



PROVINCE OF THE EASTERN CAPE
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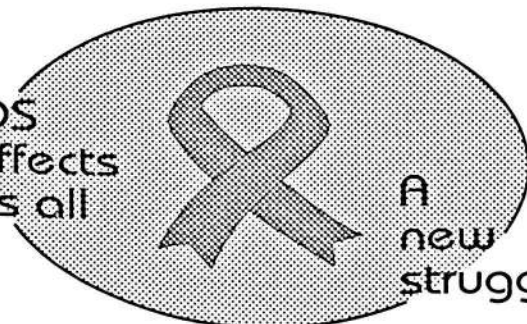
Vol. 8

BISHO/
KING WILLIAM'S TOWN, 23 FEBRUARY 2001

No. 719
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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PROVINCIAL NOTICE

No. 4**23 February 2001****PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM****PUBLICATION OF EASTERN CAPE ENVIRONMENTAL CONSERVATION BILL, 2001**

The above-mentioned Bill is hereby published for general information and comment.

Any person who wishes to comment on the said Bill must submit such comment in writing to the Head of Department, Department of Economic Affairs Environment and Tourism, Private Bag X0054, Bisho, or Fax No. (040) 609-3201, to reach him within 14 days of the publication hereof.

E. GODONGWANA**MEC: Economic Affairs Environment and Tourism**

PROVINCE OF THE EASTERN CAPE

**EASTERN CAPE ENVIRONMENTAL CONSERVATION
BILL, 2001**

As introduced

**(BY MEMBER OF THE EXECUTIVE COUNCIL
RESPONSIBLE FOR THE ENVIRONMENT)**

To provide for the consolidation of the laws relating to environmental conservation applicable in the Province, and to provide for Conservancies, and to provide for matters incidental thereto

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CHAPTER 1 INTRODUCTORY PROVISIONS

Definitions

1.(1) In this Act, unless the context otherwise indicates -

"adequately enclosed", in relation to land, means -

- (a) enclosed by any fence, wall or obstruction of any kind whatsoever forming an enclosure from which a wild animal, of any species mentioned in the certificate of adequate enclosure issued under section 42 in respect of that land, is unable to escape without breaking it;
- (b) enclosed by any natural boundary through or over which a wild animal of a species so mentioned will in normal circumstances not pass; or
- (c) enclosed by fences, walls, obstructions or natural boundaries so combined that a wild animal of the species in question is unable to escape from that land;

"angling" means the catching of fish by means of a line and hook or hooks, whether or not any rod, bait or lure is used therewith, but does not include the jigging or snatching of fish;

"angling season", in regard to inland waters, means the period of the year other than the closed season when fish of any defined species may lawfully be caught;

"aquatic fauna" means any wild animal living in inland waters;

"aquatic growth" means any plant which grows or is able to grow in inland waters, and includes the flower, seed, spore, fruit, bulb, tuber, stem or root or any other part of such plant;

"artificial lure or spoon" means a device that by its simulation of life or by its appearance or colour is designed or likely to delude, entice or attract a fish into seizing such device;

"authorization" means any authorization referred to in section 4(2)(a);

"baboon" means the species *Papio ursinus*;

"banded tilapia" means the species *Tilapia sparrmanii*;

"bait" means any organic substance, live or dead, used or to be used for attracting or catching a wild animal whether or not it is or is to be used in conjunction with any other implement or substance;

"biltong" means the meat of any wild animal which has been or is being dried, smoked, salted, cured or treated in any other manner for the purpose of preservation, but does not include such meat that has been or is being only chilled or frozen;

"biltong sausage" means sausage, whether dried or not, made wholly or partly of the meat of a wild animal;

"black bass" means any fish of the genus *Micropterus*;

"bluegill sunfish" means any fish of the species *Lepomis macrochirus*;

"buy" includes to barter or to exchange;

"cage" means any place (including a pool of water), structure or other thing that has in any manner been closed or fenced in for the purpose of keeping an animal in captivity, whether it is -

(a) closed or fenced in over the top or not, or

(b) movable or immovable;

"captivity", in relation to any wild animal other than a fish, means the holding of such animal captive in an enclosure or elsewhere in such a way that it is unable to maintain itself by natural means;

"capture", in relation to any wild animal, means to capture, catch or take such animal by any means whatsoever or to attempt to do so;

"carcase", in relation to any wild animal, means the whole or any part of the carcase including any meat or flesh (whether dried, smoked, salted or treated in any way) or the head, tooth, horn, shell, scale, tusk, bone, feather, tail, claw, paw, hoof, skin, hide, hair or viscera and includes the egg;

"carp" means the species *Aristycthis mobilis*, *Ctenopharyngodon idellus*, *Cyprinus carpio*, *Hyopophthalmichthys molitrix* or *Mylopharyngodon piceus*;

"cast-net" means a net (also known as an umbrella-net or throw-net), with or without weights on the perimeter thereof, that is cast on water so that it opens and sinks in the water;

"catch", in relation to a fish, means to take out of water or bring to land in any manner whatsoever or to possess in a net, whether or not the net is in the water, or to be in possession in or on any boat or on land, and includes any injuring, immobilizing or killing of such fish or attempting to take, injure, immobilize or kill or to pursue or disturb willfully any such fish;

"cattle egret" means the species *Bubulcus ibis*;

"certificate" means a certificate issued under this Act;

"client" means, in relation to the hunting of a wild animal or feral animal, a person who is not a South African citizen and who pays or otherwise rewards another person for or in connection with such hunting;

"closed season", in relation to a protected wild animal, means any period of the year during which hunting may not lawfully take place in accordance with the provisions of a notice published under section 36 by the MEC in the *Gazette*, and, in relation to a fish, means any period of the year during which the catching of such fish may not lawfully take place in accordance with the provisions of a notice published under section 67(b) by the MEC in the *Gazette*;

"coastal conservation area" means the coastal conservation area established by section 92;

"confiscate" means to appropriate to the state as a penalty;

"conservancy" means a voluntary association of the owners or occupiers of land that has been registered in terms of section 25;

"Council" means the Provincial Environmental Advisory Council established by section 11;

"crab-net" means a net (also known as a ring-net) made of wire or any other material of which the opening is attached to a frame, whether or not any bait or lure is placed in such net, but does not include a landing-net;

"cultivate", in relation to indigenous flora, means the artificial reproduction of such flora in any manner whatsoever;

"daily bag limit" means the number of any species of protected wild animal or of fish determined in a notice issued in terms of section 111(a)(i) or (ii), as the case may be;

"defined area" means -

- (a) the road reserve of a public road, and the land situated within 150 meters from the boundaries of such reserve in so far as such reserve or land is not situated within the area of jurisdiction of a metropolitan or urban local authority;
- (b) land which is in the possession or under the control of the Provincial Government; or
- (c) an area that has been declared a defined area by the MEC by notice in the *Gazette*;

"Department" means the department responsible for the environment in the Province;

"director of a professional hunting school" means a person who presents and conducts a prescribed course to instruct and assess a person wishing to be authorized as a professional hunter or hunting outfitter under section 58;

"electronic transponder" means an electronic device transmitting a radio signal

"endangered flora" means any flora of a species mentioned in Schedule 4 or defined as endangered flora, specially protected indigenous flora or a specially protected plant in terms of a corresponding law in operation in another province of the Republic provided that it shall not include any flora of a species mentioned in Schedule 5 of this Act and defined as endangered flora, specially protected indigenous flora or a specially protected plant in terms of a corresponding law in operation in another Province of the Republic.

"endangered wild animal" means any animal of a species mentioned in Schedule 1 or defined as an endangered wild animal, specially protected wild animal, specially protected game or specially protected bird in terms of a corresponding law in operation in another province of the Republic; provided that it shall not include any animal of a species mentioned in Schedule 2 of this Act and defined as an endangered wild animal, specially protected game, specially protected wild animal or specially protected bird in terms of a corresponding law in operation in another Province of the Republic .

"exotic", in relation to any fauna or flora, means a species which occurs in a free state in nature anywhere save in the Republic, including any such species that has been introduced and become naturalized in the Republic or has been altered in any way by the direct or indirect manipulation of its genetic material;

"export" means to export from the Province;

"fauna" means any wild animal;

"fire-arm" includes any airgun or dart gun;

"fish" means any aquatic fauna (other than an amphibian, reptile, bird or mammal) whether vertebrate or invertebrate, and includes the egg, spawn or larvae of any such animal;

"fish hatchery" means any inland waters in which fish whether indigenous or exotic are cultivated, propagated or acclimatized;

"flora" means any plant including the whole or any part of the plant whether dead or dried or not, but does not include a plant declared to be weed or invader plant under section 2(3) of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), or a domesticated species or cultivar;

"full-time employee" means any employee who is employed full-time on a monthly basis and is in receipt of a salary or wage which is in accordance with local tariffs for the kind of work done by him or her;

"Fund" means the Provincial Environmental Conservation Fund established in terms of section 94, and includes any corresponding fund established in terms of a law repealed by this Act;

"fyke-net" means a device made of rings or hoops over which a net, wire netting or any other material has been spread, or which is made of wire only, and has one or more funnel-shaped openings, and includes anything that, whether attached to such device or not, is used to guide fish to any funnel-shaped opening in such device;

"game bird" means any bird that is a protected wild animal and may be hunted during the hunting season determined for such bird;

"Gazette" means the Official Gazette of the Province;

"gill-net" means a net which is set upright in water with the result that a fish can become caught or entangled therein, whether or not such net drifts or is attached to anything and which may or may not be anchored to the bed of the water;

"high water mark" means the highest mark reached by the water of the sea on the land during ordinary sea storms during the most stormy period of the year, excluding exceptional or abnormal floods;

"hiker" means any person who as a hiker makes authorized use of any part of the hiking trail system;

"hiking trail system" means the hiking trail system mentioned in section 28;

"honorary nature conservation officer" means any person appointed as such under section 9;

"hunt", in relation to a wild animal or feral animal, means by any means whatsoever to hunt or search for, to kill, capture or attempt to kill or capture, or to pursue, follow or drive with intent to kill or capture, or to shoot at, poison, lie in wait for or willfully disturb;

"hunting outfitter" means a person who for reward promotes or organizes the hunting of a wild animal or feral animal for a client;

"hunting season" means the period in each year determined by the MEC in terms of section 36 during which a species of protected wild animal may be hunted under the authority of a permit or licence;

"identity number" means an identity number as defined in section 1 of the Population Registration Act, 1976 (Act No. 24 of 1976), or in a corresponding law in operation in another State;

"implement", in relation to a fish, means any instrument, apparatus or device used for, or in, the catching of fish;

"indigenous," in relation to fauna or flora, means an animal or plant of a species that occurs in a free state in nature in the Republic, whether or not it is or has been kept in captivity or cultivated, as the case may be, including any such fauna or flora that has been altered in any way by the direct or indirect manipulation of its genetic material, but does not include a species that has been introduced and become naturalized in the Republic;

"inland waters" means all waters which do not permanently or at any time during the year form part of the sea;

"jet ski" means any vessel propelled by means of a water jet;

"jigging" means the catching of fish by the jerking in water of an implement consisting of, or fitted with, a hook with the intention of impaling fish thereon, but does not include a spoon or other artificial lure used for angling, and "snatching" bears a corresponding meaning;

"landing net" means a net attached to a frame in such a manner as to leave an opening not exceeding six hundred and ten millimeters measured in a straight line between any two points on the perimeter of the frame and which is used only for lifting out of the water a fish caught by angling;

"licence" means a licence issued under this Act;

"licensing authority" means a licensing authority as defined in section 1 of the Licences Ordinance, 1981 (Ordinance No. 17 of 1981);

"litter" means any refuse, rubbish, garbage, rubble or any abandoned or discarded article, fluid, matter, substance or thing;

"local authority" means a municipality as contemplated by section 151 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), or a district council;

"local nature reserve" means a local nature reserve established under section 19, including any local nature reserve established in terms of a law repealed by this Act;

"magistrate" includes an additional magistrate and an assistant magistrate;

"marine plant" means a plant found in the sea or on the sea-shore;

"MEC" means the Member of the Executive Council of the Province responsible for the Department;

"Environmental Conservation Officer" means a Environmental Conservation Officer appointed in terms of section 7(1), or who is otherwise an Environmental Conservation Officer as contemplated in subsection (2) or (6) of section 7;

"environmental conservation ranger" means a environmental conservation ranger appointed in terms of section 10(1);

"net" means a fyke-net, cast-net, crab-net, landing-net, staked net or beach-seine net;

"noxious aquatic growth" means any species of aquatic growth mentioned in schedule 6;

"officer" means an officer as defined in section 1 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"owner" means -

(a) in relation to land -

(i) the person in whom is vested the legal title thereto;

(ii) where the legal title thereto is vested in an association of persons, whether corporate or unincorporate, the person designated by such association in writing as the owner thereof;

(iii) in the case of land under the control or management of a local authority, the local authority concerned;

(iv) in the case of State land not under the control or management of a local authority or held in trust by the Minister of Land Affairs, the Minister of the Department of State or Premier having control or management thereof or any officer designated by such minister or premier for the purpose;

(v) in the case of State land held in trust by the Minister of Land Affairs and occupied under a communal form of tenure, the head of each household lawfully occupying a residential allotment on such land under such form of tenure;

(vi) in the case of land not occupied by the owner as contemplated by subparagraph (i), the person who is in actual occupation of the land, who exercises general control over such land and who has been authorized in

writing by the owner as contemplated by the said subparagraph to exercise the rights conferred on an owner of land by this Act;

(vii) where the owner as contemplated by subparagraph (i), (ii) or (vi) is dead or insolvent or has assigned his or her estate for the benefit of his or her creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such land is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;

(b) in relation to inland waters, the owner as contemplated by paragraph (a) of the land on which the waters concerned are situated or which abuts on such waters; and

(c) in relation to any vessel includes the lessee, master or skipper of such vessel;

"peace officer" means a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)

"performing wild animal" means any animal lawfully kept in captivity in order to perform for the entertainment of the public;

"Permanent Secretary" means the Permanent Secretary of the Department;

"permit" means a permit issued under this Act;

"pick", in relation to any flora, includes to cut, chop off, take, gather, pluck, break or damage such flora or to extract or tap the sap thereof, but does not include the uprooting or destruction of such flora;

"poison" means any poison, preparation or chemical substance used to catch, immobilize, sterilize, kill or physically harm an animal, whether registered in terms of any law or not;

"police official" means a member of the South African Police Service in terms of section 12(2) of Proclamation No 5 of 1995;

"Premier" means the Premier of the Province;

"prescribed" means prescribed by this Act or by regulation made under this Act;

"prescribed tin" means a tin or other similar appliance of whatever material it is made which has a circular opening of not less than one hundred and fifteen millimeters in diameter and by means of which bait is squeezed out by the application of pressure on the river-bed or river bank;

"private inland waters" means any dam, reservoir, vlei or other inland waters completely surrounded by private land owned by one owner or completely surrounded by State land occupied under a traditional and communal form of tenure;

"private land" means land other than land owned or controlled by the State;

"private nature reserve" means a private nature reserve established in terms of section 23;

"problem wild animal" means any species of wild animal mentioned in Schedule 3;

"professional hunter" means any person who for reward escorts or offers or agrees to escort a client to enable him or her to hunt a wild animal or feral animal;

"protected flora" means any flora of a species mentioned in Schedule 5 or defined as protected flora, a protected plant or a protected indigenous plant in terms of a corresponding law in operation in another province of the Republic, provided that it shall not include any species of flora mentioned in Schedule 4 of this Act and defined as protected flora, a protected plant or a protected indigenous plant in terms of a corresponding law in operation in another province of the Republic;

"protected wild animal" means any animal of a species mentioned in Schedule 2 or defined as a protected wild animal, protected game or game in terms of a corresponding law in operation in another province of the Republic, provided that it shall not include any animal of a species mentioned in Schedule 1 of this Act and defined as a protected wild animal, protected game or game in terms of a corresponding law in operation in another province of the Republic ;

"Province" means the Province of Eastern Cape;

"provincial nature reserve" means a nature reserve established in terms of section 14 of this Act and mentioned in Schedule 7, including any, national nature reserve or national wildlife reserve established in terms of a law repealed by this Act;

"provincial wilderness area" means a provincial wilderness area established in terms of section 18;

"public road" means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"registered protected flora grower" means a person who has been registered as a flora grower and holds a licence issued to him or her in terms of section 81(3)(a);

"registered protected flora seller" means a person who has been registered as a flora seller and holds a licence issued to him or her in terms of section 80;

"regulation" means a regulation made and in force under this Act;

"relative", in relation to the owner of any land, means the spouse, parent, step-parent, adoptive parent, son-in-law, daughter-in-law, child, step-child, adopted child, brother, sister and grandchild of such owner provided that in relation to an owner of land which is an unincorporate association of persons, "relative" means the relative as hereinbefore defined of every member of such association;

"rock dassie" means the species *Procavia capensis*;

"sea" means the water and the bed of the sea below the high water mark and situated within South African waters;

"sea-shore" means the water and the land between the low-water line and the high-water mark;

"seedling", in relation to a species of the genus *Encephalartos* or *Stangeria*, means a plant of such species that has been cultivated from seed and the stem of which does not exceed 15 cm in diameter, except a seedling of the species *E. cupidus*, *E. humilis*

or *E. ngoyanus* that has been cultivated from seed and the stem of which does not exceed 70 mm in diameter;

"sell" includes to hawk, peddle, barter, exchange or dispose of for a consideration or to offer, advertise, expose or possess for the purpose of selling, hawking, peddling, bartering, exchanging or otherwise disposing of for a consideration;

"setline" means a line and hook with or without any bait or lure that, used for catching fish, is not manipulated directly by any person, but does not include a line and hook attached to a reel or rod lying loose on or fixed into the ground;

"shell" means the shell or any portion of the shell of an animal found in inland waters, the sea or on the sea-shore;

"solid", in relation to fire-arm ammunition, means any bullet of which the lead core is completely encased by an outer jacket of a harder metal;

"species" includes any sub-species, geographic race, variety or form of a species but does not include a hybrid between species;

"staked net" means a net (also known as a set net, gill-net, or drift-net), with or without weights or floats, set upright in water and in which a fish may become caught or entangled, whether or not such net drifts or is attached to anything;

"State forest" means a State forest as defined in section 1 of the National Forests Act, 1998 (Act No. 84 of 1998);

"this Act" includes any proclamation, regulation or notice made or issued in terms thereof;

"tidal lagoon" means any lagoon in which a rise and fall of the water level takes place as a result of the tides in the sea;

"tidal river" means that part of any river in which a rise and fall of the water-level takes place as a result of the tides in the sea;

"trap" means any trap, springtrap, snare, cage, net or pitfall and includes birdlime, a mistnet and any other device, method or substance whatsoever which can be used or adapted for the capture of any wild animal;

"Treasury" means the Department of Finance of the Province;

"trout" means any species of the family *Salmonidae*;

"unprotected indigenous flora" means any species of indigenous flora that is not endangered flora or protected flora;

"use" includes cause or permit to be used;

"vagrant dog" means any dog that trespasses on land and, while thus trespassing, is not under the supervision of its owner or a person authorized by such owner;

"vehicle" means any form of conveyance used on land, whether powered by a motor engine or not;

"vervet monkey" means the species *Cercopithecus aethiopicus*;

"vessel" includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with an inboard or outboard motor or any other craft or boat, whether a surface craft or submarine;

"waters" includes any body of water or watercourse of any kind, whether occurring naturally or artificially created, and the bed of such waters;

"weapon" means -

(a) any fire-arm and includes any ammunition for such fire-arm; or

(b) any other instrument that is capable of propelling a projectile, or that can itself be propelled or used, in such a way that a wild animal may be killed, injured or immobilized thereby,

and includes any spear, club, speargun, assegai, bow and arrow, crossbow, axe, bush-knife, knife or similar instrument, any narcotic whatsoever or any other object which can be used to kill, injure or immobilize a wild animal;

"wild animal" means any vertebrate or invertebrate animal (including the egg or spawn of such animal) belonging to a non-domestic species, and includes any such animal which is kept or has been born in captivity or has been in any way altered by the direct or indirect manipulation of its genetic material, but does not include an ostrich used for farming purposes or the egg thereof;

"wilderness area" means an area not less than 5 000 hectares in extent where man-made structures and other forms of human interference with ecological processes, fauna, flora or other natural features of the landscape erected or effected since the year 1900, are not evident or are of a temporary or transitory nature;

"year" means any period of twelve months.

