hunting of problem animals and may for that purpose present any courses, or cause any courses to be presented, on such conditions (including the payment of fees) as it may determine.

(2) Notwithstanding the provisions of section 36H the Executive Committee may supply any apparatus and aids needed at the presentation of any course referred to in subsection (1).

Beheer
van pro-
bleem-
diere.

36C. Die algemene beheer en toesig oor en leiding in verband met die jag en beheer van probleemdiere berus by die Uitvoerende Komitee.

Jag van
probleem-
diere.

36D. (1) Nieteenstaande enige andersluidende bepalings in hierdie ordonnanse vervat, maar behoudens die bepalings van hierdie hoofstuk, kan die eienaar of bewoner van grond —

(a) te eniger tyd enige probleemdier wat op sodanige grond aangetref word, jag;

(b) enigiemand anders in diens neem of versoek om te eniger tyd enige probleemdier wat op sodanige grond aangetref word te jag of by die jag daarvan behulpsaam te wees

solank sodanige probleemdier op sodanige grond verkeer.

(2) Nieteenstaande enige andersluidende bepalings in hierdie ordonnanse vervat, kan enige natuurbewaarder, of enige ander persoon wat deur die Uitvoerende Komitee daartoe gemagtig of aangesê is, te eniger tyd enige probleemdier jag, en vir daardie doel kan sodanige natuurbewaarder of ander persoon enige grond sonder die toestemming van die eienaar of bewoner daarvan betree.

Verskaf-
ting van
hulp-
middels.

36E. Behoudens die bepalings van artikel 36H kan die Uitvoerende Komitee op die voorwaardes en teen die pryse wat hy bepaal enige apparaat en hulpmiddels (insluitende gif) wat aangewend kan word vir of in verband met die jag van probleemdiere, verskaf aan enigiemand wat by of kragtens die bepalings van hierdie hoofstuk gemagtig word om probleemdiere te jag.

Opleiding
van
jagters.

36F. (1) Die Uitvoerende Komitee kan natuurbewoerders en ander persone oplei of hulle laat oplei om probleemdiere te jag en om enige apparaat of hulpmiddel wat vir of in verband met die jag van probleemdiere aangewend kan word, te gebruik en kan vir daardie doel enige kursusse aanbied of laat aanbied op sodanige voorwaardes (insluitende die betaling van gelde) soos hy bepaal.

(2) Nieteenstaande die bepalings van artikel 36H kan die Uitvoerende Komitee enige apparaat en hulpmiddels verskaf wat benodig word by die aanbieding van enige kursus bedoel in subartikel (1).

(3) The Director shall issue every person who has completed a course in the use, placing and setting of the coyote getter, jackal cannon or gun trap and who is to his satisfaction competent to use, to place and to set a coyote getter, jackal cannon or gun trap, with a certificate of competency authorising him to use, to place and to set a coyote getter, jackal cannon or gun trap subject to the conditions mentioned in such certificate.

Trade in
coyote
getters.

36G. (1) Subject to the provisions of section 36E no person shall without the written permission of the Executive Committee, import into the Territory, manufacture, sell or offer or possess for sale a coyote getter or cartridges therefor.

(2) Any person to whom permission has been granted in terms of subsection (1) to import into the Territory, manufacture, sell or offer or possess for sale coyote getters or cartridges therefor shall keep the register prescribed by regulation.

(3) Any person who contravenes or fails to comply with a provision of this section or a condition of the permission referred to in subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Prohibition
on supply
of
coyote
getters
to in-
competent
persons.

36H. (1) Subject to the provisions of section 36F no person shall sell, give or in any other manner whatsoever supply a coyote getter or cartridges therefor to any other person unless such other person —

- (a) is the holder of a certificate of competency; and
- (b) produces such certificate of competency to him at the time of such sale, giving or supply.

(2) Any person who sells, gives or supplies a coyote getter or cartridges therefor to any other person contrary to the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) Die Direkteur reik aan elkeen wat 'n kursus in die gebruik, plasing en stel van die gifskietter, jakkalskanon of stelgeweer deurloop het en tot sy oortuiging bevoeg is om 'n gifskietter, jakkalskanon of stelgeweer te gebruik, te plaas en te stel, 'n bevoegdheidsertifikaat uit wat hom magtig om, onderheilig aan die voorwaardes vermeld in sodanige sertifikaat, 'n gifskietter, jakkalskanon of stelgeweer te gebruik, te plaas en te stel.

Handel in gifskietters.

