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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

ISBN 0 621 00910 5

VOL. 95.] CAPE TOWN, 30TH MAY, 1973. [No. 3909.
KAAPSTAD, 30 MEI 1973.

DEPARTMENT OF THE PRIME MINISTER.

No. 912. 30th May, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 46 of 1973: Sea Birds and Seals Protection Act, 1973.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 912. 30 Mei 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 46 van 1973: Wet op die Beskerming van Seevoëls en Robbe, 1973.

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Act No. 46, 1973 SEA BIRDS AND SEALS PROTECTION ACT, 1973.

ACT

To provide for the control over certain islands and rocks; for the protection, and the control of the capture and killing, of sea birds and seals; and for the disposal of the products of sea birds and seals and for matters incidental thereto; and to repeal the Fish Protection Act, 1893 (Act No. 15 of 1893 of the Cape of Good Hope), and the provisions of the Sealing and Fisheries Ordinance, 1949 (Ordinance No. 12 of 1949 of South West Africa), relating to the killing, pursuit or capture of seals.

(*English text signed by the State President.*)
(*Assented to 21st May*, 1973.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

"commander", in relation to a boat or vessel, means the person in charge of or commanding that boat or vessel;

"island" means any island or rock or any group of islands or rocks specified in Schedule 1 or any island specified in Schedule 2;

"Minister" means the Minister of Economic Affairs and, in relation to the islands specified in Schedule 2 and to Antarctica, the Minister of Transport;

"officer" means any person appointed as an officer under section 8;

"permit" means an appropriate permit issued under this Act;

"prescribe" means prescribe in terms of this Act and "prescribed" has a corresponding meaning;

"regulation" means a regulation made under this Act;

"Republic" includes the territory of South West Africa;

"sea bird" means any penguin (*Spheniscidae*), gannet (*Sulidae*), cormorant (*Phalacrocoracidae*), gull (*Laridae*), tern (*Sternidae*), pelican (*Pelicanidae*), albatross (*Diomedeidae*), petrel (*Procellariidae, Thalassidromidae* or *Oceanitidae*), dabchick (*Podicipidae*), ibis (*Threskiornithidae*), skua (*Stercorariidae*), wader (*Charadriidae*), oystercatcher (*Haematopodidae*), phalarope (*Phalaropidae*), flamingo (*Phoenicopteridae*) or sheathbill (*Chionidae*);

"seal" means any Cape Fur seal (*Arctocephalus pusillus*), Antarctic seal, also known as Southern Elephant seal (*Mirounga leonina*), Leopard seal (*Hydrurga leptonyx*), Weddel seal (*Leptonychotes weddeli*), Crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophoca rossi*) and Southern Fur seal (*Arctocephalus spp.*);

"this Act" includes any regulation, notice or direction issued thereunder.

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WET

Om voorsiening te maak vir die beheer oor sekere eilande en rotse; vir die beskerming, en beheer van die vang en doodmaak, van seevoëls en robbe; en vir die beskikking oor die produkte van seevoëls en robbe en vir aangeleenthede wat daarmee in verband staan; en om die „Fish Protection Act, 1893" (Wet No. 15 van 1893 van die Kaap die Goeie Hoop), en die bepalings van die Ordonnansie op Robbevangs en Visserye, 1949 (Ordonnansie No. 12 van 1949 van Suidwes-Afrika), wat in verband staan met die doodmaak, jag of vang van robbe, te herroep.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 21 *Mei* 1973.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

„beampte" iemand wat kragtens artikel 8 as 'n beampte aangestel is;

„eiland" 'n eiland of rots of groep eilande of rotse in Bylae 1 vermeld of 'n eiland in Bylae 2 vermeld;

„gesagvoerder", ten opsigte van 'n boot of vaartuig, iemand wat toesig het of gesag voer oor dié boot of vaartuig;

„hierdie Wet" ook 'n regulasie, kennisgewing of voorskrif daarkragtens uitgevaardig;

„Minister" die Minister van Ekonomiese Sake en, met betrekking tot die eilande in Bylae 2 vermeld en tot die Antarktika, die Minister van Vervoer;

„permit" 'n toepaslike permit kragtens hierdie Wet uitgereik;

„regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig;

„Republiek" ook die gebied Suidwes-Afrika;

„rob" 'n Kaapse pelsrob (*Arctocephalus pusillus*), Antarktiese rob, ook bekend as Suidelike Olifantrob (*Mirounga leonina*), Luiperdrob (*Hydrurga leptonyx*), Weddelrob (*Leptonychotes weddeli*), Krapeter-rob (*Lobodon carcinophagus*), Ross-rob (*Ommatophoca rossi*) of Suidelike pelsrob (*Arctocephalus spp.*);

„seevoël" 'n pikkewyn (*Spheniscidae*), malgas (*Sulidae*), duiker (*Phalacrocoracidae*), meeu (*Laridae*), seeswael (*Sternidae*), pelikaan (*Pelicanidae*), malmok (*Diomedeidae*), stormvoël (*Procellariidae, Thalassidromidae* of *Oceanitidae*), duikertjie (*Podicipidae*), ibis (*Threskiornithidae*), roofmeeu (*Stercorariidae*), strandlopertjie (*Charadriidae*), oestervanger (*Haematopodidae*), fraiingpoot (*Phalaropidae*), flamink (*Phoenicopteridae*) of „sheathbill" (*Chionidae*);

„voorskryf" ingevolge hierdie Wet voorskryf en het „voorgeskrewe" 'n ooreenstemmende betekenis.