(2) Words derived from a word defined shall have corresponding meanings, unless the context indicates otherwise.

(3) A reasonable interpretation of a provision that is consistent with the purpose of this Act must be preferred over an alternative interpretation that is not.

Objectives and principles

2. The MEC shall in exercising any power under this Act, have regard to the following objectives and principles:

- (a) The need to achieve optimum and ecologically sustainable development of the environment;
- (b) the need to conserve the environment and its living natural resources for both present and future generations;
- (c) the need to apply precautionary approaches in respect of the management and development of the environment and its living natural resources;
- (d) the need to utilise the environment and its living natural resources to achieve sustainable economic growth, human resource development, employment

creation and a sound ecological balance consistent with the development objectives of the provincial government;

- (e) the need to protect the ecosystem as a whole, including species which are not exploited;
- (f) the need to preserve biodiversity;
- (g) the need to minimise pollution of the air, soil and water;
- (h) the need to achieve to the extent practicable a broad and accountable participation in the decision-making processes provided for in this Act; and
- (i) the need to fulfill any relevant obligation of the provincial government under an international agreement or applicable rule of international law.

Premier's powers to determine general policy

3.(1) The Premier may, by notice in the *Gazette*, determine the general policy for achieving the objectives and complying with the principles mentioned in section 2.

(2) The Premier may at any time by notice in the *Gazette* substitute, withdraw or amend the policy determined in terms of subsection (1).

CHAPTER 2

ADMINISTRATION

Administration

4.(1) The Department shall be responsible for the administration of the provisions of this Act but not including Part 1 of Chapter 4, and whenever by such provision any power or duty is conferred or imposed on the Department, such power or duty may be exercised by the Head of the Department(HOD) who may in writing delegate any power or duty conferred or imposed on him or her by this Act to any officer under his or her control.

(2)(a) Subject to the provisions of subsections (1) and (4) of this section, an authorization required in terms of this Act whether as a permit, licence or other authorization -

- (i) may in his or her discretion be issued by the HOD, or by any other competent authority or person nominated by the HOD by notice in the *Gazette*, in the form required by him or her and shall be subject to such conditions as may be specified therein;
- (ii) shall not be transferred, or be capable of being transferred, by the holder thereof to any other person;
- (iii) shall confer on its holder only such authority, right or privilege and be applicable only in respect of such area and for such period as may be specified therein: Provided that, if no period is so specified, the authorization shall be valid for twelve months from the date of issue thereof unless it is sooner withdrawn or canceled; and
- (iv) shall be available for inspection at all reasonable times at the place where the act authorized thereby is executed,

and no copy, other than a duplicate issued by the Department, of such permit, licence or other authorization however made shall be offered or accepted as proof of its issuance.

(b) Notwithstanding anything in paragraph (a) contained, the HOD may at any time amend the conditions (if any) of any authorization issued by the Department or insert fresh conditions therein.

(3)(a) The HOD may at any time in writing withdraw or cancel any authorization issued by the Department if -

- (i) the holder has failed to comply with any condition thereof or has been convicted of any offense under this Act or a corresponding law in operation in another province of the Republic or another State;
- (ii) the HOD is of the opinion that the withdrawal of such authorization is in the interest of nature conservation generally or of the protection of the environment or any natural resource.

(b) Upon the withdrawal of any authorization issued by the Department the holder thereof-

- (i) shall forthwith, on receipt of written notification of such withdrawal, surrender the authorization to the Department; and
- (ii) shall not be entitled to the refund of any fee or charge or portion of any fee paid in respect of such authorization.

(4) The conditions that may be determined or specified in terms of subsection (2)(a)(i) may include the payment of a fee or charge determined by the MEC in consultation with the member of the executive council of the provincial legislature responsible for the Department of Finance.

General powers of the Department

5.(1) The Department may, out of moneys appropriated for the purpose, received in payment of fees, services and other charges or transferred from the Fund and in the interests of environmental conservation -

- (a) carry out investigations and projects, make surveys and conduct experiments or cause such to be carried out, made or conducted on its behalf in connection with any fauna or flora or its habitat and may for such purpose acquire such property, whether movable or immovable, as may be necessary or desirable for the purpose;
- (b) by educational means promote understanding and awareness of environmental conservation amongst the people of the Province;
- (c) publish or in any other manner disseminate information relating to the matters dealt with in this Act which it acquires in the course of its activities and which may serve to further the achievement of the aims and objects of this Act;
- (d) take such measures as it may deem necessary or desirable in connection with the protection, breeding or distribution of fauna that are not exotic wild animals, the hatching or acclimatization of indigenous fish, the stocking and restocking of any waters with indigenous fish, the protection, propagation or cultivation of indigenous flora, the control of problem wild animals and the control of fish and aquatic growth;
- (e) erect and maintain on any land or in any waters such beacons, notice boards, buoys, signs or other marks as it may deem necessary for the purposes of this Act; or
- (f) generally, do all such other things as are necessary for the achievement of the aims and objects of this Act, the generality of the powers conferred by this paragraph not being limited in any way by the provisions of the preceding paragraphs.

(2) Any person generally or specially authorized thereto in writing by the HOD may, for any purpose mentioned in subsection (1)(d) or (e) -

- (a) enter upon the land or waters in question with such employees, assistance, animals, vehicles, appliances and instruments as may be required;
- (b) make use of any natural material, including water, found on such land or in such waters; and
- (c) cut any vegetation growing wild in the vicinity of any such beacon, buoy, notice, notice board, sign or other mark.

(3) Any person referred to in subsection (2) shall, prior to the exercise by him or her of any power mentioned in the said subsection, give reasonable notice to the owner or occupier of the land or waters concerned of his or her intention to exercise such powers.

(4) The powers specified in subsection (2), except paragraph (c) thereof, may also be exercised in or in respect of any local authority or private nature reserve.

Head of Departments (HOD) powers

6.(1) If the Head of the Department at any time -

- (a) considers it necessary or desirable that special measures should be taken to ensure the survival of any species of fauna or flora, he or she may, after consultation with the owner of any land on which such fauna or flora is found -
 - (i) cause such number of either or both sexes of such animal to be captured or such number or quantity of the plants, seeds or other parts of such flora to be picked or gathered as he or she may deem necessary for the purpose of preserving or propagating such animal or such flora and thereafter cause the same to be removed to a provincial nature reserve or other place;
 - (ii) take such steps as may be required for the preservation or propagation on the land in question of such species of fauna or flora, as the case may be;
 - (iii) give reasonable notice to such owner of the time when, the place where and the manner in which it is proposed to capture, pick, gather, preserve, cultivate or propagate the fauna or flora referred to in subparagraph (i): Provided that the provisions of this subsection shall not apply in respect of the owner of any land to which any such animal may flee while being pursued for the purpose of being captured in terms of this section;
 - (iv) in writing authorize such person as he or she may deem necessary to enter upon the land referred to in subparagraph (i) and to capture, pick or gather the fauna or flora or to take the required measures for the preservation, cultivation and propagation thereof as contemplated in subparagraph (ii) and any such person may, subject to the provisions of subparagraph (iii), thereupon enter upon such land and capture, pick or gather such animals or flora or take such measures thereon;

- (v) on the application of the owner of any land referred to in subparagraph (i), pay to such owner such compensation in respect of the fauna or flora removed from his or her land in terms of the said subsection or any other damage suffered by him or her in consequence of the exercise of the powers contemplated by this section as the MEC may deem reasonable in the circumstances;
- (b) is of the opinion that any fish or aquatic growth found in any waters on any private land is injurious in any respect he or she may -
- (i) in writing order the owner of such land to take such measures as he or she may specify to catch or kill such fish or to destroy such growth;
 - (ii) if requested thereto by such owner, render such assistance to such owner as the HOD may deem necessary for the purpose of enabling the owner to comply with such order.
- (2) If the owner of private land referred to in subsection (1)(b) refuses, or within a period of six months from the date of the order fails, to comply with an order given in terms of subsection (1)(b)(i), the HOD may cause the fish or growth concerned to be caught, killed or destroyed, as the case may be, and thereafter recover the costs concerned in whole or in part from such owner.
- (3) If the Head of Department is of opinion that any wild animal or any species of wild animal found on any land -
- (a) is likely to be dangerous to human life;
 - (b) is wounded, diseased or injured;
 - (c) is killing livestock or other animals or causing damage to crops or other property, whether movable or immovable;
 - (d) should be hunted in the interests of nature conservation; or
 - (e) is detrimental to the preservation of fauna or flora;
- he or she may cause such animal, or such number of such species as he or she may determine, to be hunted on such land or on any other land to which such wild animal may flee while being pursued for the purpose of being hunted in terms of this subsection.
- (4) The provisions of subsections (3) and (4) of section 3 shall apply *mutatis mutandis* in respect of the exercise of the powers conferred on the HOD by subsection (1) of this section.
- (5) The ownership in the carcase of any wild animal killed during a hunt in terms of subsection (1) shall vest in the Department.
- (6) Any person who resists, hinders or willfully obstructs any person in possession of the written authority of the HOD issued under subsection (1)(a)(iv) in the exercise of his or her powers or functions under that subsection shall be guilty of an offence.

Appointment of Environmental Conservation Officers

7.(1) The HOD may, subject to the law governing the Department and the provisions of subsections (2) and (3), appoint officers on its staff as nature conservation officers for the carrying out of the provisions of this Act.

(2) Every police official and other peace officer shall be a nature conservation officer *ex officio*.

(3) The HOD shall cause to be issued to every nature conservation officer (other than a police official or other peace officer) a certificate of appointment, and whenever the holder of any such certificate exercises or performs any power, duty or function under this Act, he or she shall, at the request of any person affected thereby, produce the certificate to such person for inspection.

(4) A certificate of appointment issued under subsection (3) shall remain valid, in the case of -

- (a) a Environmental Conservation Officer, until he or she ceases to be employed by the Department or the local authority concerned, as the case may be, or until withdrawn by the HOD, whichever is the shorter period; and
- (b) an honorary Environmental Conservation Officer, for the period specified in the certificate.

(5) A Environmental Conservation Officer may in the exercise of the powers or the performance of the duties conferred or imposed on him or her by or under this Act take with him or her one or more assistants who shall, whilst under his or her direction, be deemed to be Environmental Conservation Officers, as the case may be.

(6) The Premier may, with the concurrence of the Minister of Defence, appoint certain ranks in the South African National Defence Force as temporary nature conservation officers: Provided that any person so appointed shall -

- (a) be furnished by the Department with a certificate of appointment showing his or her rank, name and number and the duration of such appointment; and
- (b) whenever he or she exercises any power or performs any duty or function in terms of this Act, he or she shall at the request of any person affected thereby, produce that certificate to such person for inspection.

(7) Any person appointed as a temporary Environmental Conservation Officer in terms of subsection (6) shall during the period of such appointment exercise the powers and functions of a Environmental Conservation Officer.

Powers of Environmental Conservation Officers

8.(1) A Environmental Conservation Officer, including a nature conservation officer *ex officio*, shall, in relation to any offence or suspected offence under this Act, be

power to be a peace officer and may inter alia subject to any limitation imposed by
 article 23 of the Constitution -

- (a) demand from any person performing, or whom he or she reasonably suspects of having performed, any act for the performance of which a licence permit, exemption, order or the written permission of the owner of land or of any other person is necessary under any provision of this Act, the production of such licence permit, exemption, order or permission;
- (b) where any person has performed, or he or she reasonably suspects any person of having performed, on any land any act which may only be performed on land in respect of which a certificate of adequate enclosure has been issued under section 45(4)(b), demand from the owner of such land the production of such certificate;
- (c) demand from any person whom he or she reasonably suspects -
 - (i) of having committed an offence under this Act, or
 - (ii) will be able to furnish evidence in connection with an offence committed or alleged to have been committed under this Act,
 the name and address and any other information necessary for the identification of such person;
- (d) question any person who in his or her opinion may be able to furnish any information required by him or her in connection with the enforcement of any provision of this Act and for that purpose demand that any vehicle, vessel, boat, craft, float, aircraft or other means of conveyance be brought to a standstill;
- (e) demand from any person who is required under this Act to keep any book, statement or invoice the production of such book, statement or invoice;
- (f) conduct any investigation he or she considers necessary in order to ascertain whether any provision of this Act is being complied with by any person, and may for such purpose without warrant and without permission enter upon any land, premises, vehicle, place, building, tent, vessel, boat, craft, float, aircraft or other means of conveyance, and there carry out such inspection and investigation as may be necessary including an inspection or investigation of any container or other thing found thereon or therein;
- (g) in the course of any inspection or investigation in the exercise of his or her powers and the performance of his or her functions under this Act, without warrant and without permission, demand that any vehicle, vessel, boat, craft, aircraft or other means of conveyance be brought to a standstill and be kept stationary until he or she has searched it;
- (h) without warrant and without permission, enter upon any land, premises, vehicle, vessel, boat, craft, float, aircraft or other means of conveyance and there conduct a search if he or she reasonably suspects that there is thereon or therein anything which -

- (i) is used or has been used in;
 - (ii) forms or has formed an element in; or
 - (iii) will afford evidence of,
- the commission of any offence under this Act;
- (i) without warrant seize anything which -
 - (i) may, in his or her opinion, afford evidence of the commission of an offence under this Act; or
 - (ii) he or she reasonably suspects is being or has been used for the conveyance of any fauna or flora in respect of which an offense has been committed under this Act;
 - (j) without warrant seize and confiscate any wild animal that is found in possession of or being kept in captivity by any person, if -
 - (i) on the demand of such officer such person fails to produce a permit authorizing such possession or keeping; or
 - (ii) such animal is in possession of or being kept in captivity by such person contrary to any condition specified in a permit produced by such person authorizing such possession or keeping;
 - (k) kill a dog that is being used in an unlawful hunt or a vagrant dog that is hunting a wild animal on any land.

(2) A Environmental Conservation Officer or ranger who seizes anything under any provision of subsection (1) shall, within forty-eight hours, report such seizure to a magistrate or officer in charge of a police station who may thereupon make in writing such order as to the further retention or disposal of the thing seized as may, from the reported facts, appear to him or her to be just or expedient.

(3) Anything seized under subsection (1)(i) shall, if no prosecution for an offence under this Act is instituted in connection therewith, be returned to the person from whose possession it was taken.

Appointment and powers of Honorary Environmental Conservation Officers

9.(1) The HOD may appoint any person he or she considers suitable as an honorary Environmental Conservation Officer for the carrying out of the provisions of this Act.

(2) Every honorary nature conservation officer shall have, and may exercise, all the powers conferred on a nature conservation officer by subsections (1)(a) to and including (e) and subsection (2) of section 8.

(3) The provisions of section 7(3) shall apply *mutatis mutandis* in respect of the appointment of an honorary nature conservation officer.

(4) When an honorary nature conservation officer takes with him or her an interpreter or assistant as contemplated by section 7(3), such interpreter or assistant shall be deemed to be an honorary nature conservation officer.

Appointment of Environmental Conservation Rangers by the Department and local authorities

10.(1) The Department or a local authority may, subject to the law governing the appointment of employees of such authority appoint so many persons in its employ as it may deem expedient as environmental conservation rangers for the carrying out of the provisions of this Act within the area or areas of jurisdiction of such authority: Provided that the provisions of subsections 3, 4 and 5 of section 7 shall apply *mutatis mutandis* in respect of such appointments.

CHAPTER 3 PROVINCIAL ENVIRONMENTAL ADVISORY COUNCIL

Establishment, functions and duties of Council

11.(1) There is hereby established a council to be known as the Provincial Environmental Advisory Council (hereinafter called the Council).

(2) It shall be the function and duty of the Council to advise the MEC on any matter

- (a) on which he or she has to consult the Council in terms of this Act;
- (b) which he or she refers to it;
- (c) which it deems necessary for the attainment of the objects of this Act.

(3) The MEC shall inform the Council of any decision made or action taken in consequence of any advice given by the Council under subsection (2), and in the event that such decision or action is not in accordance with such advice he or she shall inform the Council of the reasons therefor.

Constitution of Council

12.(1) The Council shall consist of not less than five or more than nine persons, not in the employ of the State, who shall be representative of the interests detailed hereunder and who shall be appointed by the MEC as follows -

- (a) one person nominated by the Eastern Cape Tourism Board;
- (b) three persons representing the sciences of botany, geography and zoology;
- (f) not more than three persons representing non-governmental organisations concerned with the conservation of the environment in the Province;
- (g) two other persons who the MEC deems to be suitable.

(2) The MEC may, during the absence or incapacity of any member of the Council, appoint a person to act as substitute for such member, and while so acting such substitute shall for all purposes be a member of the Council.

(3) Appointments of members shall be subject to such conditions, including tenure of office, with a maximum of three years, remuneration, fees and allowances, as the MEC may determine, provided that allowances shall not exceed the rates applicable to the public service.

(4) If any member, without leave of the Council, absents himself or herself from two consecutive meetings of which he or she has been notified, he or she shall automatically cease to be a member of the Council.

(5) Any five members shall form a quorum at meetings of the Council.

(6) The MEC shall annually appoint a chairman from among the members, and whenever the chairman is absent or for any reason incapacitated, the members present at any meeting shall determine by agreement or, failing agreement, by lot, which of them shall be chairman at such meeting.

(7) The chairman at any meeting of the Council shall have both a deliberative and casting vote.

(8) No member shall be present at any meeting or take part in the proceedings of the Council while any matter in which he or she has directly or indirectly any interest is being dealt with.

(9) Subject to there being a quorum at any meeting of the Council, any vacancy in the membership of the Council shall not invalidate the proceedings thereof.

Powers and staffing of Council

13.(1) The Council may, either for general or specific purposes, appoint from among its ordinary members committees of not less than two members each, and the Council may delegate to such committees either absolutely or conditionally such of its functions or duties as it approves.

(2) The Council, or a committee of the Council, may co-opt one or more persons who are not members of the Council to assist it in respect of any function or duty of the Council.

(3) Meetings of the Council may be held from time to time as the Council may decide: Provided that not less than two ordinary meetings shall be held in every calendar year, and that the chairman may cause an extraordinary meeting to be called at any time.