36G. (1) Behoudens die bepalings van artikel 36E mag niemand 'n gifskietter of patrone daarvoor sonder die skriftelike toestemming van die Uitvoerende Komitee, in die Gebied invoer, vervaardig, verkoop of vir verkoop aanbied of vir verkoop besit nie.

(2) Iemand aan wie toestemming ingevolge subartikel (1) verleen is om gifskietters of patrone daarvoor in die Gebied in te voer, te vervaardig, te verkoop of vir verkoop aan te bied of vir verkoop te besit, moet die register wat by regulasie voorgeskryf word, byhou.

(3) Iemand wat 'n bepaling van hierdie artikel of 'n voorwaarde van die toestemming bedoel in subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Verbod op verskaffing van gifskietters aan onbevoegde persone.

36H. (1) Behoudens die bepalings van artikel 36F mag niemand 'n gifskietter of patrone daarvoor aan enige ander persoon verkoop, skenk of op enige ander wyse hoegenaamd verskaf nie, tensy sodanige ander persoon —

- (a) die houer is van 'n bevoegdheidsertifikaat; en
- (b) sodanige bevoegdheidsertifikaat by sodanige verkoop, skenking of verskaffing aan hom vertoon.

(2) Iemand wat 'n gifskietter of patrone daarvoor strydig met die bepalings van subartikel (1) aan enige ander persoon verkoop, skenk of verskaf, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Prohibition of the obtaining of coyote getters by incompetent persons.

36I. (1) Subject to the provisions of section 36G no person shall —

- (a) purchase, receive or in any other manner whatsoever acquire or obtain a coyote getter or cartridges therefor;
- (b) have a coyote getter or cartridges therefor in his possession

unless he is the holder of a certificate of competency.

(2) Any person who purchases, receives, obtains, gets or possesses a coyote getter or cartridge therefor contrary to the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Use of poison and coyote getters.

36J. (1) Subject to any provisions to the contrary in any law contained no person shall set or lay any poison except poison approved by the Executive Committee on any land.

(2) No person shall —

(a) use, set or place a coyote getter, jackal cannon or gun trap —

(i) except under the authority of and in accordance with the conditions of a certificate of competency issued to him; and

(ii) unless warning sign boards of a design and with the wording approved by the Director have previously been erected at all entrances to the land on which such coyote getter is set or placed or is to be set or placed;

(b) set or place a coyote getter, jackal cannon or gun trap —

(i) between any fence erected nearer than two hundred metres to the centre line of a proclaimed road, and such road;

(ii) at any place nearer than two hundred metres to the centre line of a proclaimed road, unless there is a fence between the place where the said coyote getter, jackal cannon or gun trap has been set or placed, and such road;

Verbod
op ver-
kryging
van gif-
skietars
deur on-
bevoegde
persone.

36I. (1) Behoudens die bepalings van artikel 36G mag niemand 'n gifskietar of patrone daarvoor —

(a) koop, ontvang of op enige ander wyse hoegenaamd verkry of bekom nie;

(b) in sy besit hê nie tensy hy die houer is van 'n bevoegdheidsertifikaat.

(2) Iemand wat 'n gifskietar of patrone daarvoor strydig met die bepalings van subartikel (1) koop, ontvang, verkry, bekom of in sy besit het, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Gebruik
van gif
en gif-
skietars.

36J. (1) Behoudens enige andersluidende wetsbepalings mag niemand enige gif, behalwe gif wat deur die Uitvoerende Komitee goedgekeur is, op enige grond stel of plaas nie.

(2) Niemand mag —

(a) 'n gifskietar, jakkalskanon of stelgeweer gebruik, stel of plaas nie—

(i) behalwe kragtens magtiging en ooreenkomstig die voorwaardes van 'n bevoegdheidsertifikaat wat aan hom uitgereik is; en

(ii) tensy waarskuwingsborde van 'n ontwerp en met die bevoording wat deur die Direkteur goedgekeur is, vooraf opgerig is by alle ingange tot die grond waarop sodanige gifskietar gestel of geplaas word of gaan word;

(b) 'n gifskietar, jakkalskanon of stelgeweer —

(i) tussen enige heining wat nader as tweehonderd meter aan die middellyn van 'n geproklameerde pad opgerig is en sodanige pad stel of plaas nie;

(ii) op enige plek nader as tweehonderd meter aan die middellyn van 'n geproklameerde pad stel of plaas nie, tensy daar 'n heining tussen die plek waar bedoelde gifskietar, jakkalskanon of stelgeweer gestel of geplaas is en sodanige pad is;

(c) use any poison which has not been approved by the Executive Committee in a coyote getter.