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Powers of Minister in connection with islands, sea birds and seals and products of sea birds and seals.

2. (1) For the purposes of this Act and subject to the provisions thereof, the Minister shall exercise control over—

(*a*) sea birds and seals as well as over the acquisition, gathering and disposal of all products of sea birds and seals, within the Republic and the territorial waters and fishing zone of the Republic as defined in sections 2 and 3, respectively, of the Territorial Waters Act, 1963 (Act No. 87 of 1963), on any island specified in Schedule 2 and, in respect of South African citizens, in Antarctica; and

(*b*) islands.

(2) Notwithstanding anything to the contrary contained in this Act, the Minister may in his discretion—

(*a*) cause sea birds to be captured or killed for the purpose of placing them at the disposal of any person for scientific purposes or of public institutions;

(*b*) cause seals to be captured or killed; and

(*c*) by or without the agency of the State Tender Board, cause products of sea birds or seals to be gathered and, in consultation with the Minister of Finance, to be disposed of.

Prohibitions.

3. No person shall—

(*a*) set foot on or remain upon any island;

(*b*) upon any island or within the territorial waters or fishing zone of the Republic or along the coast of the Republic between the low-water mark as defined in section 1 of the Sea-shore Act, 1935 (Act No. 21 of 1935), and the high-water mark as so defined, pursue or shoot at or wilfully disturb, kill or capture any sea bird or seal; or

(*c*) wilfully damage the eggs of any sea bird upon any island or collect upon or remove from any island any such eggs or the feathers of any sea bird or any guano,

except in the performance of his duties under this Act or under the authority and subject to the conditions of an exemption under section 6 or of a permit.

Issue of permits.

4. (1) The Minister may in his discretion issue to any person a permit authorizing the performance of any act which, under this Act, may be performed under the authority of a permit.

(2) Such a permit—

(*a*) may be issued for an indefinite or specified period;

(*b*) may be issued subject to such conditions as the Minister may determine, which shall be incorporated in the permit;

(*c*) shall be issued subject to the payment of the prescribed fee (if any) or the fee agreed upon, as the case may be;

(*d*) may at any time be withdrawn or amended by the Minister.

(3) The Minister may, in addition to any other conditions which he may determine under paragraph (*b*) of subsection (2), in terms of that paragraph—

(*a*) prescribe the methods by which sea birds and seals may be captured or killed;

(*b*) prescribe the age, size, sex or kind of sea birds or seals which may be captured or killed;

(*c*) prescribe the time or season when or the area within which sea birds or seals may be captured or killed or their products gathered or processed;

(*d*) prescribe the prices at which the products of sea birds or seals may be sold;

(*e*) prohibit the export of the products of sea birds or seals;

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Bevoegdhede van Minister in verband met eilande, seevoëls en robbe en produkte van seevoëls en robbe.

2. (1) By die toepassing van hierdie Wet en behoudens die bepalings daarvan, oefen die Minister beheer uit oor—

(*a*) seevoëls en robbe asook oor die verkryging en insameling van en beskikking oor alle produkte van seevoëls en robbe, binne die Republiek en die territoriale waters en visserysone van die Republiek soos omskryf in onderskeidelik artikels 2 en 3 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), op 'n eiland vermeld in Bylae 2 en, ten opsigte van Suid-Afrikaanse burgers, in die Antarktika; en

(*b*) eilande.

(2) Ondanks andersluidende bepalings van hierdie Wet kan die Minister na goeddunke—

(*a*) seevoëls laat vang of doodmaak vir beskikbaarstelling aan enige persoon vir wetenskaplike doeleindes of aan openbare inrigtings;

(*b*) robbe laat vang of doodmaak; en

(*c*) deur of sonder bemiddeling van die Staatstenderraad produkte van seevoëls of robbe laat insamel en in oorleg met die Minister van Finansies daaroor laat beskik.

Verbodsbepalings.

3. Niemand mag—

(*a*) 'n eiland betree of daarop vertoef nie;

(*b*) op 'n eiland of binne die territoriale waters of visserysone van die Republiek of langs die kus van die Republiek tussen die laagwatermerk soos omskryf in artikel 1 van die Strandwet, 1935 (Wet No. 21 van 1935), en die hoogwatermerk soos aldus omskryf, 'n seevoël of rob agtervolg of daarop skiet of dit opsetlik steur, doodmaak of vang nie; of

(*c*) die eiers van 'n seevoël op 'n eiland opsetlik beskadig of sulke eiers of die vere van 'n seevoël of ghwano op 'n eiland versamel of daarvandaan verwyder nie,

behalwe by die vervulling van sy pligte kragtens hierdie Wet of op gesag en onderworpe aan die voorwaardes van 'n vrystelling kragtens artikel 6 of van 'n permit.