(4) The HOD may, subject to the laws governing the Department, be responsible for providing all such officers as may be necessary to assist the Council in the performance of its functions, and all such officers shall be under the control of the Permanent Secretary.

(5) The Department shall undertake all administrative work arising out of the performance by the Council of its functions.

CHAPTER 4

PROTECTED NATURAL AREAS

PART I: PROVINCIAL NATURE RESERVES AND WILDERNESS AREAS

Declaration and purpose of provincial nature reserves

14.(1) The MEC may, by proclamation in the *Gazette* -

- (a) declare any portion of land, inland waters, tidal river, tidal lagoon or the sea-shore under his or her control, and any other area that in terms of an agreement between the MEC and the owner of such land has been made available therefor, to be a provincial nature reserves under the name assigned to it in that proclamation, for the purposes of:
 - (i) The protection, conservation, reproduction or propagation in their natural state of wild animals and indigenous flora including, where appropriate, aquatic and marine animals, plants or growth;
 - (ii) the protection and preservation of any object of geological, archaeological, historical, oceanographic, educational or other scientific interest;
 - (iii) study and research in any of the aforementioned fields;
 - (iv) providing recreation in a natural setting;
 - (v) the preservation or enhancement of the natural beauty of the area concerned;
 - (vi) the supply of particular natural products on a permanently sustainable basis and without detriment to any of the aforementioned purposes;
- (b) redefine the area of an existing provincial nature reserve so as to include additional land or waters therein or exclude any land or waters therefrom;
- (c) change the name of a provincial nature reserve; or
- (d) with the approval by resolution of the Legislative Assembly, deproclaim a provincial nature reserve.

(2) As from the commencement of this Act every area mentioned in Schedule 7 that, immediately prior to such commencement, was a provincial nature reserve, national nature reserve or national wildlife reserve for the purposes of a law repealed by section 119 shall, notwithstanding such repeal, be deemed to have been declared a provincial nature reserve under subsection (1) of this section.

(3) The MEC may by agreement or expropriation, as determined by the Expropriation Act, acquire any land that he or she considers necessary and suitable for the purpose of establishing a provincial nature reserve or part of a provincial nature reserve thereon.

Control, maintenance, development and management of nature reserve

15.(1) The control, maintenance, development and management of provincial nature reserves shall vest in the Department, hereinafter called the Authority, which shall be the competent authority to exercise all or any of the powers mentioned in this section or which are otherwise necessary for the attainment of the objects described in section 14(1)(a).

(2) Subject to the provisions of section 17(1), the Authority may, out of moneys appropriated for the purpose, and without prejudice to the natural environment -

- (a) do all such things as may be required for the restoration and preservation of the land or waters comprising a provincial nature reserve;
- (b) take all such steps as will ensure the recovery and continued existence of the flora and fauna which is peculiar, or was at any time indigenous, to the area in which a provincial nature reserve is situated;
- (c) do everything which it may consider necessary to ensure the security of the indigenous flora and fauna and their retention in a natural state in a provincial nature reserve;
- (d) protect, develop or improve any water resource or supply, construct or erect fences, roads, dams, bridges and buildings and carry out such other works as he or she may consider necessary for the maintenance, development, management and control of a provincial nature reserve, including where appropriate, weirs, breakwaters, boathouses, landing stages, mooring places or swimming pools;
- (e) reserve areas as breeding places for indigenous wild animals or as nurseries for indigenous flora in a provincial nature reserve;
- (f) provide accommodation and recreational facilities for visitors to a provincial nature reserve;
- (g) supply any other service for the convenience of visitors to a provincial nature reserve;
- (h) erect, establish or equip and maintain any building, structure, depot or premises required or intended to be used in connection with any matter referred to in paragraphs (d), (f) and (g), or call for public tenders for the provision and maintenance of anything mentioned in paragraph (d) or (f) or the supply of any service referred to in paragraph (g) and, with the approval of and subject to such conditions as may be determined by the MEC, grant permission to any person from whom a tender has been received to provide such facility or service or conduct such business, and may for that purpose let land or buildings thereon;
- (i) make such charges as it may determine in respect of any matter referred to in paragraph (f) and (g) which are to be paid in respect of permission to enter or to sojourn within a provincial nature reserve;

(3) The provisions of the Shop Hours Ordinance, 1930 (Ordinance No. 14 of 1930), and the Licences Ordinance, 1981 (Ordinance No. 17 of 1981), shall not apply in respect of any business conducted in a provincial nature reserve in terms of subsection (2).

(4) The HOD of the Department may, in the exercise of his or her powers, for the purposes of this Part of this Chapter -

- (a) sell, exchange or donate any indigenous wild animal or indigenous flora in a provincial nature reserve;
- (b) for purposes of control or management of the breeding of wild animals or the reduction of their numbers, authorize by permit the hunting of any particular species of wild animal in a provincial nature reserve, subject to the payment of such fees and to compliance with such conditions as he or she may determine.
- (c) acquire any indigenous wild animal or indigenous flora that he or she may wish to reintroduce into a provincial nature reserve;
- (d) in respect of any provincial nature reserve, levy the entrance fee and sell entrance tickets to such reserve at the entrance gates thereof on payment of such fee.

(5) Notwithstanding any other provision in the law contained, no prospecting or mining shall be undertaken on any land included in a provincial nature reserve (refer to NIMA) except with the prior approval of the Legislative Assembly.

Provincial Nature Reserve Advisory Boards

16.(1) The HOD may in respect of a provincial nature reserve establish an Advisory board consisting of -

- (a) not less than five or more than nine persons representing the owners of private or communally occupied State land situated within five kilometres of the boundaries of such reserve; and
- (b) such employee or employees of the Authority as its chief executive officer may nominate.

(2) The HOD shall consult the advisory board established in terms of subsection (1) before he or she carries out or causes to be carried out any of the provisions of subsection (2) or (4) of section 15 in the provincial nature reserve for which such board has been established.

(3) No member of an Advisory Board shall be remunerated for his services as a member of such board, but such member may be paid the reasonable expenses incurred by him or her, in connection with his or her duties as such.

(4) The HOD may in respect of a provincial nature reserve rewrite section 16, but as a management board.

Restrictions and prohibitions in relation to provincial nature reserves

17.(1) Subject to the provisions of subsection (2), no person other than an employee of the Authority acting under its authority, shall -

- (a) enter or reside in a provincial nature reserve unless authorized thereto by a permit;
- (b) convey into a provincial nature reserve, or, within such a reserve, be in possession of, any weapon, explosive, trap or poison;
- (c) within a provincial nature reserve hunt or otherwise willfully kill or injure or disturb any wild animal, other than any fish caught in accordance with such regulations as may be prescribed in terms of this Act;
- (d) willfully or negligently cause a veld fire or any damage to any object of geological, archaeological, historical, oceanographic, educational or other scientific interest within a provincial nature reserve;
- (e) introduce any wild animal into, or permit any domestic animal to stray into or enter, a provincial nature reserve;
- (f) remove from any provincial nature reserve any animal, where or alive or dead, or any part of the carcass of any such animal other than the carcass of any fish lawfully caught therein;
- (g) pick, cut, damage, remove or destroy any flora (including any aquatic growth or marine plant) in any provincial nature reserve;
- (h) within any provincial nature reserve remove seed from any flora;
- (i) feed, or offer food to, any wild animal in any provincial nature reserve;
- (j) drive motor vehicle in any provincial nature reserve without valid driver's licence, or permit any other person to drive a motor vehicle in any provincial nature reserve without a valid driver's licence or drive a motor vehicle off a road in a provincial nature reserve;
- (k) alter or damage any fence of a provincial nature reserve.

(2) Notwithstanding the provisions of subsection (1) a person may -

- (a) be in possession of a weapon in a provincial nature reserve if he or she is duly authorized thereto by the HOD;
- (b) hunt any wild animal in a provincial nature reserve and remove such animal or its carcass from such reserve if he or she does so under, and in accordance with, the provisions of a permit issued under section 15(4)(b);
- (c) subject to the provisions of this Act, catch or remove from a provincial nature reserve any quantity of any species of fish if he or she does so on the authority, and in accordance with the provisions, of a permit;
- (d) introduce into a provincial nature reserve, if authorized thereto by the HOD, any domestic animal required in connection with lawful residence in that reserve.

Establishment of provincial wilderness areas in provincial nature reserves and restrictions and prohibitions in respect thereof

18.(1) The MEC may by proclamation in the *Gazette* -

- (a) declare all or a part of the land situated within a provincial nature reserve to be a provincial wilderness area;
- (b) redefine the area of an existing provincial wilderness area so as to include additional land or waters therein or exclude any land or waters therefrom;
- (c) change the name of a provincial wilderness area; or
- (d) with the approval by resolution of the Provincial Legislature, deproclaim a provincial wilderness area.

(2) The HOD, shall ensure, when carrying out the provisions of subsection (1), (2) or (4) of section 15 in a provincial wilderness area, that the erection of any structure or the carrying out of any other act complies with the limitations imposed by the definition of "wilderness area" in section 1.

(3) No person shall -

- (a) enter or reside in a wilderness area except in terms and under the conditions of a permit thereto or, in the case of an employee of the Department, with the express permission of the HOD;
- (b) drive or use a vehicle or motor-driven boat in a wilderness area, except a vehicle or motor-driven boat being used for life-saving purposes or in another emergency, or by an employee of the Department acting with the express permission of the HOD.

PART II: LOCAL NATURE RESERVES

Establishment of local nature reserves by local authority

19.(1) Any local authority may with the approval of the MEC, and subject to such conditions as he or she may specify, establish a local nature reserve on land vested in it or under its control or management and may for that purpose acquire land by agreement or expropriation.

(2) As from the commencement of this Act every nature reserve that, immediately prior to such commencement, was a local nature reserve for the purposes of any law repealed by section 119 shall, notwithstanding such repeal, be deemed to have been established as a local nature reserve under subsection (1) of this section.

(3) A local authority desiring to establish a local nature reserve in terms of subsection (1) shall once a week for two consecutive weeks with an interval of not less than seven days cause a notice in an official language to be published in a newspaper circulating in its area of jurisdiction -

- (a) stating its intention to establish such reserve on land of which the boundaries are defined in such notice, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office;
- (b) stating the name which it desires to assign to such a reserve; and
- (c) calling on persons wishing to object to such establishment to lodge their objections in writing together with the reasons therefor with such local authority on or before a date specified in such notice being not less than thirty days after the last publication of such notice.

(4) When applying for the MEC's approval in terms of subsection (1), the local authority concerned shall furnish the MEC with a copy of the notice referred to in subsection (3) and the objections, if any, lodged with it in accordance with such subsection together with its comments thereon.

(5) The MEC may, in considering an application under this section, require the local authority to furnish him or her with such further information as he or she may deem necessary and shall thereupon, in his or her discretion, refuse the application or grant the application subject to such conditions as he or she may deem necessary or desirable.

(6) Every decision by the MEC under subsection (5) shall be notified in the *Gazette* and where an application has been granted the name assigned to the reserve concerned, the boundaries thereof, defined in accordance with subsection (3), and the conditions, if any, subject to which approval has been granted shall be stated in the relevant notice.

(7) Subject to any conditions imposed by the MEC under subsection (5), the provisions of section 16(1), (2) and (3) and section 102 shall apply *mutatis mutandis* in respect of a local nature reserve and any reference in any such section to -

- (a) the Head of the Department;
- (b) a provincial nature reserve; or
- (c) regulations made by the MEC,

shall be construed as a reference to, respectively -

- (i) the local authority concerned;
- (ii) a local nature reserve; or
- (iii) by-laws or regulations made by the local authority concerned.

(8) A local authority that has established a local nature reserve may with the approval of the MEC and, in the case of paragraph (b), after compliance *mutatis mutandis* with the provisions of subsection (3) and (4) -

- (a) at any time alter the boundaries or the name or the boundaries and the name thereof; or
- (b) abolish such reserve;

and any such alteration or abolition shall be notified in the *Gazette*.

Advisory boards for local nature reserves

20.(1) As soon as a local nature reserve has been established the local authority concerned shall appoint an advisory board for the purpose of advising and making recommendations to it in connection with the management, control and development of such reserve.

(2) The advisory board contemplated in subsection (1) shall be constituted in accordance with by-laws or regulations made under section 19 and provision shall be made therein that the MEC shall appoint at least one person to be a member but may in addition appoint up to five more persons to be members of such board.

(3) No member of an advisory board shall be remunerated for his or her service as a member of such board but such member may be paid, by the local authority, the reasonable expenses incurred by him or her in connection with his or her duties as such.

By-laws and regulations relating to advisory boards for local nature reserves

21. A local authority shall, in the manner provided by law for the making of by-laws or regulations by such local authority, make by-laws or regulations relating to -

- (a) the constitution of an advisory board referred to in section 20(1);
- (b) the period of office and vacation of office of members of such board; and
- (c) the holding of meetings at intervals of not more than twelve months by and the proceedings at meetings of such board.

MEC's powers in respect of acts done by a local authority in relation to local nature reserves

22.(1) If the MEC is of opinion that any action taken or anything done or proposed to be taken or done by a local authority, in the course of or in connection with the management, control or development of a local nature reserve established by it, is or will be detrimental to such reserve or to the purpose for which it was established, he or she may, after consultation with such local authority, by order in writing -

- (a) prohibit such action or the doing of such thing or the continuance thereof; or
- (b) permit such action to be taken or thing to be done or the continuance thereof subject to such conditions as he or she may determine.

(2) The MEC may, if, after the expiration of a reasonable period of time, he or she is of the opinion that a local authority has not taken adequate steps to comply with an order issued in terms of subsection (1), by notice in the *Gazette* abolish the local nature reserve concerned: Provided that, at least six weeks prior to such notice, he or she had given notice in writing by registered mail to such local authority of his or her intention to abolish such nature reserve after a date specified therein.

PART III: PRIVATE NATURE RESERVES

Establishment of private nature reserves

23.(1) Any owner of private land may, with the approval of the MEC and subject to such conditions as the MEC may specify, establish a private nature reserve on such land and assign a name to such reserve.

(2) As from the commencement of this Act every such nature reserve that, immediately prior to such commencement, was a private nature reserve for the purposes of any law repealed by section 119 shall, notwithstanding such repeal, be deemed to have been established as a private nature reserve under subsection (1) of this section.

(3) Any person desiring to establish a private nature reserve in terms of subsection (1), shall apply to the MEC for his or her approval and furnish him or her with -

- (a) a definition, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office, of the boundaries of the land on which he or she desires to establish such reserve;
- (b) proof of his or her ownership in such land;
- (c) the name which he or she proposes to assign to such reserve;
- (d) a management plan for such reserve in respect of the succeeding five years; and
- (e) such further information as the MEC may require.

(4) The MEC may, in his or her discretion, refuse any application under subsection (3) or grant such application subject to the condition that the land comprising the private nature reserve shall not be used for any other purpose than is mentioned in section 24 and such other conditions as he or she may deem necessary or desirable.

(5) If any application under subsection (3) is granted, the MEC's approval shall be notified in the *Gazette* and the name assigned to the reserve concerned, the boundaries thereof, defined in accordance with subsection (3)(a), and the conditions, if any, subject to which approval has been granted shall be specified in the relevant notice.

(6)(a) Any person who has established a private nature reserve may at any time with the approval of the MEC-

(i) alter the boundaries or the name or the boundaries and the name of such reserve; or

(ii) abolish such reserve.

(b) Any such reserve may at any time be abolished by the MEC on good cause shown and after consultation with the person who established it.

(c) Any alteration or abolition as contemplated by this subsection shall be notified in the *Gazette*.

Rights and duties of owner of private nature reserve

24. Subject to any conditions imposed by the MEC under section 23(4), the person who has established a private nature reserve shall manage, control and develop such reserve with a view to the propagation, protection and preservation of fauna and flora found in a natural state thereon, and such person or any other person authorized by him or her in writing may, notwithstanding anything to the contrary in this Act, may get certain rights as determined in accordance with the approved management plan.

PART IV: CONSERVANCIES

Establishment of conservancies

25.(1) A voluntary association of three or more owners of land (whether private or not) with a combined area as determined by an approved management plan, may be established with the approval of the MEC and subject to such conditions as he or she

may specify, establish such land as a conservancy for the purposes of jointly conserving and managing the fauna and flora found in a natural state thereon.

(2) An association of the owners or occupiers of land seeking to establish a conservancy in terms of subsection (1) shall apply to the MEC for his or her approval and furnish him or her with -

- (a) a certified copy of its articles of association;
- (b) a definition, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office, of the boundaries of the land on which the association desires to establish such conservancy;
- (c) proof of ownership or lawful occupation of such land in respect of each member of the association;
- (d) the name which the association proposes to assign to such conservancy; and
- (e) a management plan for such conservancy in respect of the succeeding five years; and
- (f) such further information as the MEC may require.

(3) The MEC may, in his or her discretion, refuse an application under subsection (2) or grant such application subject to such conditions as he or she may deem necessary or desirable.

(4) If any application under subsection (2) is granted, the MEC's approval shall be notified in the *Gazette* and the name assigned to the conservancy concerned, the boundaries thereof, defined in accordance with subsection (2)(a), and the conditions, if any, subject to which approval has been granted shall be specified in the relevant notice.

(5)(a) Any association of landowners which has established a conservancy may at any time with the approval of the MEC -

- (i) alter the boundaries or the name or the boundaries and the name of such conservancy; or
- (ii) abolish such conservancy.

(b) Any such conservancy may at any time be abolished by the MEC on good cause shown and after consultation with the association of persons who established it.

(c) Any alteration or abolition as contemplated by this subsection shall be notified in the *Gazette*.

Rights and duties of owners or occupiers of land in a conservancy

26. Subject to the conditions imposed by the MEC under section 25(3), an association which has established a conservancy under section 25(1) shall manage, control and develop such conservancy with a view to the propagation, protection and

preservation of the fauna and flora found in the free state in nature therein and the members of such association or any other person authorized by it in writing may, notwithstanding anything to the contrary in this Act, get certain rights as determined in accordance with the approved management plan..

PART V: GENERAL

Prohibition of hunting of wild animals and picking of flora in provincial or local nature reserves.

27. No person shall-

- (a) hunt any wild animal; or
- (b) pick, uproot or destroy any flora,

in a provincial or local nature reserve, unless he or she is in possession of a permit authorizing him or her to do so issued in any case contemplated -

- (i) by paragraph (a), by the HOD; or
- (ii) by paragraph (b), by the HOD in respect of a provincial nature reserve, or the local authority concerned in respect of a local nature reserve.

CHAPTER 5 PROVINCIAL HIKING TRAILS

Provincial hiking trails

28. The hiking trail systems established by section 35 of the Environmental Conservation Decree, 1992 (Decree No. 9 of 1992), of the former Republic of Transkei, and by section 36 of the Nature Conservation Act, 1987 (Act No. 10 of 1987), of the former Republic of Ciskei, shall continue to exist and be included in the provincial hiking trail system, notwithstanding the repeal of the said Decree and the said Act by section 119 of this Act, and shall consist of -

- (a) main trails;
- (b) supplementary or connecting trails;
- (c) quarters or sites for overnight stays, shelters and other essential amenities;
- (d) trail indicators, notices and beacons as contemplated in sections 28 and 29.