(3) Any person who contravenes or fails to comply with a provision of subsection (1) or (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Research
in res-
pect of
problem
animals.

36K. (1) The Executive Committee may instruct any nature conservator or other officer and authorise any other person to do research work in connection with the control of problem animals, subject to the conditions determined by it.

(2) Any person instructed or authorised in terms of subsection (1) to do research work in connection with the control of problem animals may, notwithstanding anything to the contrary in this ordinance contained, but subject to the provisions of this chapter and the conditions imposed by the Executive Committee, hunt any problem animals or capture or kill any problem animals by any chemical, mechanical and biological means.

(3) In the execution of the powers granted to him in terms of the provisions of this section, any person may, subject to the conditions determined by the Executive Committee, enter upon any land without the consent of the owner or occupier thereof.

Obstruc-
tion of
persons
in the
execution
of their
duties.

36L. Any person who —

(a) hinders, impedes or obstructs a nature conservator or the owner or occupier of land or any other officer or person in the exercise of the powers or the performance of the duties granted to or imposed on him in terms of the provisions of this chapter;

(b) injures or kills a dog, horse or any other animal lawfully used in the course of or in connection with the hunting of problem animals;

(c) enige gifstof wat nie deur die Uitvoerende Komitee goedgekeur is nie, in 'n gifskierter gebruik nie.

(3) Iemand wat 'n bepaling van subartikel (1) of (2) oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Navorsing
betreffende
probleem-
diere.

36K. (1) Die Uitvoerende Komitee kan aan enige natuurbewaarder of ander beampte opdrag gee en aan enigiemand anders magtiging verleen om, onderhewig aan die voorwaardes wat die Uitvoerende Komitee bepaal, navorsing te doen in verband met die beheer van probleemdiere.

(2) Enigiemand aan wie ingevolge subartikel (1) opdrag gegee of magtiging verleen is om navorsing te doen in verband met die beheer van probleemdiere kan, nieteenstaande enige andersluidende bepalings in hierdie ordonansie vervat, maar behoudens die bepalings van hierdie hoofstuk en die voorwaardes wat die Uitvoerende Komitee opleë enige probleemdiere jag of met enige chemiese, meganiese en biologiese middele vang of doodmaak.

(3) By die uitoefening van die bevoegdhede ingevolge die bepalings van hierdie artikel aan hom verleen kan enigiemand, onderhewig aan die voorwaardes wat die Uitvoerende Komitee bepaal, enige grond sonder die toestemming van die eienaar of bewoner daarvan betree.

Belemmering
van
persone
by die uit-
voering van
hulle
pligte.

36L. Iemand wat —

(a) 'n natuurbewaarder of die eienaar of bewoner van grond of enige ander beampte of persoon by die uitoefening van die bevoegdhede of die vervulling van die pligte ingevolge die bepalings van hierdie hoofstuk aan hom verleen of opgedra, hinder, belemmer of dwarsboom;

(b) 'n hond, perd of ander dier wat wettiglik in die loop van of in verband met die jag van probleemdiere gebruik word, beseer of doodmaak;

- (c) damages, destroys or disfigures any apparatus, device or other property used in the course of or in connection with the hunting of problem animals;
- (d) is the owner or occupier of land and fails to render any reasonable assistance requested from him by a nature conservator or other officer acting in the exercise of any power or the performance of any duty in accordance with or in terms of the provisions of this chapter,

shall be guilty of an offence."

Amendment
of section
70 of Ordinance 31
of 1967.

7. Section 70(1) of the principal Ordinance is hereby amended by the addition of the following paragraphs:

- “(q) (i) the control over the hunting of trophies;
- (ii) the control over advertising relating to the hunting of trophies;
 - (iii) the periods during which and places where trophies may or may not be hunted;
 - (iv) the registration of hunting farms, including the requirements with which a farm shall comply in order to be registered as a hunting farm, the conditions and restrictions to which such registration shall be subject, the fees payable at such registration and the withdrawal of any such registration;
 - (v) the control over hunting farms and the running thereof as well as control over the services rendered and facilities provided by or on hunting farms;
 - (vi) the registration of professional hunters including the requirements with which a person shall comply in order to be registered as a professional hunter, the conditions and restrictions to which such registration shall be subject, the fees payable at such registration and the withdrawal of any such registration;
 - (vii) the registration of hunting guides including the requirements with which a person shall comply in order to be registered as a hunting guide, the conditions and restrictions to which such registration shall be subject, the fees payable at such registration and the withdrawal of any such registration;
 - (viii) the training of persons as professional hunters and hunting guides;
 - (ix) the testing of any person in order to determine whether he complies with the requirements for registration as professional hunter or hunting guide;