Uitreiking van permitte.

4. (1) Die Minister kan na goeddunke 'n permit aan iemand uitreik ter magtiging van die verrigting van 'n handeling wat kragtens hierdie Wet op gesag van 'n permit verrig kan word.

(2) So 'n permit—

(*a*) kan vir 'n onbepaalde of bepaalde tydperk uitgereik word;

(*b*) kan uitgereik word onderworpe aan die voorwaardes wat die Minister bepaal, wat in die permit opgeneem moet word;

(*c*) word uitgereik onderworpe aan die betaling van die voorgeskrewe gelde (indien daar is) of die gelde wat by ooreenkoms bepaal is, na gelang van die geval;

(*d*) kan te eniger tyd deur die Minister ingetrek of gewysig word.

(3) Die Minister kan, benewens ander voorwaardes wat hy kragtens paragraaf (*b*) van subartikel (2) bepaal, kragtens daardie paragraaf—

(*a*) die metodes voorskryf waarvolgens seevoëls en robbe gevang of gedood mag word;

(*b*) die ouderdom, grootte, geslag of soort van seevoëls of robbe wat gevang of gedood mag word, voorskryf;

(*c*) die tyd of seisoen wanneer of die gebied waarin seevoëls of robbe gevang of gedood of hul produkte ingesamel of verwerk mag word, voorskryf;

(*d*) die pryse waarteen die produkte van seevoëls of robbe verkoop mag word, voorskryf;

(*e*) die uitvoer verbied van die produkte van seevoëls of robbe;

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(*f*) require the holder of a permit to furnish him with particular statistics and may prescribe the manner in which and the period within which those statistics shall be so furnished.

Transfer of permits.

5. (1) A person to whom a permit has been issued may not transfer it to any other person without the consent of the Minister.

(2) If a person other than the Minister has refused to consent to the transfer of a permit, the holder of the permit may in writing appeal to the Minister against that refusal.

Exemptions.

6. (1) The Minister may, subject to such conditions as he may determine, exempt in writing any person who conducts any scientific investigation, experiment or research in connection with sea birds or seals, or any person or group or class of persons required or empowered to perform any act under any other law which would be or might result in a contravention of this Act, from any of or all the provisions of this Act in conducting any such investigation, experiment or research or in the performance of any such act.

(2) The Minister may at any time withdraw or amend any exemption so granted by him.

Limitation of liability.

7. (1) The State or any person in the service of the State, or the Minister, shall not be liable by virtue of anything done in good faith under the provisions of this Act.

(2) The State or any person in the service of the State, or the Minister, shall not be liable (except in the case of any wilful act or omission on the part of any such person) to any person who, except in the performance of a duty or an activity under this Act or any other law—

(*a*) makes use of any vehicle, boat or vessel which is the property or under the control of the State in its Department of Industries or of Transport, for the purposes of his journey to or return from any island, including any island not defined in this Act, or Antarctica; or

(*b*) is present upon any island referred to in paragraph (*a*) or in Antarctica,

or to the spouse or any dependant of any such person, for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the use, referred to in paragraph (*a*), of any vehicle, boat or vessel, or the presence referred to in paragraph (*b*).

Appointment of officers and employees.

8. The Minister may, subject to the law relating to the public service, appoint such officers and employees as he may deem necessary for carrying out the provisions of this Act.

Delegation of powers.

9. (1) The Minister may delegate any or all of his powers under this Act to an officer appointed in terms of section 8.

(2) (*a*) The Minister may delegate any or all of his powers under this Act, generally or in respect of a particular area or kind of seal or sea bird, to a person in the service of the State or to the Administrator of a province or the territory of South West Africa or to any body established by or under any law.

(*b*) Such an Administrator may delegate any power delegated to him under paragraph (*a*) to a person in the service of the administration in question.

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(*f*) vereis dat bepaalde statistieke deur die permithouer aan hom verstrek moet word en kan die wyse waarop en die tydperk waarbinne daardie statistieke aldus verstrek moet word, voorskryf.

Oordrag van permitte.

5. (1) Iemand aan wie 'n permit uitgereik is, mag dit nie sonder die toestemming van die Minister aan iemand anders oordra nie.

(2) Indien iemand anders as die Minister toestemming tot die oordrag van 'n permit geweier het, kan die permithouer skriftelik teen daardie weiering na die Minister appelleer.

Vrystellings.