Construction, control and maintenance of hiking trails

29.(1) The construction of the main trails and any supplementary or connecting trail including the provision of facilities, amenities and other requirements referred to in

section 28 shall be undertaken by the Department out of moneys appropriated for that purpose by the Provincial Legislature.

(2) The tariff of charges for the use of the facilities and amenities so provided shall be determined from time to time by the MEC with the concurrence of the Treasury.

Hiking trails over private land

30.(1) Whenever a main trail or any supplementary or connecting trails must necessarily proceed along or traverse private land, or whenever the facilities or amenities referred to in section 28 must necessarily be provided on private land, the right to construct such trail or provide such facilities or amenities may be acquired by the Department by agreement in writing entered into with the owner of the private land concerned.

(2) The agreement contemplated in subsection (1) shall provide *inter alia* -

- (a) that the route of the hiking trail shall not be surveyed but may be indicated by trail indicators;
- (b) that the width of the walking surface of the hiking trail shall not exceed one metre;
- (c) that the Department may erect along the hiking trail, in addition to indicators referred to in section 28, any warning or other notices that it may deem necessary;
- (d) that the limits of the facilities or amenities contemplated in subsection (1) shall be demarcated by unsurveyed beacons acceptable to both parties;
- (e) that the Department shall be responsible for the repair of any soil erosion resulting from the presence of the hiking trail;
- (f) that the provisions of section 31 shall be made known to hikers in the warning notices contemplated in section 28 and in any permit issued to them; and
- (g) that the owner of the private land in question shall at all reasonable times admit to such land any officer or employee of the State to enable him or her or her to exercise on that land any powers vested in him or her or her by or under this Act.

(3) The Department shall as soon as practicable lodge a copy of the aforesaid agreement with the Registrar of Deeds and the Registrar shall thereupon endorse upon the title deed of the land filed in his or her office and in the appropriate registers and upon the owner's title deed, as soon as it may for any reason be lodged in his or her office, a reference to the agreement.

(4) A hiker on any hiking trail constructed on or over private land by virtue of the provisions of this section shall be liable for damage caused by him or her to private property on that land.

(5) Nothing in this section contained shall be construed as preventing or prohibiting any person other than the State from providing on private land any facility or amenity which, under this section, may be provided by the State.

Prohibition of certain activities on hiking trails

31. No person shall -

- (a) damage, remove, alter, obstruct, shift or interfere with any trail indicator, notice, quarters for overnight stays or shelter provided under this chapter or obstruct any entrance to the hiking trail system or disturb any hiker on any hiking trail;
- (b) damage, destroy, alter, shift, remove or interfere with any beacon, fence or other boundary mark on land over which a hiking trail is constructed;
- (c) light or assist in the lighting or use, rekindle or add fuel to any fire along or on the hiking trail system except at a place provided or designated for the purpose;
- (d) without authorization, take, remove, injure, damage, destroy or interfere with any animal, building or crop on land over which hiking trail is constructed;
- (e) without authorization, hunt any wild animal on or along any hiking trail;
- (f) without authorization, pick, cut, damage, destroy, collect or remove any flora along or on a hiking trail;
- (g) willfully place any name, mark, letter or sign upon any rock, building or flora along or on the hiking trail system or carve any name, mark, letter or sign into any of the same; or
- (h) deposit or leave, at a place other than a place set aside for the purpose on a hiking trail, any rubbish, refuse, empty container or packaging.

CHAPTER 6
PROTECTION OF WILD ANIMALS OTHER THAN FISH

PART I: HUNTING, CAPTURE, DONATION AND POSSESSION OF WILD ANIMALS

Application of Chapter 6

32. For the purposes of this Chapter the term "wild animal" shall not include any fish.

Miscellaneous provisions relating to endangered wild animals

33.(1) Notwithstanding anything to the contrary contained in this Act, no person shall, without a permit authorizing him or her to do so -

- (a) import into, export from or transport in or through the Province, hunt, capture, be in possession of, control, buy, sell, donate or receive as a donation any live endangered wild animal;
- (b) import into, export from or transport through the Province, be in possession of, control, buy, sell, donate or receive as a donation the carcass (whether untreated, processed, prepared, cured, tanned or treated in any other manner whatsoever) of any endangered wild animal;
- (c) process, prepare, cure, tan or in any manner whatsoever treat the carcass of any endangered wild animal for the purpose of -
 - (i) manufacturing any article therefrom,
 - (ii) exhibiting such carcass or any article manufactured therefrom, or
 - (iii) mounting such carcass;
- (d) remove, willfully disturb or interfere with or destroy or sell or offer for sale or purchase the egg of any endangered wild animal, or willfully damage or interfere with the nest of any endangered wild animal.

(2) Nothing in subsection (1) contained shall be construed as prohibiting the possession without a permit by any owner of private land of any endangered wild animal, but not including a rhinoceros, living in the natural state on such land.

(3) A person to whom a permit has been issued in terms of subsection (1)(a) to transport or capture a live endangered wild animal shall, while carrying out such transport or capture, comply with the provisions of the South African Bureau of Standards.

Animals hunted not to be in captivity

34. No person shall hunt any wild animal that is in captivity except on the authority of a permit issued by the Department.

Hunting of protected wild animals

35.(1) Subject to the provisions of subsections (2) and (3) no person shall hunt any species of protected wild animal -

(a) during any hunting season determined under section 36 in respect of such species, unless he or she is the holder of a permit or of a licence in the prescribed form issued to him or her by the Head of the Department or any person authorized by the Head of the Department to do so, on payment of the prescribed fee; or

(b) at any other time unless he or she is the holder of a permit to do so.

(2) The provisions of subsection (1)(a) shall not apply to any owner of land, or any relative of such owner acting on the authority of such owner, in respect of a species of protected wild animal for which a hunting season has been determined and that is hunted on the land of such owner.

(3) Subject to the provisions of any regulation made under section 104 the provisions of subsection (1) shall not apply to any person not in possession of a weapon, who -

(a) in the presence of the owner of any land on which any protected wild animal is being hunted by any other person as contemplated by such subsection; or

(b) in the absence but with the written permission of such owner,

assists such other person during such hunt by acting as a beater.

Hunting season for protected wild animals

36. The MEC may, by notice in the *Gazette* in respect of the Province or any area therein specified in such notice, each year determine the period in such year during which a species of protected wild animal mentioned in such notice may be hunted under the authority of a permit or licence referred to in section 35(1)(a): Provided that in any year in respect of which a notice is not published in the *Gazette*, the period in such year during which a species of protected wild animal may be hunted shall be the same as that determined in respect of the previous year.

Prohibition on killing or capturing of protected wild animals in excess of daily bag limit

37. No person authorized by any provision of this Act to hunt a protected wild animal shall at any time kill or capture a greater number of any species of protected wild animal than the daily bag limit determined by the MEC by notice in the *Gazette* in respect of such species.

Prohibited methods of hunting

38. No person shall, unless he or she is the holder of a permit authorizing him or her to do so, hunt any wild animal -

- (a) by means of fire or poison;
- (b) with the aid of artificial light;
- (c) on or from a public road;
- (d) by means of any trap;
- (e) during the period between one hour after sunset on any day and one hour before sunrise on the following day;
- (f) subject to the provisions of section 39, by means of a fire-arm that discharges a rim-fire cartridge of a calibre less than five comma six millimetres;
- (g) by means of a fire-arm that discharges more than two cartridges without being manually reloaded;
- (h) by means of a bow-and-arrow, crossbow, spear, speargun, assegai or catapult;
- (j) by means of a set gun or similar contrivance;
- (k) by means of any device that injects an intoxicating or a narcotic agent or poison into such animal;
- (l) with the use of a dog, except for the purpose of following or searching for a wild animal that has been wounded during a lawful hunt;
- (m) with the use of a vessel in or upon any inland waters or tidal river or tidal lagoon for the purpose of hunting or chasing any bird;
- (n) but not including a bird, with the use of any bullet commonly known as a "solid";
- (o) that is under the influence of a tranquilizing, narcotic, immobilising or similar agent;
- (p) that is being or has been lured by means of -
 - (i) a simulation or recording of the natural sound made by an animal,
 - (ii) a sound made by a person, or
 - (iii) bait;

Provided that in respect of the hunting of -

- (i) any rodent, including rats and mice, the provisions of paragraphs (d), (e) and (k),
- (ii) any bird or other wild animal, but not including any endangered wild animal, protected wild animal or wild animal of the order *Artiodactyla*, the provisions of paragraph (f),

- (iii) any wild animal by a registered veterinary surgeon in the practice of his or her profession, the provisions of paragraph (k),
 - (iv) a game bird with the use of a pointer, setter or retriever breed of dog during the hunting season determined for such bird, the provisions of paragraph (l); or
 - (v) any rat or mouse, the provisions of paragraphs (a) and (p),
- shall not apply.

Prohibition on use of certain fire-arms for hunting certain wild animals

39. No person shall use any fire-arm having a barrel with a calibre of:

- (a) Nine comma five millimetres or less to hunt any African elephant, buffalo or hippopotamus; or
- (b) six comma five millimetres or less to hunt any eland, kudu, black wildebeest, blue wildebeest, oryx, red hartebeest, plains (Burchell's) zebra, mountain zebra or Hartmann's zebra.

Prohibition on keeping of wild animals in captivity

40.(1) No person shall without a permit authorizing him or her to do so, keep any wild animal in captivity: Provided that the provisions of this subsection shall not apply in respect of any bird that is an exotic wild animal.

(2) No person shall at any time, whether authorized by a permit issued under subsection (1) or not, restrain any wild animal by means of a rope, cord, chain or any similar contrivance.

Release of exotic wild animals

41. No person shall without a permit authorizing him or her to do so, release any exotic wild animal in the Province.

Alteration or removal of fences or interference therewith

42. No person shall without a permit -

- (a) alter, remove or partly remove or cause to be altered, removed or partly removed any fence, whether on a common boundary or on his or her own property, in such a manner that any wild animal that, as a result thereof, gains access or may gain access to his or her property or to a camp on his or her property and thereafter cannot return or is likely not to be able to return through the same point of entry; or
- (b) heap up or cause to be heaped up soil or any other material on one side of a fence, whether on a common boundary or on his or her own property, or remove or cause to be removed soil on one side of such fence in such

manner that such heaping up or such removal has the effect of reducing or increasing the height, as the case may be, of such fence on one side, unless a wild animal, that gains or may gain access to such property or a camp on such property over such lower section of such fence, can return or is likely to be able to return over the same section of such fence.

Prohibition on laying of poison

43.(1) Notwithstanding the provisions of any other law but subject to the provisions of subsection (2), no person shall without a permit lay or cause or allow to be laid any poison at any place where it is likely to, or in such manner that it may, be assimilated or ingested by a wild animal that is not a problem wild animal

(2) The provisions of subsection (1) shall not apply in respect of the laying in a building of a poison registered under a law for the purpose of killing rats and mice in accordance with the provisions of such law.

Prohibition on use of vessel, motor vehicle or aircraft for hunting, etc. of wild animals

44.(1) No person shall without a permit authorizing him, or her to do so, use any vessel, motor vehicle or aircraft to hunt, disturb, drive or stampede any wild animal for any purpose whatsoever.

(2) The provisions of subsection (1) shall not preclude the use of a motor vehicle for the hunting in accordance with the provisions of this Act of any wild animal by the owner of any land or person authorised in writing thereto by such owner on such land.

Certificate of adequate enclosure

45.(1) Any owner of land on which any species of protected wild animal is found may, in the prescribed manner and form and in relation to such species, apply to the Head of the Department for a certificate of adequate enclosure as contemplated in subsection (4) in respect of the whole or any portion of such land.

(2) An application under subsection (1) shall -

- (a) include a full description of the land in respect of which application is made, its boundaries and size and the vegetation thereon;
- (b) state the species of protected wild animal to which the application relates, the estimated number of such species in a free state of nature and the number of such species in captivity on the land referred to in paragraph (a);
- (c) set forth the grounds on which the land in question is considered to be adequately enclosed; and
- (d) contain such further information as may be prescribed.

(3) For the purpose of deciding upon any such application the Head of the Department may require the applicant to furnish such further information as the Head of the Department may consider necessary or desirable.

(4) If the Head of the Department -

(a) having regard to the size of the land in respect of which application has been made under subsection (1), the numbers of the species of protected wild animal to which such application relates which are normally found on such land and such other circumstances as he or she may consider relevant, is of opinion that the animals in question are in effect being kept in captivity, he or she shall refuse the application; or

(b) is satisfied that such land is adequately enclosed in relation to such species, he or she may in his or her discretion grant the application subject to such conditions as he or she may consider necessary or desirable and issue to the applicant a certificate of adequate enclosure in respect of such land and shall in such certificate specify the conditions, if any, subject to which it is issued, define the boundaries of the land concerned and specify the species of protected wild animals to which it relates.

(5)(a) A certificate of adequate enclosure issued in terms of subsection (4) shall, subject to the provisions of paragraph (b) of this subsection, be valid for the period specified therein or until the land concerned ceases to be adequately enclosed, whichever is the shorter period.

(b) A certificate of adequate enclosure may at any time during the period of validity thereof be withdrawn by the Head of the Department summarily and without prior notice to or consultation with the holder thereof: provided that such withdrawal may be set aside by the Head of the Department if, after consultation with such holder, he or she is of the opinion that such setting aside is necessary or desirable.

Rights of holder of certificate of adequate enclosure and certain other persons

46. Any owner of land to whom a certificate of adequate enclosure has been issued in terms of section 45(4)(b), any relative of such owner, any full-time employee of such owner acting under the authority of such owner and any other person in possession of a permit or of a licence referred to in section 35(1)(a) and acting with the permission of such owner issued under section 49 may, notwithstanding anything to the contrary contained in this Act but subject to any conditions specified in such certificate, at any time by any means other than by the use of fire, poison or hunting at night with the aid of an artificial light and on the land in respect of which such certificate was issued hunt any number of the species of protected wild animal mentioned in such certificate.

Certificate of adequate enclosure lapses on transfer or lease of land

47. Any certificate of adequate enclosure issued in terms of section 45(4)(b) shall lapse upon the transfer or lease of the land or any portion thereof in respect of which it was issued.

Transfer of hunting and other rights

48.(1) The Head of the Department may in writing authorize any owner of land to transfer, whether temporarily or permanently, to a person approved by the Head of the Department and subject to such conditions as he or she may impose -

- (a) in the case of an owner of land to whom a certificate of adequate enclosure has been issued in terms of section 45(4)(b), the rights conferred on such owner by section 46 or
- (b) in the case of any other owner of land, the rights of such owner under this Act.

(2) In the application of the provisions of this Act, any person to whom any right has been transferred as contemplated by subsection (1), shall as from the date of such transfer, and in the case of a temporary transfer for the duration of the period concerned, be deemed to be the owner of the land in question.

Permission of owner of land to other persons to hunt wild animals on his or her land

49.(1) No owner of land shall permit or otherwise authorize any other person to hunt any wild animal on, or remove any wild animal or its carcass from, the land of such owner unless the said hunting or removal is done in accordance with the provisions of this Act.

(2) No permission or other authority granted in terms of subsection (1) shall be valid unless it is reduced to writing prior to the hunt, is signed and dated by the landowner and contains -

- (a) the full name, identity number and address of the owner concerned and the person to whom it is granted;
- (b) the species, number and sex of wild animal that may be hunted; and
- (c) the date or dates and a description of the land in respect of which it is granted.

Hunting of wild animals on land belonging to another person

50. No person shall on land of which he or she is not the owner hunt any wild animal or remove any such animal or its carcass from such land without the permission of the owner of such land granted in terms of section 49.

Donation or sale of wild animal or carcase thereof

51. No person shall donate or sell any wild animal or the carcase of such animal to any other person unless, when he or she delivers such animal or carcase to such other person, he or she furnishes the recipient with a written document signed by him or her containing -

- (a) the full name, identity number and address of the person by whom it was furnished;
- (b) the full name, identity number and address of the person to whom it was furnished;
- (c) the species, number and sex of wild animal or carcase thereof that has or have been so donated or sold; and
- (d) a statement by him or her that he or she has donated or sold such animal or carcase to the person mentioned in paragraph (b).

Possession of wild animal or carcase thereof

52. Any person found in possession of any wild animal or the carcase of such animal shall be guilty of an offence unless, in the event of -

- (a) the animal having been hunted by him or her on the land owned by another person, he or she is in possession of the written permission contemplated in section 49;
- (b) the animal or carcase having been acquired by him or her from another person, he or she is in possession of the written document contemplated in section 51;
- (c) the animal or carcase having been acquired in any other manner, he or she is in possession of the written authority of the Head of the Department.

Documents relating to permission to hunt or to the donation of wild animals or the carcasses thereof to be retained for certain period

53. Every document referred to in section 49 or 51 shall be retained by the person to whom it was furnished for a period of at least two months from the date on which it was so furnished or while such person is in possession of the wild animal or carcase to which it relates, whichever is the longer period.

Miscellaneous offences in relation to wild animals other than endangered wild animals

54.(1) Subject to provisions of this Act, no person shall without a permit authorizing him or her to do so -

- (a) import into, export from or transport in or through the Province any live protected or unprotected wild animal;
- (b) export from the Province the carcass of any protected wild animal;
- (c) sell, buy, donate or receive as a donation the carcass of any elephant or hippopotamus, or anything manufactured from the tusk thereof;
- (d) sell, buy, donate, receive as a donation or be in possession of any live protected wild animal, or
- (e) remove, willfully disturb, interfere with, destroy, sell, offer for sale or purchase the egg of any protected wild animal, or willfully damage or interfere with the nest of any protected wild animal.

(2) The provisions of subsection (1)(a) shall not apply to the export from or the transport in or through the Province, without a permit, of any bird that is not a protected wild animal.

(3) A person to whom a permit has been issued in terms of subsection (1)(a) to transport a live protected or unprotected wild animal or in terms of subsection (1)(a) of section 35 to capture a protected wild animal shall, while carrying out such transport or capture, comply with the provisions of the South African Bureau of Standards.

Sale and purchase of biltong and biltong sausage

55. No person shall sell or buy any biltong or biltong sausage made from the meat of a wild animal unless such meat is of a wild animal hunted in accordance with the provisions of this Act or any corresponding law in operation in another province or State.

Buying and selling of carcasses of wild animals

56.(1) No carcass of any wild animal shall be sold by any person other than -

- (a) the owner of the land on which the animal was hunted in accordance with the provisions of this Act;
- (b) a market master at a public or municipal market; or
- (c) a person authorized by a permit issued under this Act or any other applicable act. to sell such carcass.

(2) No person shall buy a carcass of any wild animal from any person other than a person mentioned in subsection (1)(a), (b) or (c).

Local authorities may permit owner of land to hunt certain wild animals in urban areas

57.(1) If, on application in the prescribed manner by an owner of land situated within an urban area under the jurisdiction of a local authority, such authority is satisfied that damage is being done to crops or other property of the applicant by any baboon, vervet monkey, cattle egret or rock dassie, it may, notwithstanding anything to the contrary in this Act contained, issue a permit in the prescribed form authorizing such owner, or a person nominated by him or her, to hunt such animal on the land of such owner at the place where such damage is being done.

(2) A permit issued in terms of subsection (1) shall be valid for the period specified therein but not exceeding 30 days from the date of issue thereof.