- (c) enige apparaat, toestelle of ander eiendom wat in die loop van of in verband met die jag van probleemdiere gebruik word, beskadig, vernietig of skend;
- (d) die eienaar of bewoner van grond is en versuim om enige redelike hulp te verleen waartoe hy deur 'n natuurbewaarder of ander beamppte wat optree in die uitoefening van enige bevoegdheid of die vervulling van enige plig ooreenkomstig of ingevolge die bepalings van hierdie hoofstuk, versoek word,

is aan 'n misdryf skuldig.”

Wysiging van
artikel 70
van Ordonnansie 31
van 1967.

7. Artikel 70(1) van die Hoofordonnansie word hierby gewysig deur die volgende paragrawe by te voeg:

“(q) (i) die beheer oor die jag van trofeë;

- (ii) die beheer oor advertering met betrekking tot die jag van trofeë;
- (iii) die tydperke waartydens en die plekke waar trofeë gejag mag word of nie gejag mag word nie;
- (iv) die registrasie van jagplase, met inbegrip van die vereistes waaraan 'n plaas moet voldoen om as jagplaas geregistreer te word, die voorwaardes en beperkings waaraan sodanige registrasie onderhewig is, die gelde wat by sodanige registrasie betaal moet word en die intrekking van enige sodanige registrasie;
- (v) die beheer oor jagplase en die bedryf daarvan, asook beheer oor die dienste en fasiliteite wat deur of op jagplase verskaf word;
- (vi) die registrasie van beroepsjagters, met inbegrip van die vereistes waaraan 'n persoon moet voldoen om as beroepsjagter geregistreer te word, die voorwaardes en beperkings waaraan sodanige registrasie onderhewig is, die gelde wat by sodanige registrasie betaal moet word en die intrekking van enige sodanige registrasie;
- (vii) die registrasie van jaggidse, met inbegrip van die vereistes waaraan 'n persoon moet voldoen om as jaggids geregistreer te word, die voorwaardes en beperkings waaraan sodanige registrasie onderhewig is, die gelde wat by sodanige registrasie betaal moet word en die intrekking van enige sodanige registrasie;
- (viii) die opleiding van persone as beroepsjagters en jaggidse;
- (ix) die toetsing van enige persoon om te bepaal of hy voldoen aan die vereistes om as beroepsjagter of jaggids geregistreer te word;

- (r) the registers to be kept by a person who imports, sells, or offers or possesses for sale, coyote getters and cartridges therefor;
- (s) the regulation, control and prohibition of the throwing or laying of poison."

Substitution
of long
title of
Ordinance
31 of 1967.

8. The principal Ordinance is hereby amended by the substitution for the long title thereof of the following long title:

"To provide for the protection of wild animals, indigenous plants and inland fisheries; for the control of problem animals; for the establishment of game parks; and for matters incidental thereto."

Repeal of
Ordinance 32
of 1965.

9. The Vermin Extermination Ordinance, 1965 (Ordinance 32 of 1965) is hereby repealed.

Short title.

10. This Ordinance shall be called the Nature Conservation Amendment Ordinance, 1973.

- (r) die registers wat bygehou moet word deur iemand wat gifskieters en patrone daarvoor invoer, verkoop of vir verkoop aanbied of vir verkoop besit;
- (s) die reëling van, beheer oor en verbod op die gooi of stel van gif”.

Vervanging van lang titel van Ordonnansie 31 van 1967.

8. Die Hoofordonnansie word hierby gewysig deur die lang titel daarvan deur die volgende lang titel te vervang:

“Om voorsiening te maak vir die beskerming van wilde diere, inheemse plante en binnelandse visserye; vir die beheer van probleemdiere; vir die stigting van wildtuine; en vir verbandhoudende sake.”.

Herroeping van Ordonnansie 32 van 1965.

9. Die Ordonnansie op die Uitroeiing van Ongediertes 1965 (Ordonnansie 32 van 1965) word hierby herroep.

Kort titel.

10. Hierdie Ordonnansie heet die Wysigingsordonnansie op Natuurbewaring, 1973.