6. (1) Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, iemand wat wetenskaplike ondersoek, proefneming of navorsing in verband met seevoëls of robbe doen, of iemand of 'n groep of kategorie van persone wat 'n handeling kragtens 'n ander wet moet of kan verrig wat 'n oortreding van hierdie Wet sou wees of tot gevolg kan hê, skriftelik vrystel van enige van of al die bepalings van hierdie Wet by die doen van sodanige ondersoek, proefneming of navorsing of die verrigting van sodanige handeling

(2) Die Minister kan 'n vrystelling wat hy aldus verleen het, te eniger tyd intrek of wysig.

Beperking van aanspreeklikheid.

7. (1) Die Staat of iemand in diens van die Staat, of die Minister, is nie aanspreeklik uit hoofde van enigiets wat te goeder trou kragtens die bepalings van hierdie Wet gedoen is nie.

(2) Die Staat of iemand in diens van die Staat, of die Minister, is nie aanspreeklik nie (behalwe in die geval van 'n opsetlike handeling of versuim van die kant van so iemand) teenoor iemand wat, behalwe by die vervulling van 'n plig of die verrigting van 'n bedrywigheid kragtens hierdie Wet of enige ander wet—

(*a*) gebruik maak van 'n voertuig, boot of vaartuig wat die eiendom of onder die beheer van die Staat is in sy Departement van Nywerheidswese of van Vervoer, vir die doeleindes van sy reis na of terugkeer vanaf 'n eiland, met inbegrip van 'n eiland wat nie in hierdie Wet omskryf is nie, of die Antarktika; of

(*b*) aanwesig is op 'n eiland bedoel in paragraaf (*a*) of in die Antarktika,

of teenoor die eggenoot of 'n afhanklike van so iemand, vir enige verlies of skade ten gevolge van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die in paragraaf (*a*) bedoelde gebruik van 'n voertuig, boot of vaartuig, of die in paragraaf (*b*) bedoelde aanwesigheid.

Aanstelling van beamptes en werknemers.

8. Die Minister kan met inagneming van die wetsbepalings betreffende die Staatsdiens die beamptes en werknemers aanstel wat hy vir die uitvoering van die bepalings van hierdie Wet nodig ag.

Delegering van bevoegdhede.

9. (1) Die Minister kan enige van of al sy bevoegdhede kragtens hierdie Wet aan 'n ingevolge artikel 8 aangestelde beampte delegeer.

(2) (*a*) Die Minister kan enige van of al sy bevoegdhede kragtens hierdie Wet in die algemeen of ten opsigte van 'n bepaalde gebied of soort rob of seevoël aan iemand in diens van die Staat of aan die Administrateur van 'n provinsie of die gebied Suidwes-Afrika of aan 'n liggaam wat by of kragtens 'n wet ingestel is, delegeer.

(*b*) So 'n Administrateur kan 'n bevoegdheid wat kragtens paragraaf (*a*) aan hom gedelegeer is aan iemand in diens van die betrokke administrasie delegeer.

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Powers of officers and certain other persons.

10. (1) Any police officer and, if generally or specially authorized thereto in writing by the Minister, any officer, person in charge of any island or commander of a boat or vessel which is the property of the State and is used in connection with the carrying out of the provisions of this Act, may, subject to the provisions of subsection (4)—

(*a*) require any person who is, or is about to go, on any island, to furnish him with his full name and address and the reason for his presence, or for his intention to go, on such island;

(*b*) if he on reasonable grounds believes or suspects that—

(i) any person is performing or has performed any act which may be performed solely under the authority of a permit, require such person to produce to him a permit authorizing the performance by such person of such act;

(ii) any person upon a boat or vessel within the territorial waters or fishing zone of the Republic, has committed or is about to commit any offence under this Act, require the commander of such boat or vessel to bring it to a standstill, and may go on board such boat or vessel and require that commander to furnish him with the reason for the presence of such boat or vessel there, that commander's full name and address and that of every member of the crew of such boat or vessel;

(iii) any offence under this Act has been committed by means of or in respect of any thing, seize such thing;

(iv) any person who is present upon an island has committed any offence, without warrant arrest such person.

(2) If any person seizes any thing under the provisions of subsection (1) (*b*) (iii), he shall, as soon as possible, take such thing before a magistrate, and thereupon the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall apply in respect of such thing as if it had been seized under the provisions of that Act.

(3) Any person arrested in terms of subsection (1) (*b*) (iv) shall, as soon as possible, be brought to a police station or charge office and the provisions of section 27 of the Criminal Procedure Act, 1955, shall apply in respect of his detention thereafter.

(4) Any officer, person in charge of any island or commander referred to in subsection (1) shall, before exercising any power or performing any duty or function under subsection (1) in the presence of any persons affected thereby, exhibit the written authority issued to him in terms of subsection (1) to any of those persons.

Regulations.

11. (1) The Minister may—

(*a*) make regulations prescribing the form and conditions of the permits and other documents which may be necessary for the carrying out of the provisions of this Act;

(*b*) make regulations prescribing the maximum number of any kind of seal which may be captured or killed

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Bevoegdhede van beamptes en sekere ander persone.