PART II: PROFESSIONAL HUNTERS, HUNTING OUTFITTERS AND PROFESSIONAL HUNTING SCHOOLS**Authorization of professional hunters, hunting outfitters and professional hunting schools**

58.(1) Subject to the provisions of this Act, and any regulations made under this section, no person shall act as -

- (a) a professional hunter;
- (b) a hunting outfitter; or
- (c) a director of a professional hunting school,

unless he or she is the holder of a permit that authorizes him or her to do so.

(2) The requirements by an applicant for the issue of a permit under subsection (1) shall be as the HOD may from time to time determine.

(3) The HOD may exempt any person from the provisions of subsection (1).

Duties of professional hunters, hunting outfitters and clients

59.(1) A client shall not hunt any wild animal or feral animal unless:

- (a) The hunt is organised, or conducted by a hunting outfitter who holds a permit issued under section 58(1)(a); and
- (b) he or she is escorted by a professional hunter who holds a permit issued under section 58(1)(b).

(2) A professional hunter shall ensure that his or her client does not contravene any provision of this Act while hunting a wild animal, and may give any lawful instruction to the client to ensure his or her compliance with such provision.

(3) A client shall obey an instruction given in terms of subsection (2).

(4) A professional hunter may, notwithstanding any other provision of this Act, kill a wild or feral animal while accompanying a client if this is necessary in defence of life or property or to prevent unnecessary suffering of such animal.

Hunting outfitters to have landowner's permission to hunt

60. Subject to the provisions of this Act, a hunting outfitter shall not promote, organise, or conduct the hunting of any wild or feral animal by a client unless such outfitter is the holder of the written permission of the owner of the land on which the hunting takes place.

Organising or conducting hunting by a client under false pretenses an offence

61. A person who falsely pretends that the organising or conduct of a hunt in terms of this Part of this Chapter will be, is being or has been carried out in accordance with the provisions this Act shall be guilty of an offence.

Recognition of South African Professional Hunting Committee

62. The HOD may request written advice from a representative of the South African Professional Hunting Committee(SAPHCOCOM) relating to the carrying out of any provision of this Part of this Chapter or regulation made in respect thereof, and shall inform such representative in writing of any action taken or not taken in consequence of such advice together with, in the latter case, the reason(s) therefor.

CHAPTER 7
PROTECTION OF FISH IN INLAND WATERS

Pollution of inland waters

63. No person shall deposit or cause or allow to be deposited -

- (a) in any inland waters; or
- (b) in any place from where it is likely to percolate into or in any other manner enter any inland waters,

anything, whether solid, liquid or gaseous, that is or is likely to be injurious to any fish or fish food or which, if it were so deposited in large quantities or numbers, would be so injurious.

Obstruction of fish in inland waters

64. No person shall place or cause or allow to be placed in any inland waters any article or thing, other than a net of which the use in inland waters is authorized by a provision of this Act, that is likely to prevent the free passage of fish in such waters.

Placing of fish or aquatic growth in inland waters

65. No person shall, unless authorized thereto by a permit, place in or in any manner introduce into or cause or allow to be placed or introduced into any inland waters any live fish or any aquatic growth: Provided that the provisions of this section shall not apply in respect of a live fish replaced into inland waters immediately after it has been caught from such waters.

Killing of fish

66. Subject to the provisions of section 75, no person shall by any means whatsoever kill or injure fish or willfully disturb or destroy the spawn of any fish in any inland waters: Provided that the provisions of this section shall not apply in respect of any fish killed or injured while being caught in and taken from such waters in accordance with the provisions of this Act.

Prohibition on catching certain species of fish and catching fish during closed season

67. No person shall unless authorized thereto by a permit -

- (a) catch any fish that is an endangered wild animal or have in his or her possession any such fish or the carcase or the spawn thereof; or
- (b) subject to the provisions of section 75, at any time during the closed season that the MEC may determine for a species of fish by notice in the *Gazette*, catch such a fish in any inland waters.

Angling permit

68. Subject to the provisions of sections 67(b) and 75, no person shall angle in any inland waters without a permit issued by the Department, or any person authorized to do so by the Head of the Department in the prescribed form on payment of the prescribed fee.

Netting permit

69. No person shall for any purpose whatsoever use any fyke-net, staked net or trek-net in any inland waters without a permit in the prescribed form issued to him or her by the Head of the Department.

Prohibition on catching fish in excess of bag limit and of undersized fish

70.(1) No person shall unless authorized thereto by a permit at any time in any inland waters -

- (a) catch a greater number of any species of fish than the daily bag limit determined in respect of such species by the MEC by notice in the *Gazette*; or
- (b) catch any fish that is of a size or mass less than the size or mass prescribed in respect of such species of fish by the MEC by notice in the *Gazette*.

(2) Notwithstanding anything to the contrary contained in this Act, the Head of the Department may for the purposes of this section authorize in writing any person, to whom a permit has been issued for the purposes of subsection (1), to use any net in any inland waters.

Prohibited method of the Departments of catching fish

71. No person shall in any inland waters catch fish -

- (a) by snatching or spearing;
- (b) by means of a staked net, trek-net or fyke-net that, in each case, extends over a distance of more than one-half the width of such inland waters at the place where such net is used;
- (c) by means of a fyke-net if any device used to guide fish to an opening in such net is more than six metres in length;
- (d) by placing a staked net or fyke-net or by using a trek-net within a distance of thirty metres from the extremities of any other such net being used in such waters, and for the purposes of this paragraph the extremities of a fyke-net shall be deemed to be the devices, if any, used to guide fish to an opening in such net;
- (e) by angling by means of -

- (i) more than two lines;
- (ii) more than two single hooks attached to a line; or
- (iii) a set-line with more than two hooks attached thereto.

Sale of certain species of fish

72. No person shall unless authorized thereto by a permit -

- (a) sell or buy any fish that is an endangered wild animal or the carcass or spawn of such fish;
- (b) sell, buy or transport any live carp, bluegill sunfish, trout, black bass, banded tilapia, exotic freshwater invertebrate fish or any fish in respect of which control measures have been prescribed under any other applicable act, or
- (c) sell or buy any fish of which the catching is prohibited by section 70(1)(b).

Import into, export from and transport of certain species of fish

73. No person shall unless authorized thereto by a permit -

- (a) import any live indigenous fish or the spawn of any fish into the Province;
- (b) import into or export from or transport within the Province any fish that is an endangered wild animal or a protected wild animal or the carcass of any such fish.

Noxious aquatic growths

74. No person shall cultivate, possess, transport, sell, donate, buy or otherwise acquire or import into the Province any noxious aquatic growth without a permit authorizing him or her to do so..

Private inland waters

75. The provisions of sections 66, 67(b), 68 and 70, in respect of any private inland waters, shall not apply to -

- (a) the owner of such waters;
- (b) any relative of such owner; or
- (c) any full-time employee of such owner or other person acting with the permission of such owner:

Provided that such owner, relative or employee shall not kill, catch or injure or attempt to kill, catch or injure fish with the use of any explosive, fire-arm, poison or other noxious substance

CHAPTER 8 PROTECTION OF FLORA

Miscellaneous provisions relating to Endangered flora

76.(1) Subject to the provisions of this Act, no person shall without a permit -

- (a) keep, control or be in possession of any endangered flora;
- (b) sell, buy, donate or receive any endangered flora;
- (c) pick, uproot, damage destroy any endangered flora;
- (d) import into, export from, or transport in or through the Province any endangered flora; or
- (e) pick, uproot or destroy any endangered flora on land of which he or she is not the owner, without the permission of the owner of such land or of any person authorized by such owner to give such permission.

(2) Nothing in subsection (1) contained shall be construed as prohibiting -

- (a) the possession without a permit by any owner of private land of endangered flora growing in the natural state on such land; or
- (b) the export of endangered flora by a person in possession of the written and dated document contemplated in section 77(5) in respect of such endangered flora.

Selling of endangered flora

77.(1) Any person desiring to sell endangered flora that he or she has cultivated in terms of this section on any fixed premises shall apply to the Head of the Department in the prescribed form -

- (a) for registration as a grower of endangered flora; and
- (b) a permit to sell endangered flora that has been cultivated by the applicant,

and shall furnish the prescribed information and such further information as the Head of the Department may require.

(2) Upon receipt of such an application, the Head of the Department may cause such inspection of the premises concerned as he or she may deem necessary to be made, and if he or she is satisfied that the granting of such application will further the objectives of this Chapter he or she may, subject to the conditions which he or she deems fit, in the prescribed form issue to the applicant a certificate of registration as a grower of endangered flora and a permit to sell endangered flora which has been cultivated.

(3) The holder of a permit issued under subsection (2) shall comply with the provisions of any other applicable legislation.

(4) A certificate and a permit issued under subsection (2) shall be valid -

- (a) in the first mentioned case, until it is canceled by the Head of the Department, and
- (b) in the last mentioned case, for a period of twelve months from the date of issue thereof.

(5) The holder of a permit issued under subsection (2) shall not sell or donate any endangered flora to any person unless, when he or she sells or donates such flora to such person, he or she furnishes such person with a written document signed and dated by the permit holder and containing -

- (a) his or her full name, identity number and address;
- (b) the number and date of issue in terms of subsection (2) of his or her permit;
- (c) the full name, identity number and address of the person to whom the document is furnished; and
- (d) the name of each species and the number of plants of each species of such flora that has or have been sold or donated.

(6) Notwithstanding any provision to the contrary contained in this section, no permit shall be required for the purchase, receipt as a donation, transport, export or possession of any endangered flora which has been sold or donated by the holder of a permit issued under subsection (2) and in which such flora is specified: Provided that any person who has bought or received as a donation or is in possession of such flora, is in possession of the document contemplated in subsection (5).

Prohibition on picking of certain flora

78(1) No person shall -

- (a) uproot the plant in the process of picking the flower of any indigenous flora;
- (b) without a permit -
 - (i) pick, uproot or destroy any protected flora, or
 - (ii) pick, uproot or destroy any indigenous flora on a public road or on the land on either side of such road within a distance of ninety metres from the center of such road;
- (c) pick, uproot or destroy any protected flora or unprotected indigenous flora on land of which he or she is not the owner without the permission of the owner of such land or of any person authorized by such owner to give such permission.

(2) No permission granted in terms of subsection (1)(c) shall be valid unless it is reduced to writing and contains -

- (a) the full names and address and identity number of the owner of the land concerned or of the person authorized by him or her to grant such permission;

- (b) the full names and address and identity number of the person to whom permission is granted;
- (c) the number and species of flora and the date or dates on which such flora may be picked;
- (d) the situation of the land in respect of which permission is granted; and
- (e) the signature of the owner or person authorized by him or her and the date of issue.

(3) The provisions of subsection (1)(b) shall not apply to the owner of any land, any relative of such owner and any full-time employee of such owner acting on the instructions or with the consent of such owner, in respect of any protected or unprotected indigenous flora on such land.

(4) The provisions of subsection (1)(b)(i) shall not apply to -

- (a) any person authorized in writing by an owner of land to pick only the flowers or seed of protected flora on such land without uprooting the plant; or
- (b) protected flora picked, uprooted or destroyed in or removed from a State forest in terms of a licence granted under section 15(1) of the National Forests Act, 1998 (Act No. 84 of 1998).

Buying and selling of protected flora

79. No person shall -

- (a) buy any protected flora from a person who is not a licensed seller or a licensed grower or authorized in terms of section 84;
- (b) sell any protected flora without a licence issued under section 81 or 82.

Licensing of protected flora sellers

80.(1) Any person desiring to be licensed as a protected flora seller shall apply to the Head of the Department in the prescribed manner and form and furnish the prescribed information and such further information as the Head of the Department may require.

(2) Upon receipt of any such application the Head of the Department may, in his or her discretion and subject to such conditions as he or she deems fit, in the prescribed form issue to such applicant on payment of the prescribed fee a license to sell the protected flora specified in such license.

Registration and licensing of flora growers

81.(1) A person desiring to be registered and permitted in respect of any fixed premises as a protected flora grower, shall apply to the Head of the Department in the prescribed manner and form for registration in terms of this section and furnish the prescribed information and such further information as the Head of the Department may require.

(2) Upon receipt of any such application, the Head of the Department may cause such inspection of the premises concerned as he or she may deem necessary to be made.

(3) If the Head of the Department is satisfied that the granting of such application will not be contrary to the objectives of this Chapter and, in the case of premises situated in the area of jurisdiction of a metropolitan or urban local authority, after consultation with such authority, and regard being had to any other information at his or her disposal, he or she may, in his or her discretion and subject to the conditions which he or she deems fit, in the prescribed form issue to such applicant in respect of the premises concerned -

(a) a certificate of registration as a protected flora grower; and

(b) a permit to grow the protected flora specified therein.

(4) The holder of a permit issued under subsection (2) shall comply with the provisions of any other applicable legislation, relating to the sale of flora.

(5) A certificate of registration as a protected flora grower shall be valid until it is canceled by the Head of the Department, and a permit to grow protected flora shall be valid until the thirtieth day following its date of expiry if the Head of the Department has not received a prior application from such grower for the renewal of the licence.

Sale of protected flora on the premises of registered flora growers and sellers

82. No person shall sell any protected flora on the premises of -

(a) a registered protected flora grower unless such flora was propagated or cultivated on such premises;

(b) a registered protected flora seller unless such flora has been obtained from registered protected flora grower or another registered protected flora seller;
or

(c) a registered protected flora seller if such flora was propagated or cultivated on the premises of a registered protected flora seller who is not registered as a protected flora grower in respect of such premises.

Sale of protected flora for charitable and other approved purposes

83. Notwithstanding anything to the contrary contained in this Act, the Head of the Department may subject to such conditions and restrictions as he or she may deem necessary issue a permit to any person authorizing such person to sell protected flora for a charitable or such other purpose that the Head of the Department may approve, at a time and place specified in such permit.

Export and import of protected and unprotected indigenous flora

84. No person shall without a permit -

- (a) export any protected flora or unprotected indigenous flora from the Province except such flora that has been cultivated by or purchased from a registered protected flora grower or licensed protected flora seller;
- (b) import any protected flora into the Province.

Issuing of licences and permits and giving permission subject to granting of licence under National Forests Act, 1998, in certain circumstances

85. Subject to the provisions of section 78(4)(b), no licence or permit shall be issued or permission given in terms of section 76(1), 77(2), 78(1), 80(2), 81(3), 83 or 84 in respect of any species of endangered or protected flora that is also declared to be a protected tree in terms of section 12(1)(d) of the National Forests Act, 1998 (Act No. 84 of 1998), unless a licence has first been granted under section 15(1) of that Act.

Pollination of indigenous flora

86. No person shall pollinate or cause to be pollinated any indigenous flora growing in its natural state without a permit.

Donation or possession of flora

87.(1) The provisions of sections 48 and 50 shall apply *mutatis mutandis* in respect of the donation of flora by one person to another person.

(2) The provisions of sections 49 and 50 shall apply *mutatis mutandis* in respect of any person found in possession of flora.

CHAPTER 9
SEA-SHORE AND COASTAL CONSERVATION AREAS

Ownership of sea-shore and control over alienation

88. Subject to the provisions of this Act -

- (a) the ownership of the sea-shore vests in the Premier;
- (b) the sea-shore, or any portion thereof, shall not be let or alienated except as hereinafter in this Act provided; and
- (c) the and the sea-shore shall not be subject to any claim based on prescription.

Letting of sea-shore

89.(1) Subject to the provisions of section 88 and this section, the MEC may, on such conditions as he or she may determine and on payment of such rental or other consideration as he or she may fix with the concurrence of the Treasury, let any portion of the sea-shore for any one or more of the following purposes:

- (a) The construction of wharves, piers, jetties, landing stages or boat houses;
- (b) the construction of breakwaters, sea walls, embankments, buildings or other structures;
- (c) the construction of bathing pools and enclosures;
- (d) the erection of beach shelters, bathing boxes and places of amusement or recreation; or
- (e) for any other purpose specified in paragraph (b), (d), (e) or (f) of section 93(2) or the carrying out of any other work of public utility or which would otherwise serve a necessary or useful purpose.

(2) The MEC shall not exercise any power under subsection (1) unless -

- (a) not less than one month before any lease is entered into or permit granted under the said subsection, the proposed lessor or the applicant for a permit has caused to be published in the *Gazette* and in a newspaper circulating in the area concerned a notice setting forth his or her intentions and stating that objections thereto may be lodged with the Head of the Department before a specified date not later than 21 days after the date of publication of the notice; and
- (b) he or she has considered every objection lodged in response to the notice and any reply that the person who gave such notice might wish to make.

(3) Nothing in this section contained shall be construed as prohibiting or preventing the MEC, acting as provided in subsection (1), from authorizing the use of any portion of the sea-shore for State purposes.

Alienation of land on the sea-shore

90.(1) Any alienation of any portion of the sea-shore, and any lease or permission in relation thereto not authorized by section 89 shall be subject to the approval by resolution of the Provincial Legislature.

(2) Not less than one month before submitting to the Legislature a proposal for any alienation or permission in terms of subsection (1) the MEC shall at the expense of the person in whose favour the alienation, lease or permission is proposed, cause a notice setting forth such particulars to be published in the *Gazette* and in a newspaper circulating in the area concerned, and every objection or other representation received in response to such notice shall, if and when the proposal is submitted to the Legislature, be laid upon the Table of the Legislature by the MEC.

Mining

91. For the purposes of the laws relating to the exploitation of metals, minerals, precious stones, coal or oil, the land of the sea-shore shall be deemed to be State land.

Coastal conservation areas

92.(1) The coastal conservation areas established by section 39(1) of the Environmental Conservation Decree, 1992 (Decree No. 9 of 1992), of the former Republic of Transkei, and section 42(1) of the Nature Conservation Act, 1987 (Act No. 10 of 1987), of the former Republic of Ciskei, shall continue to exist in the districts of Bizana, Lusikisiki, Port St Johns, Ngqeleni, Mqanduli, Elliotdale, Willowvale, Kentani, Mdanstane and Peddie notwithstanding the repeal of the said Decree and the said Act by section 122.

(2) Notwithstanding anything in any other law or in any condition of title contained, no person (including any organ of State) shall within a coastal conservation area, save under the authority of a permit issued by the Department in accordance with the plan for the control of coastal development approved by the MEC-

- (a) clear any land or remove any sand, soil, stone or vegetation;
- (b) develop any picnic area, caravan park or like amenity;
- (c) erect any building;
- (d) construct any railway, landing strip, slipway, landing stage or jetty;
- (e) build any dam, canal, reservoir, water purification plant, septic tank, or sewerage works;
- (f) lay any pipeline or erect any power-line or fencing;
- (g) establish any waste disposal site or dump any refuse;
- (h) construct any public or private road or any bridle-path or footpath; or
- (i) carry on any other activity that disturbs the natural state of the vegetation, land or waters or which may be prescribed.

Prohibition on use of motor vehicles on sea-shore or in coastal conservation areas

93.(1) Subject to the provisions of subsection (2), no person shall, unless authorized thereto by a permit, drive or use a motor vehicle on or along the sea-shore or on any State land in a coastal conservation area other than on a public road.

(2) A permit in terms of subsection (1) shall be issued or refused in accordance with the General Policy in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989): Control of Vehicles in the Coastal Zone, as determined under Government Notice No. 858 dated 29 April 1994.

(3) The provisions of subsection (1) shall not apply -

- (a) in respect of a State vehicle in the course of being used for official purposes in the administration of the provisions of a law; or
- (b) in respect of any motor vehicle in the course of being used for sea rescue or life saving purposes or in any other emergency.

CHAPTER 10
PROVINCIAL ENVIRONMENTAL CONSERVATION FUND

Provincial Environmental Conservation Fund

94.(1) The Provincial Nature Reserve Land Acquisition Fund established by section 6A of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), shall continue to exist as the Provincial Environmental Conservation Fund (hereinafter referred to as the Fund), notwithstanding the repeal of the said Ordinance by section 119.

(2) Into the Fund shall be paid, notwithstanding the provisions of any other Act -

- (a) money paid in respect of fines, penalties and interest for any offence committed in terms of this Act and including any proceeds from the sale of any vessel, vehicle, aircraft, article, fauna or flora forfeited or seized in terms of this Act;
- (b) all fees and interest collected in terms of this Act;
- (c) money received by the Department by way of contribution, donation or bequest for the carrying out of any provision of this Act;
- (d) money received from any levy imposed and collected in terms of this Act; and
- (e) money appropriated by the Provincial Council:
 - (i) For the purposes of the Fund; and
 - (ii) in respect of the amount of interest received on the investment of money of the Fund which is not immediately required for the purposes of the Fund.

(3) The Fund shall be managed and controlled by the Head of the Department and for this purpose he or she may delegate all or any of his or her powers in writing to a senior officer in the full-time employment of the Department.

(4) Moneys in the Fund shall be applied by the Head of the Department for the carrying out of any provision of this Act excluding sections 63 to 76 inclusive.

(5) Any unexpended balance in the Fund at the end of any financial year shall be carried forward to the ensuing financial year as a credit to the Fund.

(6) Any balance in the Fund which is in excess of current requirements shall be deposited or invested in an interest bearing account with a financial institution approved by the Head of the Department.

(7)(a) The Head of the Department shall cause to be kept a full and correct account of all moneys received by the Fund and expended out of the Fund.

(b) The account contemplated by paragraph (a) shall be audited by the Provincial Auditor.

(8) The Head of the Department shall annually as soon as possible after 31 March each year lay upon the Table of the Provincial Legislature a statement of the income and expenditure of the Fund.

Imposition of levy

95. The MEC may, by notice in the *Gazette*, impose on any resource or operation covered by this Act and specified in the notice a levy at such rate as he may deem fit and may in any such notice -

- (a) differentiate between resources or operations or different persons or classes of persons in regard to the rate of the levy and prescribe the circumstances in which any person or class of person shall be liable for payment of such levy;
- (b) prescribe the manner in which the levy shall be determined and calculated;
- (c) prescribe -
 - (i) the person who shall collect the levy;
 - (ii) the times for payment;
 - (iii) the manner in which it shall be paid; and
 - (iv) the manner of payment by the collectors into the Fund.

Furnishing of particulars and returns

96. The Member may, by notice in the *Gazette* -

- (a) direct any person or category of persons who are liable for the payment of the levy to furnish the Head of the Department within a period specified in such notice with their names, addresses and specified particulars concerning their operations;
- (b) require any person or category of persons who are liable for the payment of the levy to render returns to the Head of the Department and prescribe the form in which and times when the returns shall be rendered, the particulars they shall contain and the statements which shall accompany them.

Recovery of levy

97.(1) A levy payable under section 95 shall be a debt due to the Fund and may be recovered by the Head of the Department in any competent court and if any person fails to pay such levy or interest thereon for which he or she is liable under this Act, the Head of the Department may file with the clerk or registrar of such court a statement, certified by him or her as correct, setting forth the amount of such levy or interest owing by such person and such statement shall have all the effects of, and any proceeding may be taken thereon as if it were, a civil judgment lawfully given in that court in favour of the Head of the Department for a liquid debt of the amount specified in the statement.

(2)(a) If any levy remains unpaid one month after the due date, the person liable for such levy shall pay interest thereon, calculated from the day following the expiration of the said period of one month, at the rate of ten percent per mensem for each month for which the levy remains unpaid: Provided that such interest shall not exceed three hundred rand in the aggregate.

(b) For the purposes of calculating interest due in terms of paragraph (a) part of a month shall be deemed to be a month.

CHAPTER 11
ENVIRONMENTAL MANAGEMENT AND PROTECTION MEASURES

Litter control

98.(1) No person shall discard, dump, bury or leave any litter on or in any land or water surface, street, road or site to which the public has access except in a container or other receptacle specifically provided therefor or at a site which has been specially indicated, provided or set aside for that purpose.

(2) Every person or institution in control of responsible for the maintenance of any place to which the public has access shall at all times ensure that the containers, other receptacles or sites so provided or indicated are adequate and suitable for the purposes of the discarding of litter by the public.

Prohibition on the disposal or processing of waste originating from outside the Province .

99. No person, juristic or otherwise, or organ of State shall under any circumstance without the approval by resolution of the Provincial Legislature dispose of or process or authorize the disposal or processing of hazardous waste originating from outside the Province.

Protected natural environment

100.(1) The MEC may by notice in the *Gazette* declare any area defined to be a protected natural environment and may allocate a name to such an area: Provided that such protected natural environment may only be declared -

- (a) if in the opinion of the MEC there are adequate grounds to presume that the declaration will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous fauna and flora or the preservation of biotic diversity in general; and
- (b) after consultation with the owners of, and holders of real rights in, land situated within the defined area: Provided that where such owners and holders cannot be readily located the MEC shall give notice in the *Gazette* and in a newspaper circulating within the district where the land is situated, of his or her intention to declare such land to be a protected natural environment and invite such owners and holders to lodge any complaints against the intended declaration with the Head of the Department within 30 days from the date of the notice.

(2) The MEC may, by notice in the *Gazette* -

- (a) exclude any area from a protected natural environment and amend the description of the protected natural environment accordingly;
- (b) withdraw the declaration of any protected natural environment; or
- (c) change the name of any protected natural environment.

(3) The provisions of subsection 1(b) shall *mutatis mutandis* apply to the exclusion of an area from a protected natural environment and the withdrawal of a declaration of a protected natural environment: Provided that the withdrawal of a declaration of a protected natural environment may only take place after consultation with any local authority or organ of state (if any) to which the control and management of the area concerned had been assigned in terms of subsection (9)(a).

(4) The MEC may by notice in the *Gazette* issue directions in respect of any land or water in a protected natural environment in order to achieve the general policy and objects of this Act: Provided that -

- (a) a copy of the directions applicable to the area shall be handed or forwarded by post to the last-known address of every owner of, and every holder of a real right in, the land in question; and
- (b) the directions shall only be issued with the concurrence of each Minister or MEC charged with the administration of any law which in the opinion of the MEC relates to a matter affecting the environment in that area.

(5) The MEC may, subject to the provisions of any other law pertaining to the land and subject to the proviso to subsection (4), amend or repeal any direction issued under the said subsection.

(6) Every owner of, and every holder of a real right in, land situated within a protected natural environment in respect of which directions have been issued in terms of subsection (4) or amended in terms of subsection (5), and the successors in title of such owner and the holder of the real right, shall be subject to the provisions of such direction.

(7) The MEC shall in writing direct the registrar of deeds of the deeds registry in which the title deed of land referred to in subsection (6) is registered, to make an entry of the directions in question in his or her registers and to endorse the office copy of the title deed accordingly.

(8) The MEC may with the concurrence of the MEC for Finance out of money appropriated by the Provincial Legislature for that purpose and subject to such conditions as he or she may determine, render financial aid by way of grants or otherwise to the owner of, and the holder of a real right in, land situated within a protected natural environment in respect of expenses incurred by the owner or holder of the right in compliance with any direction issued in terms of subsection (4).

(9) The MEC may -

- (a) with the concurrence of a local authority or organ of State assign the control and management of a protected natural environment to such local authority or organ of state; or
- (b) withdraw such control and management from such local authority or organ of state.

Limited development areas

101.(1) The MEC may by notice in the *Gazette* declare any area defined by him or her as a limited development area.

(2) No person shall undertake in a limited development area any development or activity prohibited by the MEC by notice in the *Gazette* or cause such development to be undertaken unless he or she has on application been authorized thereto by the MEC by notice in the *Gazette*, or by a local authority designated by the MEC by notice in the *Gazette*, on the conditions contained in such authorization.

(3) In considering any application for an authorization referred to in subsection (2) the MEC or local authority may request the person to submit a report as prescribed, concerning the influence of the proposed activity on the environment in the limited development area.

(4) A limited development area shall not be declared unless the MEC -

- (a) has given notice in the *Gazette* and in a newspaper circulating in the area in question of his or her intention to declare such area as a limited development area;
- (b) has permitted not less than 60 days for the submission to the HOD of comment on the proposed declaration;
- (c) has considered all representations received in terms of such notice; and
- (d) has consulted each Minister or MEC charged with the administration of any law which in the opinion of the MEC relates to a matter affecting the environment in that area.

**CHAPTER 12
REGULATORY AND OTHER POWERS OF THE MEC**

Regulations in respect of Chapter 4, Part I: provincial nature reserves and wilderness areas

102.(1) The MEC may, by notice in the *Gazette*, make regulations in respect of any provincial nature reserves established under section 14 including a provincial wilderness area established under section 18 or any part thereof or provincial nature reserves generally or provincial wilderness areas generally, on any matter relating to -

- (a) the entry or the restriction of entry of persons into a provincial nature reserves or wilderness area, the regulation of the conduct of persons in a provincial nature reserve or wilderness area, the exclusion or ejection of certain persons from a provincial park or wilderness area on the grounds of misconduct and the periods and times of admission to or of residence within a provincial park or wilderness area;
- (b) the granting of authorization relating to the introduction into or possession of any (i) weapon or (ii) any domestic animal in terms of section 17;
- (c) the possession within or removal of fauna and flora; from a provincial nature reserve or wilderness area, by persons other than officers of the Department.
- (d) the making of fires in a provincial nature reserve or wilderness area;
- (e) the regulation and of motor vehicles and traffic generally in a provincial nature reserve or wilderness area;
- (f) the regulation and control of the use of boats and other vessels in a provincial nature reserve or wilderness area;
- (g) the impoundment or destruction of any vagrant dog found trespassing in a provincial nature reserve or wilderness area;
- (h) the powers and duties, in respect of a provincial park or wilderness area, of officers appointed in terms of section 7;
- (i) the protection and preservation generally of any provincial nature reserve or wilderness area and any fauna and flora or article therein.

(2) The HOD may prescribe tariffs, fees or charges for any activity in connection with regulations made in terms of subsection (1).

Regulations in respect of Chapter 5: Provincial Hiking Trails

103. The MEC may, by notice in the *Gazette*, make regulations governing hiking and hiking trails generally and may prescribe tariffs, fees or charges in connection therewith.

Regulations in respect of Chapter 4 Part III, 6, 7 or 8: Private Nature Reserves, protection of wild animals other than fish, Professional Hunters, Hunting Outfitters and Professional Hunting Schools, Problem Wild Animals, Protection of fish in inland waters and protection of flora

104. The MEC may, by notice in the *Gazette*, make regulations concerning any matter that maybe necessary to prescribe the aims and objects of Chapter 4 Part III, 6, 7 or 8 and may prescribe tariffs, fees or charges for the executing of any act in connection therewith.

Regulations in respect of Chapter 9: sea-shore and coastal conservation areas

105.(1) The MEC may, by notice in the *Gazette*, make regulations or authorize a local authority, in regard to any portion of the sea-shore situated within or adjoining the area of jurisdiction of such local authority, with his or her approval to make regulations, not inconsistent with this Act -

- (a) concerning the use of the sea-shore;
- (b) concerning the removal of any material from the sea-shore, subject to the provisions of section 38 of the Sea Fishery Act, 1988 (Act No. 12 of 1988), in its application to shells;
- (c) for the prevention or regulation of the depositing or discharging upon the sea-shore of offal, litter or anything liable to be a nuisance or danger to health;
- (d) concerning the control, generally, of the sea-shore and the coastal conservation areas;
- (e) prescribing fees for the doing of any act upon or in relation to the sea-shore and the coastal conservation area.

(2)(a) Notwithstanding the provisions of any other law, any regulation may be declared to be applicable to the whole of the sea shore or to any defined portion thereof.

(b) The MEC may declare any regulation to be applicable to any State-owned land adjoining or situated near the sea-shore and, for the purposes of the application of any such regulation, any State-owned land to which such regulation has been declared to be applicable shall be deemed to be a portion of the sea-shore.

(c) When any regulation applies to any portion of the sea-shore situated within or adjoining the area of jurisdiction of a local authority adjoining such portion of the

sea-shore, the MEC may, by notice in the *Gazette* and in not less than one newspaper circulating in the area of jurisdiction of such local authority, confer powers or impose duties in relation to the administration of such regulation upon such local authority or upon any of its officers.

(d) Not less than thirty days before any regulation is made under this section, the MEC, or where a local authority desires to make a regulation that local authority, shall cause a copy of the proposed regulation to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood where the regulation will apply.

(e) Before the MEC declares any regulation to be applicable to any portion of the sea-shore situated within or adjoining the area of jurisdiction of a local authority, the MEC shall consult the local authority concerned and submit to it a copy of the regulation.

(3) Notwithstanding the provisions of section 113(2)(a) and (b), when a local authority is responsible for the administration of any regulation made under this section, such regulation or any other regulation made under this section may provide that all fees and fines recovered under that regulation shall accrue to that local authority.

(4) Nothing contained in this section or in any regulation made under this section shall affect any by-law lawfully made by a local authority under any law.

(5) A local authority in which the ownership of the sea-shore is vested may, with the approval of the MEC, make regulations for the control of that portion of the sea-shore adjoining that portion, for any of the purposes mentioned in subsection (1).

(6) Any regulation made under subsection (1) or (5) may differentiate between different kinds of users of the sea-shore, may prescribe different fees or conditions in respect of different kinds of the said users and may prescribe that any local authority responsible for the administration of any such regulation may grant any consent under such regulation on such terms or conditions as it may deem fit.

MEC's powers to amend Schedules

106. The MEC may from time to time, by notice in the *Gazette*,

- (a) Schedule 1, 2 or 3 by including therein or removing therefrom any wild animal;
- (b) Schedule 4, 5 or 6 by including therein or removing therefrom any flora;
- (c) subject to the provisions of section 14(1)(d), Schedule 7 by including therein, removing therefrom or altering the name of any provincial park.
- (d) Establish any new Schedules.

MEC's general regulatory powers

107. The MEC may from time to time by notice in the *Gazette* make regulations prescribing the forms of licences, permits and other documents required for the administration of this Act, the conditions subject to which they may or shall be issued or renewed, the periods for which they shall be valid and the fees or other charges that shall be paid in connection therewith.

Offences in terms of regulations

108. Any regulation made in terms of this Act may, unless otherwise provided -

- (a) provide that any contravention thereof or failure to comply therewith shall constitute an offence;

- (b) impose a penalty for any such offence of a fine or in default of payment imprisonment for a period not exceeding six months or both such fine and imprisonment.

Miscellaneous powers of MEC

109. The MEC may by notice in the *Gazette*, in respect of the Province or any area specified in such notice and either indefinitely or for a specified period:

- (a) determine the number of any species of protected wild animal mentioned in such proclamation and which may subject to the provisions of this Act be hunted -
- (i) in the case of a protected wild animal other than a fish, during the period commencing one hour before sunrise and ending one hour after sunset, and
 - (ii) in the case of fish, during the period of twenty-four hours commencing at midnight,
- on any one day
- (b) if in his opinion it is necessary or desirable in the interests of environmental conservation and subject to such conditions as he or she may deem fit, suspend the operation of any provision of section 38 or of any other provision of this Act in so far as such provision relates to any fauna or flora specified in such notice;
- (c) notwithstanding anything to the contrary contained in this Act, prohibit, control or restrict the hunting of a wild animal.
- (d) suspend the operation of any provision of section 38 in respect of a problem wild animal in any area specified in such notice;
- (e) prohibit, restrict or regulate the capture, injuring, destruction, export, sale or acquisition in any manner of any invertebrate wild animal specified in such notice;
- (f) prohibit, restrict or regulate the transport of any wild animal specified in such notice;
- (g) prohibit or regulate either generally or specially the use -
- (i) on any inland waters, of any vessel designed or intended for propulsion by any means other than human power, or
 - (ii) on the sea-shore, of any motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (h) notwithstanding anything to the contrary contained in section 118, prohibit or regulate the use of any implement for the catching of fish in any inland waters;
- (j) prohibit, control or regulate the picking, uprooting or destruction of indigenous flora or any species of such flora in any manner or by any means specified in such notice.

CHAPTER 13
OFFENCES, PENALTIES, PRESUMPTIONS AND MISCELLANEOUS

Offences

110. Any person who -

- (a) contravenes or fails to comply with any provision of this Act;
- (b) alters or fabricates or forges any permit, licence or other authorization required for the lawful performance of any activity in terms of this Act;
- (c) passes, uses, utters or has in his possession any altered, fabricated or forged permit, licence or other authorization or permission;
- (d) under a false name obtains any of the documents contemplated in paragraph (b);
- (e) fails to comply with or contravenes any term, condition or restriction of any permit, licence or other authorization, or any term, condition or restriction subject to which it was issued to him or her under this Act, or fails or refuses to comply with any lawful requirement, demand, direction or order of a Environmental Conservation Officer or ranger;
- (f) falsely holds himself or herself out to be a Environmental Conservation Officer or ranger or Honorary Environmental Conservation Officer;
- (g) resists or assaults or hinders, obstructs or interferes, refuses or fails to comply with an order of an Environmental Conservation Officer or ranger referred to in paragraph (e) or any other officer or employee of the Department in the exercise of his powers or the performance of his functions under this Act;
or without good cause refuses or fails on demand to furnish such officer, ranger or employee with his name and address or with any information or document required by such officer, ranger or employee for the purposes of this Act, or furnishes him or her with a false name and address or with false information, as the case may be;
- (h) while in possession of a weapon or any trap, net, snare, birdlime, cage or other contrivance or substance which could be used for the hunting of any wild animal, trespasses on land on which there is or is likely to be any wild animal;
- (i) is or who has recently been in possession of any wild animal including a fish or the carcass thereof and is unable to give a satisfactory account of such possession;
- (j) willfully damages, alters, moves, or in any way interferes with or destroys any beacon, notice, notice board, sign or mark referred to in this Act or

contravenes or fails to comply with the requirements, conditions or terms of any such notice;

- (k) knowingly makes a false statement in any application made or in any other document furnished by him in terms of any provision of this Act; or
- (l) obtains or applies for any authorization or permit well knowing that he is lawfully debarred from obtaining such authorization or permit,

shall be guilty of an offence.