10. (1) 'n Polisiebeampte en, indien 'n algemene of besondere magtiging daartoe skriftelik deur die Minister aan hom verleen is, 'n beampte, persoon wat toesig oor 'n eiland het of gesagvoerder van 'n boot of vaartuig wat aan die Staat behoort en in verband met die uitvoering van die bepalings van hierdie Wet gebruik word, kan, behoudens die bepalings van subartikel (4)—

(*a*) eis dat iemand wat op 'n eiland is of op die punt staan om daarop te gaan, sy volle naam en adres en die rede vir sy aanwesigheid daarop of voorneme om daarop te gaan, aan hom verstrek;

(*b*) indien hy op redelike gronde van oordeel is of vermoed dat—

(i) iemand 'n handeling verrig of verrig het wat alleen op gesag van 'n permit verrig kan word, eis dat so iemand 'n permit wat die verrigting van sodanige handeling deur so iemand magtig, aan hom toon;

(ii) iemand op 'n boot of vaartuig wat binne die territoriale waters of visserysone van die Republiek is, 'n misdryf kragtens hierdie Wet gepleeg het of op die punt staan om dit te doen, eis dat die gesagvoerder van daardie boot of vaartuig dit tot stilstand bring, en kan aan boord daarvan gaan en eis dat dié gesagvoerder die rede vir die aanwesigheid van dié boot of vaartuig aldaar, sy volle naam en adres en dié van elke lid van die bemanning van die boot of vaartuig aan hom verstrek;

(iii) 'n misdryf kragtens hierdie Wet deur middel van of ten opsigte van 'n voorwerp gepleeg is, op daardie voorwerp beslag lê;

(iv) iemand wat op 'n eiland aanwesig is 'n misdryf gepleeg het, so iemand sonder lasbrief in hegtenis neem.

(2) Indien iemand kragtens die bepalings van subartikel (1) (*b*) (iii) op 'n voorwerp beslag lê, moet hy dit so spoedig moontlik na 'n landdros neem, en daarna is die bepalings van die Strafproseswet, 1955 (Wet No. 56 van 1955), ten opsigte van sodanige voorwerp van toepassing asof kragtens die bepalings van genoemde Wet daarop beslag gelê is.

(3) Iemand wat ingevolge subartikel (1) (*b*) (iv) in hegtenis geneem is, moet so spoedig moontlik na 'n polisiekantoor of aanklagkantoor geneem word en die bepalings van artikel 27 van die Strafproseswet, 1955, is daarna ten opsigte van sy aanhouding van toepassing.

(4) 'n Beampte, persoon wat toesig oor 'n eiland het of gesagvoerder in subartikel (1) bedoel, moet, alvorens hy kragtens subartikel (1) 'n bevoegdheid uitoefen of plig of werksaamheid verrig in die teenwoordigheid van persone wat daardeur geraak sal word, die skriftelike magtiging wat ingevolge subartikel (1) aan hom uitgereik is, aan die een of ander van daardie persone toon.

Regulasies.

11. (1) Die Minister kan—

(*a*) regulasies uitvaardig wat die vorm en voorwaardes voorskryf van die permitte en ander dokumente wat vir die uitvoering van die bepalings van hierdie Wet nodig mag wees;

(*b*) regulasies uitvaardig wat die maksimum getal van enige soort rob wat gedurende 'n onbepaalde of 'n

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during an indefinite or specified period or in a specified area, or the kinds of seals which may not be captured or killed;

(*c*) make regulations prescribing the age at which and the methods by which seals may or may not be captured or killed;

(*d*) in consultation with the Minister of Finance make regulations prescribing the circumstances in which any fee shall be payable for a permit, the amount of such fee, the rate at which it shall be calculated or the manner in which it shall be determined;

(*e*) make regulations providing for the further conservation or protection of sea birds or seals;

(*f*) make regulations, generally, for the better achievement of the objects and purposes of this Act.

(2) The Minister may make different regulations under subsection (1) in respect of different islands or kinds of sea birds or seals and in respect of sea birds or seals, and may in terms of that subsection prescribe different fees or rates of fees for different permits.

Offences and penalties.

12. Any person who—

(*a*) contravenes or fails to comply with the provisions of this Act;

(*b*) contravenes or fails to comply with any direction in a permit issued or lawfully transferred to him;

(*c*) without lawful reason refuses or fails to comply with any requirement under section 10 (1) of any officer, police officer, person in charge of an island or commander referred to in that section; or

(*d*) resists or wilfully obstructs any person referred to in paragraph (*c*) in the performance of his duties or the exercise of his powers under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Jurisdiction and evidence.

13. (1) If any person is charged with having committed any offence under this Act at any place within the territorial waters or fishing zone of the Republic, any court whose area of jurisdiction abuts on or includes any portion of the sea, may hear the charge, and the offence shall, for all purposes incidental to or consequential upon the hearing of the charge, be deemed to have been committed within the area of jurisdiction of the court so hearing it.