Penalties

111.(1) Any person convicted of an offence under this Act shall, subject to the provisions of subsection (2), be liable, in the case of -

- (a) a contravention of section 33, 67(a), 72(a), or 73(b) involving an endangered wild animals, section 76(1) involving endangered flora, or section 43(1) involving poison, section 15(5) involving mining, section 34 or 38(a), 38(j), 38(k), 38(o) prohibited methods of hunting, section 61 hunting under false pretenses, section 63, or 99 involving pollution of inland waters or disposal of waste, 92(2) involving illegal development in Coastal conservation areas, section 110(b), 110(c), 110(d), 110(f) and 110(k), to a fine not exceeding two hundred thousand rands or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three or to both such fine and such imprisonment, and to a fine not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any endangered wild animal or the carcasses thereof or any endangered flora in respect of which the offence was committed;
- (b) a contravention of section 6(6), 17(1), 18(3)(b), 27, 35(1), 38(c), 38(d), 38(m), 41, 44, 49, 50, 54(c), 60, 64, 65, 66, 69, 71, 72(b), 73(a), 74, 78(i)(ii), 78(c), 86, 110(g), 110(h), 110(j), 110(l), or 56(1) or (2) involving an African elephant or a hippopotamua, to a fine not exceeding one hundred thousand rand or to such imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any African elephant or the carcass thereof in respect of which the offence was committed;
- (c) a contravention of section 17(1)(a), (e), (h), (i), (j), involving a provincial nature reserve, section 31, 35(1), 38(b), 38(e), 38(f), 38(g), 38(h), 38(n), 40, 42, 49, 51, 52, 54(1)(a), (b), (d) or (e) or 56.58(1), 59,60, 64, 65, 66, 69, 71(a)(b)(c) and (d), 93,98,or 73 and 110(i) involving a protected wild animal or wild animal of the order Artiodactyla that is not a protected wild animal (but not including an African elephant or a hippopotamus), or section 78(1),79, 62, or 64 involving protected or unprotected indigenous flora, to a fine not exceeding two years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any such

protected wild animal or the carcasses thereof or any such flora in respect of which the offence was committed, and

- (d) any other offence in terms of this Act or any contravention of any contravention of any other provision of this Act in respect of which no specific penalty is prescribed, to a fine not exceeding twenty thousand rands or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and to a fine not exceeding three times to commercial value of any wild animal or the carcasses thereof or any flora in respect of which the offence was committed.

(2) Where a penalty is specifically prescribed by regulation for a contravention of or failure to comply with any regulation, a person convicted of such contravention or failure shall be liable only to the penalty so prescribed.

(3) The court convicting any person of an offence under this Act may, in addition to any penalty imposed under any provision thereof -

- (a) cancel any or all of the licences, permits or other authorizations held by such person under this Act;
- (b) debar such person from obtaining any particular licence, permit or other authorization or authorizations generally for a specified period not exceeding five years;
- (c) declare to be forfeited to the Department -
 - (i) any vehicle, vessel, boat, craft, float, aircraft or other conveyance, any container, lamp, weapon, ammunition, implement, trap, net or other thing that was used for the purposes of or in connection with the commission of the offence;
 - (ii) any fauna or flora in respect of which the offence was committed.

(4) The Head of Department may deal as he or she deems fit with anything declared to be forfeited to the Department under this section: Provided that anything so declared to be forfeited (other than a perishable thing) shall not be destroyed or otherwise disposed of while any appeal against the declaration, or the conviction which gave rise to such declaration, is pending or until a period of three months has elapsed from the date of such declaration, whichever is the later: Provided further that the MEC may, on application made to him or her and if he or she is satisfied that the convicted person at the time of the commission of the offence was not the owner of the thing declared to be forfeited or, if he or she was the owner, that he or she was unable to prevent the use of such thing by the convicted person, direct that such thing be returned to its lawful owner or, if it has been sold, that the proceeds of such sale after deduction of any expenses incurred by the Provincial Government be paid to such owner.

(5) Whenever any order of forfeiture is made under this section the registrar or clerk of the court in question shall advise the Head of Department accordingly and

shall call upon the Department to uplift anything that falls to be dealt with by the MEC under subsection (3).

(6) Whenever any person is convicted of an offence in terms of this Act, the court shall summarily enquire into and determine the monetary value of any advantage that he or she may have gained in consequence of that offence, and may, in addition to any other punishment that may be imposed in respect of that offence, impose a fine equal to three times the amount so determined and, in default of payment thereof, imprisonment for a period not exceeding one year.

Award to informant of part of fine recovered

112. A court which imposes a fine for an offence in terms of this Act may order that a sum not exceeding one half of the fine imposed be paid to any person, not being an officer in the service of the State, upon whose information the conviction for that offence was obtained or who assisted materially in bring the offender to justice.

Presumptions

113.(1) When any fire-arm, live wild animal, carcass of a wild animal including a fish or flora is found or is proved to have been in or on any vehicle, vessel, boat, craft, float, aircraft or other conveyance, it shall be deemed, until the contrary is proved, to have been in the possession of the person in charge of such vehicle, vessel, boat, craft, float, aircraft or other conveyance.

(2) When any person is found, or is proved to have been, in possession of any endangered flora, protected flora or unprotected indigenous flora he or she shall, unless the contrary is proved, be deemed to have picked such flora.

(3) When any person is found or is proved to have been in possession of any live wild animal he or she shall, until the contrary is proved, be presumed to have been keeping such animal in captivity at the relevant time.

(4) When any person is found removing or is proved to have removed any wild animal or the carcass of a wild animal from a trap, snare, pitfall, net, birdlime or any other like device or substance he or she shall be presumed, until the contrary is proved, to have laid or prepared such trap, snare, pitfall, net, birdlime or other like device or substance and to have captured the animal concerned.

(5) Whenever -

- (a) a vehicle, vessel, boat, craft, float, aircraft or other conveyance is being or has been used for the purpose of or in connection with the commission of an offence under this Act;
- (b)(i) any wild animal or the carcass of a wild animal including a fish in respect of which an offence has been committed under this Act; or
- (ii) any weapon, implement, line, poison or any other object that could be used for the hunting or catching of any wild animal including a fish and that is being or was used or formed an element in the commission of an offence under this Act,

is found or has been in or on any vehicle, vessel, boat, craft, float, aircraft or other conveyance,

the owner of such a vehicle, vessel, boat, craft, float, aircraft or other conveyance as well as every person thereon or therein at the time of the commission of the offence or at the time when the wild animal, carcass or other object contemplated in paragraphs (a) and (b) is found or was in such vehicle, vessel, boat, craft, float, aircraft or other conveyance shall be presumed to have committed the offence concerned and be liable to conviction and sentence in respect thereof unless he or she proves that he or she did not commit such offence and did not take part in and could not prevent the commission of the offence.

(6) Whenever any person is found to have in his or her possession on any public road any fire-arm (other than a pistol or revolver) that is loaded or is not enclosed in such a way that the barrel and the trigger are completely covered, he or she shall be deemed to be hunting a wild animal on or from such road, until the contrary is proved.

(7) Whenever in any prosecution under this Act it is alleged that an offence has been committed in connection with or in respect of any fauna or flora of the species stated in the charge, it shall be presumed that such fauna or flora is of that species, until the contrary is proved.

(8) If in any prosecution it is alleged in the charge that an act that constitutes an offence under this Act, was committed within the boundaries of a provincial nature reserve or wilderness area, local nature reserve, private nature reserve, conservancy, hiking trail, coastal conservation area, protected natural environment or limited development area, that act shall be presumed to have been committed within the boundaries of that provincial nature reserve or wilderness area, local nature reserve, private nature reserve, conservancy, hiking trail or coastal conservation area, protected natural environment or limited development area, until the contrary is proved.

(9) Whenever in any prosecution under this Act it is alleged that any fauna or flora that forms an element in the commission of an offence is of a specific dimension or mass, it shall be presumed that such fauna or flora is of that dimension or mass, until the contrary is proved.

(10) Whenever a person is found shining a spotlight and carrying a firearm he or she shall be presumed to be hunting with the aid of artificial light.

(11) A wild animal or indigenous plant in or on which an electronic transponder has been fixed shall be presumed to have originated from the locality in which it was so fixed as recorded in the register kept for the purpose by the Department.

(12) It shall be no defence in any prosecution for an offence under this Act that the accused had no knowledge of some fact or other or did not act willfully.

Jurisdiction as to punishment

114. A magistrate's court shall have jurisdiction to impose any punishment provided for in this Act and shall also have jurisdiction to impose the additional penalty

provided for in section 111(6) even though that penalty may, either alone or together with any other punishment imposed by the court, exceed the punitive jurisdiction of a magistrate's court.

115. The provisions of this Act shall not apply to or in respect of a national park established in terms of the National Parks Act, 1976 (Act No. 57 of 1976.)

Limitation of liability

116. (1) The State, the Provincial Government, the M.E.C., the Department or any person in the service of the State (or local authority), the Provincial Government, or the Department, or the MEC, shall not be liable by virtue of anything done in good faith under the provisions of this Act.

(2) The State, the Provincial Government, the Department, or any person in the service of the State, the Provincial Government, the Department, or the MEC, shall not be liable (except in the case of any willful act or omission on the part of such person) to any person who, other than in the performance of a duty or function under this Act or any other law -

- (a) makes use of any vehicle, boat or other vessel or aircraft that is the property of the Provincial Government, the or the Department;
- (b) is present in any provincial nature reserve or wilderness area; or
- (c) leaves any boat or other vessel or other property in a provincial nature reserve or wilderness area or makes use of the facilities of a provincial nature reserve or wilderness area,

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

Inquiries

117.(1) The MEC may order an inquiry into any matter covered by this Act.

(2) For the purposes of an inquiry contemplated in subsection (1), the MEC may appoint one or more persons, including a chairperson, as a committee to conduct the inquiry.

(3) A committee appointed under subsection (2) may -

- (a) order any person who in its opinion may be able to give information of material importance concerning the subject of the inquiry, or who is believed to have in his or her possession or custody or control, any register, book,

document or thing which may have a bearing on that subject, to appear before the committee, together with such register, book, document or thing if that be the case;

- (b) call upon and administer an oath to, or accept an affirmation from any person present at the inquiry, if he or she has been or could have been ordered in terms of paragraph (a);
- (c) question or require any person who has been called upon in terms of paragraph (b) to produce a register, book, document or thing referred to in paragraph (a).

(4) An order for the attendance before the committee shall be in the form determined by that committee and shall be signed by the chairperson.

(5) The law relating to privilege as applicable to a person giving evidence or producing a register, book, document or thing before a court of law, shall be applicable in respect of the questioning of, or production of a register, book, document or thing by, a person referred to in subsection (3).

Scientific research and investigation

118. The MEC may, notwithstanding the provisions of this Act, permit any scientific research or investigation.

Repeal of laws and savings

119.(1) The laws specified in Schedule 8 are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any proclamation, regulation, by-law, rule, notice, approval, authority, return, certificate, document, direction, declaration or appointment lawfully proclaimed, made, issued, promulgated, given, declared or granted, and any other act done under any provision of any law repealed by this Act shall, subject to the provisions of subsection (3), be deemed to have been proclaimed, made, issued, promulgated, given, granted, declared or done under the corresponding provisions of this Act.

(3) Notwithstanding the repeal of any law by subsection (1), criminal proceedings that have under such law at the date of commencement of this Act been commenced in any superior court, regional court or magistrate's court and in which evidence has at such date been led in respect of the relevant charge, shall, if such proceedings have at that date not been concluded, be continued and concluded under such law as if it had not been repealed.

Short title

120. This Act may be called the Eastern Cape Environmental Conservation Act, 2001

**SCEDULE 1
ENDANGERED WILD ANIMALS**

Scientific name	common name (where known)	volksnaam (waar bekend)	igama elaziwayo (xa lisaziwa) (Z) = Zulu
MAMMALIA	mammals	soogdiere	izidalwa ezanyisayo
<i>Acinonyx jubatus</i>	cheetah	jagluiperd	ingwenkala, ihlozi
<i>Bunolagus monticularis</i>	riverine rabbit	rivierkonyn	
<i>Ceratotherium simum</i>	square-lipped rhinoceros	witrenoster	umkhombe (Z)
<i>Diceros bicornis</i>	black rhinoceros	swartrenoster	umkhombe, ubhejane (Z)
<i>Equus zebra zebra</i>	Cape mountain zebra	Kaapse bergkwagga	idawuwa
<i>Manis temmincki</i>	African scaly anteater	ietermagog	uhalakavuma
<i>Ourebia ourebi</i>	oribi	oorbietjie	iula
AVES	birds	voëls	iintaka
<i>Anthropoides paradiseus</i>	blue crane	bloukraanvoël	indwe
<i>Bucorvus leadbeateri</i>	ground hornbill	bromvoël	intsikizi, intsingizi
<i>Bugeranus carunculatus</i>	wattled crane	leikraanvoël	iqaqolo, igwampi
<i>Geronticus calvus</i>	bald ibis	wildekalkoen	umcwangele
<i>Gypaetus barbatus</i>	bearded vulture	lammergeier	inqo emdaka
<i>Poicephalus robustus</i>	Cape parrot	grootpapegai	isikhwenene
<i>Sterna dougallii</i>	roseate tern	rooiborsseeswaël	
<i>Turnix hottentota</i>	blackrumped button quail	Kaapse kwarteltjie	isigwaca (Z)
REPTILIA	reptiles	reptiele	izilwanyana ezinegazi elibandayo
<i>Bitis albanica</i>	Albany adder	Albany adder	
<i>Bradypodion taenia- bronchum</i>	Smiths's dwarf chamaeleon	Smith se dwerg- verkleurmannetjie	
AMPHIBIA	amphibians	amfibië	izilwanyana eziphila emhlabeni nasemanzini amasele
ANURA	frogs & toads	paddas	
<i>Anhydrophryne rattrayi</i>	Hogsback frog	Hogsback padda	
<i>Bufo amatolica</i>	Amatola toad	Amatola-skurwepadda	
<i>Heleophryne hewitti</i>	Hewitt's ghost frog	Hewitt se spookpadda	
PISCES	fishes	visse	iintlanzi
<i>Austroglanis sclateri</i>	rock catfish	klipbarber	
<i>Barbus pallidus</i>	goldie barb	goudghieliemientjie	
<i>Barbus trevelyani</i>	Border barb	Grens ghieliemientjie	
<i>Galaxias zebratus</i>	Cape galaxias	Kaapse galaxias	
<i>Pseudobarbus afer</i>	Eastern Cape redfin	Oos-Kaapse rooivlerkie	
<i>Pseudobarbus amatolicus</i>	Amatola barb	Amatola rooivlerkie	
<i>Pseudobarbus asper</i>	smallscale redfin	kleinskub rooivlerkie	
<i>Redigobius dewaali</i>	checked goby		
<i>Sandelia bainsii</i>	Eastern province rocky	Oosterlike provinsie	
<i>Sandelia capensis</i>	Cape kurper	kurper Kaapse kurper	
INSECTA	insects	insecte	izinambuzane
<i>Aloeides clarki</i>	Clark's copper butterfly		
<i>Bavea concolor</i>	forest croaking cicada		
<i>Chrysothrix lyncurium</i>	Tsomo opal butterfly		
<i>Circellium bacchus</i>	flightless dung beetle	vlugtelose miskruier	inkubabulongo engabha- bhiyo
<i>Colophon, all spp.</i>	stag beetles, all spp.	grootkaakkewer, alle spp.	
<i>Deloneura immaculata</i>	Mbashe buff butterfly		
<i>Stagira ecca</i>	Ecca Pass ticking cicada		
<i>Tettigomyia vespiformis</i>	bumblebee croaking cicada		
<i>Xosopsaltria barettae</i>	short-winged croaking cicada		
ONYCHOPHORA			

Onychophora spp. peripatus
Opisthopatus spp. peripatus
Peripatopsis spp. peripatus

**SCHEDULE 2
 PROTECTED WILD ANIMALS**

Scientific name	common name (where known)	volksnaam (waar bekend)	igama elaziwayo (xa lisaziwa) (Z) = Zulu
MAMMALIA	mammals	soogdiere	izidalwa ezanyisayo
Soricidae	shrews	skeerbekmuise	oocwethe
all spp.	all spp.	alle spp.	zonke iintlobo
Erinaceidae	hedgehogs	krimpvarkies	iintloni
<i>Atelerix frontalis</i>	hedgehog	krimpvarkie	intloni
Chrysochloridae	golden moles	gouemolle	iintuku
<i>Amblysomus iris</i>	Zulu golden mole	Zoeloe gouemol	intuku yakwaZulu
<i>Chrysospalax trevelyani</i>	giant golden mole	reuse gouemol	intuku-yehlathi
<i>Chrysospalax villosus</i>	rough-haired golden mole		
Macroscelididae	elephant shrews	klaasneus	
all spp.	all spp.	alle spp.	
CHIROPTERA	bats	vlermuise	amalulwane
all spp.	all spp.	alle spp.	zonke iintlobo
Cercopithecidae	monkeys	aape	iintsimango
<i>Cercopithecus mitis</i>	samango monkey	samango-aap	intsimango
Hyaenidae	aardwolf, hyaenas	wolve	iingcuka, iingci
<i>Hyaena brunnea</i>	brown hyaena	strandwolf	ingcuka
<i>Proteles cristatus</i>	aardwolf	maanhaarjakkals	ingci, iyongci
Felidae	cats	katte	iingada
<i>Felis nigripes</i>	small-spotted (black-footed) cat	miershooptier	ingweyездiduli, ingada
<i>Felis serval</i>	serval cat	tierboskat	enamanqina amnyama
<i>Panthera leo</i>	lion	leeu	ihlozi
<i>Panthera pardus</i>	leopard	luiperd	ingonyama
			ihlosi, ingwe
Canidae	foxes, jackals	jakkalse	
<i>Otocyon megalotis</i>	bat-eared fox	bakoorjakkals	udyakalashе okhazimla
<i>Vulpes chama</i>	Cape fox	silwerjakkals	okwesilwere
Mustelidae	otters, weasels, honey otters, ratel, badger	muishonde	iintini, iinyengelezi,
<i>Aonyx capensis</i>	Cape clawless otter	groot otter	lichelesi
<i>Lutra maculicollis</i>	spotted-necked otter	klein otter	intini
<i>Mellivora capensis</i>	honey badger	ratel	intini
<i>Poecigale albinucha</i>	striped weasel, snake mongoose	slangmuishond	ichelesi
			inyengelezi
Pinnipedia	seals, sea lions	robbe, seeleeus	iintini zolwandle, izinja zolwandle
all spp.	all spp.	alle spp.	zonke iintlobo
Orycteropodidae	antbear	erdvark	ihodi
<i>Orycteropus afer</i>	antbear	erdvark	ihodi, ibhenxa
Elephantidae	elephants	olifante	iindlovu
<i>Loxodonta africana</i>	African elephant	Afrika olifant	indlovu yase Afrika
Procavidae	hyraxes	dassies	
<i>Dendrohyrax arboreus</i>	tree hyrax	boomdassie	umqha
Equidae	zebras	kwaggas	
<i>Equus quagga burchelli</i>	plains (Burchell's) zebra	bontkwagga	iqhwarha, inqanqarhu