(2) If any boat or vessel has been used in connection with the commission of any offence under this Act, or any thing by means of or in respect of which any such offence has been committed, is found or proved to have been upon any boat or vessel, any person who was on board such boat or vessel at the time when the offence was committed, shall be deemed to be guilty of such offence, unless it is proved that he did not take part in the commission of the offence and that he could not have prevented it.

(3) If any person is charged with having committed any offence under this Act and it is alleged in the charge that he performed any act wilfully and it is proved that he performed such act, he shall, until the contrary is proved, be deemed to have performed such act wilfully.

Amendment of Schedules.

14. The Minister may, by notice in the *Gazette*, amend Schedule 1 or 2 by the deletion therefrom of the name or description of any island or by the insertion therein of the name or a description of any island or rock or of any group of islands or rocks.

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bepaalde tydperk of in 'n bepaalde gebied gevang of gedood mag word of die soorte robbe wat nie gevang of gedood mag word nie, voorskryf;

(*c*) regulasies uitvaardig wat die ouderdom waarop en die metodes waarvolgens robbe gevang of gedood mag word of nie gevang of gedood mag word nie, voorskryf;

(*d*) in oorleg met die Minister van Finansies regulasies uitvaardig wat die omstandighede waaronder gelde vir 'n permit betaalbaar is, die bedrag van sodanige gelde, die skaal waarteen dit bereken moet word of die wyse waarop dit bepaal moet word, voorskryf;

(*e*) regulasies uitvaardig wat vir die verdere bewaring of beskerming van seevoëls of robbe voorsiening maak;

(*f*) regulasies uitvaardig, oor die algemeen, vir die doeltreffender bereiking van die doelstellings en oogmerke van die Wet.

(2) Die Minister kan verskillende regulasies kragtens subartikel (1) ten opsigte van verskillende eilande of soorte seevoëls of robbe en ten opsigte van seevoëls of robbe uitvaardig, en kan kragtens daardie subartikel verskillende gelde of skale van gelde vir verskillende permitte voorskryf.

Misdrywe en strawwe.

12. Iemand wat—

(*a*) die bepalings van hierdie Wet oortree of versuim om daaraan te voldoen;

(*b*) 'n voorskrif in 'n permit wat aan hom uitgereik of wettiglik oorgedra is, oortree of versuim om daaraan te voldoen;

(*c*) sonder wettige rede weier of versuim om aan 'n eis kragtens artikel 10 (1) van 'n in daardie artikel bedoelde beampte, polisiebeampte, persoon wat toesig oor 'n eiland het of gesagvoerder te voldoen; of

(*d*) iemand in paragraaf (*c*) vermeld, by die vervulling van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet, weerstaan of opsetlik belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sowel sodanige boete as sodanige gevangenisstraf.

Jurisdiksie en bewyslewering.

13. (1) Indien iemand daarvan aangekla word dat hy 'n misdryf kragtens hierdie Wet op 'n plek binne die territoriale waters of visserysone van die Republiek gepleeg het, kan enige hof waarvan die regsgebied aan die see grens of 'n deel daarvan insluit, die aanklag verhoor, en word die misdryf, vir alle doeleindes wat in verband staan met of voortspruit uit die verhoor van die aanklag, geag in die regsgebied van die hof wat dit aldus verhoor, gepleeg te gewees het.

(2) Indien 'n boot of vaartuig gebruik is in verband met die pleeg van 'n misdryf kragtens hierdie Wet, of 'n voorwerp deur middel of ten opsigte waarvan so 'n misdryf gepleeg is, op 'n boot of vaartuig gevind is of daar bewys word dat dit daarop was, word elkeen wat aan boord van die boot of vaartuig was toe die misdryf gepleeg is, geag aan daardie misdryf skuldig te wees, tensy bewys word dat hy nie aan die pleeg van die misdryf deelgeneem het nie en dat hy dit nie kon verhoed nie.

(3) Indien iemand daarvan aangekla word dat hy 'n misdryf kragtens hierdie Wet gepleeg het en daar in die klagskrif beweer word dat hy 'n handeling opsetlik verrig het en daar bewys word dat hy daardie handeling verrig het, word vermoed, totdat die teendeel bewys word, dat hy daardie handeling opsetlik verrig het.

Wysiging van Bylaes.

14. Die Minister kan by kennisgewing in die *Staatskoerant* Bylae 1 of 2 wysig deur die naam of beskrywing van 'n eiland daaruit te skrap of die naam of 'n beskrywing van 'n eiland of rots of 'n groep eilande of rotse daarin op te neem.

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Repeal of laws.

15. (1) Subject to the provisions of subsection (2), the Fish Protection Act, 1893 (Act No. 15 of 1893 of the Cape of Good Hope), and the provisions of the Sealing and Fisheries Ordinance, 1949 (Ordinance No. 12 of 1949 of South West Africa), relating to the killing, pursuit or capture of seals, are hereby repealed.

(2) A permit, licence or concession issued or granted under a provision of any law repealed by subsection (1) or amended by subsection (3), relating to the utilization of seals or the products of sea birds or seals and which is in force immediately prior to the commencement of this Act, shall be deemed to be an appropriate permit issued under this Act: Provided that any condition or stipulation contained in such a permit, licence or concession and which is not provided for in this Act, shall remain in force as if it had been properly imposed under this Act.

(3) The definition of "mineral" in section (1) of the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968 of South West Africa), is hereby amended by the deletion of the words "and shall include sea bird guano".

Application of Act.

16. (1) This Act, and any amendment thereof—

(*a*) shall apply also in the territory of South West Africa;
(*b*) shall not derogate from the provisions of the Nature Conservation Ordinance, 1967 (Ordinance No. 31 of 1967 of South West Africa), or of any other law or ordinance in so far as they relate to sea birds or the products of sea birds; and
(*c*) shall apply also in respect of the islands specified in Schedule 2, and to a South African citizen while he is in Antarctica as if Antarctica were an island for the purposes of this Act.

(2) The Minister may by notice in the *Gazette* declare that this Act shall not apply in any area defined in that notice and declared to be a national park under section 2 of the National Parks Act, 1962 (Act No. 42 of 1962), and which abuts on or includes any portion of the sea.

Short title and commencement.

17. This Act shall be called the Sea Birds and Seals Protection Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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Herroeping van wette.

15. (1) Behoudens die bepalings van subartikel (2) word die „Fish Protection Act, 1893" (Wet No. 15 van 1893 van die Kaap die Goeie Hoop), en die bepalings van die Ordonnansie op Robbevangs en Visserye, 1949 (Ordonnansie No. 12 van 1949 van Suidwes-Afrika), wat in verband staan met die doodmaak, jag of vang van robbe, hierby herroep.

(2) 'n Permit, lisensie of konsessie wat kragtens 'n wetsbepaling wat deur subartikel (1) herroep is of deur subartikel (3) gewysig is, uitgereik of toegestaan is, wat betrekking het op die benutting van robbe of die produkte van seevoëls of robbe en wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is, word geag 'n toepaslike permit te wees wat kragtens hierdie Wet uitgereik is: Met dien verstande dat 'n voorwaarde of bepaling wat in so 'n permit, lisensie of konsessie vervat is en waarvoor daar geen voorsiening in hierdie Wet gemaak word nie, ook van krag bly asof dit behoorlik kragtens hierdie Wet opgelê is.

(3) Die woordbepaling van „mineraal" in artikel 1 van die Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968 van Suidwes-Afrika), word hierby gewysig deur die woorde „en ook seevoël-ghwano" daaruit te skrap.

Toepassing van Wet.

16. (1) Hierdie Wet en 'n wysiging daarvan—

(*a*) is ook van toepassing in die gebied Suidwes-Afrika;

(*b*) doen nie afbreuk aan die bepalings van die Ordonnansie op Natuurbewaring, 1967 (Ordonnansie No. 31 van 1967 van Suidwes-Afrika), of van enige ander wet of ordonnansie vir sover dit op seevoëls of die produkte van seevoëls betrekking het nie; en

(*c*) is ook van toepassing ten opsigte van die eilande in Bylae 2 vermeld, en op 'n Suid-Afrikaanse burger terwyl hy in die Antarktika is asof die Antarktika by die toepassing van hierdie Wet 'n eiland is.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* bepaal dat hierdie Wet nie van toepassing is nie in 'n gebied wat in daardie kennisgewing omskryf word en wat kragtens artikel 2 van die Wet op Nasionale Parke, 1962 (Wet No. 42 van 1962), tot 'n nasionale park verklaar is en aan die see grens of 'n deel daarvan insluit.

Kort titel en inwerkingtreding.

17. Hierdie Wet heet die Wet op die Beskerming van Seevoëls en Robbe, 1973, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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Schedule 1

Name or Description of Island	Situation
1. Bird Island	Algoa Bay.
2. Stag Island	
3. Seal Island	
4. Black Rocks	
5. St. Croix Island	
6. Brenton Rock	
7. Jahleel Island (also known as Jackell Island)	
8. Seal Point	Near Krommebaai, Humansdorp district.
9. Cape Seal	Plettenberg Bay.
10. Walker Point and Seal Ledges	Knysna district.
11. Seal Island	Mossel Bay.
12. Rocks at mouth of Ratel River	Bredasdorp district.
13. Voëlstene	Near Buffeljacht, Bredasdorp district.
14. Quoin Rock	Bredasdorp district.
15. Dyer Island	
16. Geyser Island	
17. Seal Rock (also known as Voëlsteen)	Frikkiesbaai, Caledon district.
18. Seal Island	False Bay.
19. Duikerklip	Hout Bay.
20. Robbesteen (also known as Seal Ledges)	Bellville district.
21. Vogelsteen	Blouberg Beach, Cape district.
22. Dassen Island	Malmesbury district.
23. Yzerklip (also known as Meeuw Rock)	
24. Jutten Island	Saldanha Bay.
25. Marcus Island	
26. Malagas Island (also known as Malgas Island)	
27. Meeuwen Island (also known as Meeu Island)	
28. Schaapen Island	
29. Vondeling Island	Near Saldanha Bay.
30. Jacob's Rock	
31. Paternoster Rocks (also known as Paternoster Island)	At Great Paternoster Point, near Saldanha Bay, Hopefield district.
32. Penguin Island (also known as Lambert's Bay Island)	Lambert's Bay.
33. Elephant Rock	Near mouth of Olifants River, Vanrhynsdorp district.
34. Little Roastbeef Island	In Dernburg Bay, coast of South West Africa.
35. Sinclair Island	Near Baker Bay, coast of South West Africa.
36. Plumpudding Island	
37. Pomona Island	Near Jammer Bay, coast of South West Africa.
38. Albatross Rock	Near Prince of Wales Bay, coast of South West Africa.
39. Possession Island	Near Elizabeth Bay, coast of South West Africa.
40. Long Islands	Near Wolf Bay, coast of South West Africa.
41. Halifax Island	Near Luderitz Bay.
42. Penguin Island (also known as Pikkewyn Island)	Luderitz Bay.
43. Seal Island (also known as Rob Island)	
44. Ichaboe Island	Near Douglas Bay, coast of South West Africa.
45. Mercury Island	Spencer Bay, coast of South West Africa.
46. Hollamsbird Island	Coast of South West Africa.

Schedule 2

Name or Description of Island	Situation
1. Marion Island	As described in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).
2. Prince Edward Island	

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WET OP DIE BESKERMING VAN SEEVOËLS EN ROBBE, 1973. **Wet No. 46, 1973**

Bylae 1

Naam of Beskrywing van Eiland	Ligging
1. Bird-eiland	Algoabaai.
2. Stag-eiland	
3. Seal-eiland	
4. Black Rocks	
5. St. Croix-eiland	
6. Brenton Rock	
7. Jahleel-eiland (ook bekend as Jackell-eiland)	
8. Seal Point	Naby Krommebaai, distrik Humansdorp.
9. Cape Seal	Plettenbergbaai.
10. Walkerpunt en Robstene	Distrik Knysna.
11. Robeiland	Mosselbaai.
12. Rotse by Ratelriviermond	Distrik Bredasdorp.
13. Voëlstene	Naby Buffeljacht, distrik Bredasdorp.
14. Quoin Rock	Distrik Bredasdorp.
15. Dyer-eiland	
16. Geyser-eiland	
17. Seal Rock (ook bekend as Voëlsteen)	Frikkiesbaai, distrik Caledon.
18. Robeiland	Valsbaai.
19. Duikerklip	Houtbaai.
20. Robbesteen (ook bekend as Seal Ledges)	Distrik Bellville.
21. Vogelsteen	Bloubergstrand, distrik Kaap.
22. Dasseneiland	Distrik Malmesbury.
23. Yzerklip (ook bekend as Meeuw Rock)	
24. Jutten-eiland	Saldanhabaai.
25. Marcus-eiland	
26. Malagas-eiland (ook bekend as Malgas-eiland)	
27. Meeuweneiland (ook bekend as Meeu-eiland)	
28. Schaapeneiland	
29. Vondeling-eiland	Naby Saldanhabaai.
30. Jacobsrots	
31. Paternoster-rotse (ook bekend as Paternoster-eiland)	By Groot-Paternosterpunt, naby Saldanhabaai, distrik Hopefield.
32. Pikkewyneiland (ook bekend as Lambertsbaai-eiland)	Lambertsbaai.
33. Olifantsrots	Naby Olifantsriviermond, distrik Vanrhynsdorp.
34. Little Roastbeef-eiland	In Dernburgbaai, kus van Suidwes-Afrika.
35. Sinclair-eiland	Naby Bakerbaai, kus van Suidwes-Afrika.
36. Plumpudding-eiland	
37. Pomona-eiland	Naby Jammerbaai, kus van Suidwes-Afrika.
38. Albatros-rots	Naby Prince of Wales-baai, kus van Suidwes-Afrika.
39. Possession-eiland	Naby Elizabethbaai, kus van Suidwes-Afrika.
40. Long-eilande	Naby Wolfbaai, kus van Suidwes-Afrika.
41. Halifax-eiland	Naby Luderitzbaai.
42. Penguin-eiland (ook bekend as Pikkewyn-eiland)	Luderitzbaai.
43. Seal-eiland (ook bekend as Robeiland)	
44. Ichaboe-eiland	Naby Douglasbaai, kus van Suidwes-Afrika.
45. Mercury-eiland	Spencerbaai, kus van Suidwes-Afrika.
46. Hollamsbird-eiland	Kus van Suidwes-Afrika.

Bylae 2

Naam of Beskrywing van Eiland	Ligging
1. Marion-eiland	Soos beskryf in artikel 1 van die Wet op die Prince Edwardeilande, 1948 (Wet No. 43 van 1948).
2. Prince Edward-eiland	