Suidae <i>Phacochoerus aethiopicus</i>	pigs warthog	varkke vlakvark	iingulube inxagu, ihagu
Hippopotamidae <i>Hippopotamus amphibius</i>	hippopotami hippopotamus	seekoeie seekoei	iimvubu imvubu
Giraffidae <i>Giraffa camelopardalis</i>	giraffe giraffe	kameelperd kameelperd	indlulamthi icowa, umcheya, indlulamthi
Bovidae <i>Alcelaphus buselaphus</i> <i>Antidorcas marsupialis</i> <i>Connochaetes taurinus</i> <i>Damaliscus dorcas dorcas</i> <i>Damaliscus dorcas phillipsi</i> <i>Oreotragus oreotragus</i> <i>Oryx gazella</i> <i>Pelea capreolus</i> <i>Philantomba monticola</i> <i>Raphicerus campestris</i> <i>Raphicerus melanotis</i> <i>Redunca arundinum</i> <i>Redunca fulvorufula</i> <i>Sylvicapra grimmia</i> <i>Syncerus caffer</i> <i>Taurotragus oryx</i> <i>Tragelaphus scriptus</i>	antelopes, buffalo red hartebeest springbuck black wildebeest bontebok blesbuck klipspringer gemsbuck grey rhebuck blue duiker steenbuck grysbuck southern reedbuck mountain reedbuck common duiker African buffalo eland bushbuck	bokke, buffels rooihartbees springbok swartwildebees bontebok blesbok klipspringer gemsbok vaalribbok bloubokkie steenbok grysbok rietbok rooiribbok duiker buffel eland bosbok	iinyamakazi ixhama ibhadi inqu iinqa iinqa igogo inkukhama iliza iphuthi itshabanqa ingxungxu, inxunxu intlangu inxala impunzi inyathi impofu imbabala (ungece, unkonka) iqudu
<i>Tragelaphus strepsiceros</i>	kudu	koedoe	
AVES all spp., but not including any mentioned in Schedule 1 and the following -	birds all spp., but not including any mentioned in Schedule 1 and the following -	voëls alle spp., maar nie insluitend dië in Bylae 1 bepaal en die volgende nie -	iintaka zonke iintaka zikhuselwe ngumthetho ngapandle kwezilandilayo -
Columbidae <i>Columba livea</i> <i>Columba guinea</i>	pigeons, doves feral pigeon rock pigeon	duiwe tuinduif kransduif	amahobe ihobe ivukuthu
Coliidae, all spp.	mousebirds, all spp.	muisvoëls, alle spp.	iindlazi, zonke iintlobo
Corvidae, all spp.	crows, ravens, all spp	kraaie, alle spp.	ihlungulu, igwangwa & unomyayi, zonke iintlobo
Pycnonotidae <i>Pycnonotus barbatus</i> <i>Pycnonotus capensis</i> <i>Pycnonotus nigricans</i>	bulbuls black-eyed bulbul Cape bulbul red-eyed bulbul	tiptols swartoogtiptol Kaapse tiptol rooiogtiptol	iikhwebula ikhwebula
Sturnidae <i>Acridotheres tristis</i> <i>Onychognathus morio</i> <i>Stumus vulgaris</i>	starlings Indian myna red-winged starling European starling	sprees Indiese spreeu rooivlerkspreeu Europese spreeu	isomi
Ploceidae <i>Euplectes capensis</i> <i>Euplectes orix</i> <i>Passer domesticus</i> <i>Passer melanurus</i> <i>Ploceus capensis</i> <i>Ploceus velatus</i> <i>Quelea quelea</i>	sparrows, weavers yellowrumped widow red bishop house sparrow Cape sparrow Cape weaver masked weaver red-billed quelea	mossies, vinke Kaapse flap rooivink huismossie Kaapse mossie Kaapse wewer swartkeelvink rooibekkewelea	isahomba umcumse, umlilo umnondlwane, undlunkulu ihobohobo irheza
REPTILIA	reptiles	reptiele	izilwanyana ezinegazi elibandayo
CHELONII	tortoises, terrapins &	skilpaaie, waterskil-	oofudo, iimfudo

**SCHEDULE 4
ENDANGERED FLORA**

Note: a species marked * is protected in terms of section 12(1)(d) of the National Forests Act, 1998.

Scientific name	common name (where known)	volksnaam (waar bekend)	igama elaziwayo (xa lisaziwa)
<i>Acharia tragodes</i>			
<i>Alepidea galpinii</i>			
<i>Aloe bowiea</i>			
<i>Aloe longistyla</i>			
<i>Aloe reynoldsii</i>	Mbashe aloe		
<i>Anthospermum streyi</i>			
<i>Aristea platycaulis</i>			
<i>Aspidoglossum uncinatum</i>			
<i>Bowiea volubilis</i>			
<i>Brachystelma kerzneri</i>			
<i>Brachystelma tenellum</i>			
<i>Catha abbottii</i>	Pondo khat		
* <i>Colubrina nicholsonii</i>			
<i>Crassula planifolia</i>			
<i>Cyclopia filiformis</i>			
<i>Cyclopia longifolia</i>			
<i>Cyclopia pubescens</i>			
* <i>Dahlgrenodendron natalense</i>	Natal quince	Natakweper	
* <i>Encephalartos</i> , all spp., but not including a cultivated seedling	cycads, all spp., but not including a cultivated seedling	broodbome, alle spp., maar nie insluitend 'n gekweekde saailing nie	umphanga, umguza, zonke iintlobo ngaphandle kwezilinyiweyo ngembewu
<i>Englerodaphane subcordata</i>			
<i>Erica abbottii</i>			
<i>Eugenia simii</i>			
* <i>Eugenia umtamvunensis</i>			
<i>Euphorbia jansenvillensis</i>			
<i>Euphorbia meloformis</i>		eselskos, pol	intsele
<i>Euphorbia obesa</i>			
<i>Euphorbia symetrica</i>			
<i>Euphorbia valida</i>			
<i>Ezoscadium capense</i>			
<i>Gymnosporia bachmannii</i>			
<i>Gymnosporia elliptica</i>			
<i>Herschelianthe lugens</i> var. <i>nigrescens</i>			
<i>Herschelianthe venusta</i>			
<i>Holothrix longicomu</i>			
<i>Indigofera 'braamtonyi' ms</i>			
<i>Indigofera 'gogosa' ms</i>			
<i>Indigofera 'herrstreyi' ms</i>			
<i>Isoetes wormaldii</i>			
<i>Jamesbrittenia albanensis</i>			
* <i>Jubaeopsis caffra</i>	Pondo coconut	Pondokokospalm	inkhomba
<i>Lauridia reticulata</i>			
<i>Leucadendron pondoense</i>			
<i>Leucadendron spissifolium</i> subspecies <i>oribinum</i>	Oribi spear-leaved cone-bush		
<i>Leucospermum innovans</i>	Pondoland pincushion		
* <i>Manilkara nicholsonii</i>	south coast milkberry	suidkusmelkbessie	
* <i>Maytenus abbottii</i>	rock silky bark	klipsybas	
<i>Maytenus vanwykii</i>			
<i>Metarungia galpinii</i>			

<i>Nerine masoniorum</i>			
<i>Ochna natalitia</i>			
<i>Orbea speciosa</i>			
<i>Phylica natalensis</i>	Natal hard-leaf	Natalhardeblaar	
<i>Plectranthus malvinus</i>			
<i>Plectranthus praetermissus</i>			
<i>Plectranthus pentheri</i>			
<i>Plectranthus reflexus</i>			
* <i>Pseudosalacia streyi</i>	rock lemon	kliplemoen	
<i>Psoralea abbottii</i>	Pondo fountain bush	Pondofonteinbos	
<i>Rapanea gilliana</i>			
* <i>Raspalia trigyna</i>			
* <i>Rhynchochelys lawsonioides</i>	Natal privet	Natalliguster	
* <i>Rinorea domatiosa</i>	bearded white violet bush	bebaarde witvioolljiesbos	
<i>Schizoglossum amatolicum</i>			
<i>Streptocarpus formosus</i>			
<i>Streptocarpus kentaniensis</i>			
<i>Streptocarpus modestus</i>			
<i>Streptocarpus porphyrostachys</i>			
* <i>Syzygium pondoense</i>	Pondo waterwood	Pondowaterhout	
<i>Tephrosia bachmannii</i>			
* <i>Tricalysia africana</i>	Pondo coffee	Pondokoffie	isiceza
<i>Turraea pulchella</i>	Pondo honeysuckle tree		
<i>Turraea streyi</i>	Strey's honeysuckle tree		
<i>Utricularia sandersonii</i>	bladderwort	blaaskruid	

**SCHEDULE 5
PROTECTED FLORA**

Note: A species marked * is protected in terms of section 12(1)(d) of the National Forests Act, 1998.

Scientific name	common name (where known)	volksnaam (waar bekend)	igama elaziwayo (xa lisaziwa) (Z) = Zulu
* <i>Acridocarpus natalitius</i>	moth-fruit		umabhope
<i>Adiantum</i> , all spp.	maidenhair ferns, all spp.	vrouehaar, alle spp.	umsolo womlambo, zonke iintlobo
* <i>Alberta magna</i>	Natal flame bush	breekhout	umabophe
<i>Alepidea amatymbica</i>			
<i>Alepidea stellata</i>			
* <i>Allophylus natalensis</i>	dune false currant	duinebastertaaibos	umgqalagquzu, uzingathi
<i>Aloe</i> , all spp., but not including <i>A. arborescens</i> , <i>A. ferox</i> and any mentioned in Schedule 4	aloes, all spp. but not including krantz aloe, bitter aloe and any mentioned in Schedule 4	aalwyne, alle spp. maar nie insluitend kransaalwyn, bitteraalwyn en dié in Bylae 4 bepaal nie	maakhala, zonke intlobo, ngaphandle kuka nomaweni nezozikhankhanywe kwisiHlomelo 4
AMARYLLIDACEAE			
all spp.			
<i>Anacampteros</i> , all spp.	love-plants, all spp.	hasieskos, alle spp.	
<i>Anemone caffra</i>			
<i>Anemone tenuifolia</i>	anemone	anemoon	
<i>Apodytes abbottii</i>	Pondo white pear	Pondowitpeer	
* <i>Apodytes dimidiata</i> subsp. <i>dimidiata</i>	white pear	witpeer	umdakane

ASCLEPIADACEAE

all spp.

*Aspalathus gerrardii**Asplenium simii***Atalaya capensis**Atalaya natalensis***Avicennia marina**Barberetta aurea**Bauhinia bowkeri***Bauhinia natalensis**Begonia dregei**Brachystelma australe***Bridelia micrantha***Bruguiera gymnorrhiza***Buddleja saligna**Bulbine inae* sp. nov.

BRUNIACEAE

all spp. but not including any mentioned in Schedule 4

*Buxus macowanii***Caesalpinia bonduc**Calopsis paniculata***Canthium vanwykii***Carissa wylei**Cassipourea flanaganii***Cassipourea gerrardii***Cassine aethiopica**Cassytha pondoensis***Celtis durandii**Centella graminifolia**Cephalanthus natalensis***Chionanthus foveolatus*subsp. *foveolatus***Chionanthus peglerae**Chironia albiflora**Chironia laxa**Chondropetalum microcarpum***Combretum caffrum***Combretum erythrophyllum***Cordia caffra**Crassula perfoliata**Crassula streyi**Craterostigma nanum**Cryptocarya myrtifolia***Cyathea*, all spp.**Cunonia capensis***Curtisia dentata***Cussonia gamtoosensis**Diascia*, all spp.*Dioscorea elephantipes**Dioscorea sylvatica**Drimia hyacinthoides***Drypetes arguta**Ecbolium flanaganii**Echiostachys spicatus**Elaphoglossum angustatum***Encephalartos* all spp.,
cultivated seedling only

Cape krantz ash

Natal krantz ash

white mangrove

Kei neat's foot

Natal bauhinia

mitseeri

black mangrove

false olive

Cape box

bonduc

Pondo rock alder

forest num-num

Cape onionwood

common onionwood

kooboo-berry

false white stinkwood

strawberry bush

common pock ironwood

giant pock ironwood

small white chironia

Cape bushwillow

river bushwillow

septee tree

Pondoland crassula

mole's spectacles

myrtle quince

tree ferns, all spp.

red alder

assegai

elephant's foot

elephant's foot

water ironplum

cycads, all spp.,
cultivated seedling
only

Kaapse kransesseboom

Natalese kransesseboom umhlambila (Z)

witseebasboom isikhungathi

Keibeeskrou

Natalesebeeskrou

mitserie

swartwortelboom

witoliën hout

Kaapse buksboom

Pondoklipels

bos noemnoem

Kaapse uiehout

gewone uiehout

koeboebessie

basterwitstinkhout

witaarbeibos

gewone pokysterhout

reusepokysterhout

Kaapse vaderlandswilg

riviervaderlandswilg

septeeboom

mirtekweper

boomvarings, alle spp.

rooi-els

assegai

olifantsvoet

skilpadknol

waterysterpruim

aleen

broodboome, alle spp.
gekweekde saailingumqonga, umemezi,
umkhatane

umgxube, umbovane

umvumvu

umfimfi (Z)

umdlebe,
umnqumaswili

umdubu

umdubu

umlovulovu

isithungwa

izihhi, zonke iintlobo

umqwashube

usirhayi, umgxina

ingwevu (Z)

umnqungqute

umphanga, umguza,
zonke iintlobo,
kwezilinyiweyo ngembewu

ERICACEAE, all spp., but not including any mentioned in Schedule 4	ericas all spp. but not including any mentioned in Schedule 4	heide alle spp., maar nie insluitend dié in Bylae 4 bepaal nie	onontlango zonke iintlobo, zazo ezingakhankanywanga kwisihlomelo 4
<i>Eriosema dregei</i>			
<i>Eriosema latifolium</i>			
<i>Eriosema luteopetalum</i>			
<i>Eriosema umtamvunense</i>			
<i>Eriosemopsis subanisophylla</i>			
<i>Erythrina acanthocarpa</i>	tambookie thorn	tamboekie thorn	
<i>Erythrina humeana</i>	dwarf coral tree	kleinkoraalboom	umsintsana
* <i>Euclea natalensis</i> subsp. <i>natalensis</i>	Natal guarri	Natalghwarrie	umtshekisani, umkhaza
* <i>Euclea racemosa</i>	sea guarri	seeghwarrie	
<i>Eucomis</i> , all spp.	pineapple flowers, all spp.	pynappelblomme, alle spp.	umathunga (Z), mbola (Z), zonke iintlobo
* <i>Eugenia capensis</i>	dune myrtle	duinemirt	umbelwana, umpofana
<i>Eugenia erythrophylla</i>	large-leaved myrtle	grootblaarmirt	
<i>Eugenia verdoorniae</i>	small-leaved myrtle	fynblaarmirt	
<i>Eugenia</i> sp. nov. C			
<i>Euphorbia astrophora</i>			
<i>Euphorbia bupleurifolia</i>			
<i>Euphorbia decepta</i>		melkbol	intsele
<i>Euphorbia ericoides</i>			inkamamasane
<i>Euphorbia globosa</i>			
<i>Euphorbia horrida</i>			
<i>Euphorbia stellata</i>			
<i>Euryops leiocarpus</i>			
* <i>Faurea macnaughtonii</i>	terblanz beech	terblans	isafu, umkhubane
* <i>Ficus bizanae</i>	Pondo fig	Pondovy	umthombe
* <i>Ficus sur</i>	broom cluster fig	besemtrosvy	umkhiwane
<i>Gasteria</i> , all spp.	<i>gasterias</i> , all spp.	bosaalwyne, alle spp.	iimpundu, zonke iintlobo
<i>Geranium subglabrum</i>			
<i>Gloriosa superba</i>	flame lily		inyibiba yodumo,
<i>Gnidia singularis</i>			
<i>Gnidia triplinervis</i>			
* <i>Grewia pondoensis</i>	Pondo raisin	Pondorosyntjie	
<i>Greyia flanaganii</i>	Kei bottlebrush	Keibaakhout	usinya
<i>Guthria capensis</i>			
<i>Harveya</i> , all spp.	harveyas, all spp.		
<i>Haworthia</i> , all spp.	haworthias, window plants, all spp.		
<i>Helichrysum glaciale</i>			
<i>Helichrysum pannosum</i>			
<i>Helichrysum populifolium</i>	poplar helichrysum		
<i>Helichrysum sessilioides</i>			
<i>Heliophylla subulata</i>			
<i>Hemia hystrix</i>			
<i>Hydnora africana</i>			
<i>Hypodematium crenatum</i>			
HYPOXIDACEAE all spp.	star flowers all spp.	sterblomme alle spp	ixahanxa, inongwe, inkomfe, zonke iintlobo
* <i>Ilex mitis</i>	Cape holly	without	umduduma, umduma
<i>Impatiens flanaganii</i>			
<i>Indigofera 'pondoensis'</i> ms			
<i>Indigofera rubroglandulosa</i>			
IRIDACEAE all spp. but not including any mentioned in Schedule 4			
<i>Kalanchoe thysiflora</i>	white lady	geelplakkie	
<i>Kniphofia</i> , all spp.	redhot poker, all spp.	vuurpyl, alle spp.	ixonya, zonke iintlobo
<i>Lachenalia</i> , all spp.	lachenalias, all spp.		

<i>*Podocarpus latifolius</i>	real yellowwood	opregtegeelhoud	umcheya
<i>Podranea ricasoliana</i>	Port St Johns creeper		
<i>Polystichum</i> , all spp.	seven weeks fern, all spp.	seweweeksvarrings, alle spp.	
PROTEACEAE	proteas	proteas	
all spp. but not including any mentioned in Schedule 4	all spp. but not including any mentioned in Schedule 4	alle spp. maar nie insluitend dié in Bylae 4	
<i>*Prunus africana</i>	red stinkwood	rooistinkhout	umkakazi, inyazangoma
<i>*Pseudoscolopia polyantha</i>	false red pear	valsrooipeer	
<i>Psilotum nudum</i>			
<i>*Pterocelastrus tricuspidatus</i>	candlewood	kershout	utywina, ugobandlovu
<i>*Putterlickia retrospinosa</i>	large-leaved bastard spike-thorn		
<i>*Rapanaea melanophloeos</i>	Cape beech	boekenhout	isiqwane sehlathi
<i>Raphionacme lobulata</i>			
<i>*Rauvolfia caffra</i>	quinine tree	kinaboom	umthundisa, umjelo
<i>Relhania pungens</i> subsp. <i>angustifolia</i>			
<i>*Rhizophora mucronata</i>	red mangrove	rooiwortelboom	umhluma
<i>*Rhus acocksii</i>			
<i>Rhus albomarginata</i>			
<i>*Rinorea angustifolia</i>	white violet-bush	witviooltjiwbos	umzungulu
<i>Sandersonia aurantiaca</i>	Chinese lantern, christmas bell	geelklokkie	ihlamvu lasenhia (Z)
<i>Schizobasis intricata</i>			
<i>*Scolopia zeyheri</i>	thorn pear	doringpeer	iqumza e!inameva
<i>Selago lepidoides</i>			
<i>Senecio austromontanus</i>			
<i>Senecio erubescens</i> var. <i>incisus</i>			
<i>Senecio glanduloso-lanosus</i>			
<i>Senecio medley-woodii</i>			
<i>*Sideroxylon inerme</i>	white milkwood	witmelkhout	amasethole, umqwashu
<i>*Spirostachys africana</i>	tamboti	tambotie	umthombothi
<i>Stangeria eriopus</i>	stangeria	bobbejaankos,	imfingwane,
<i>*Sterculia alexandri</i>	Cape star-chestnut	Kaapse sterkastaing	
<i>Strelitzia</i> , all spp., excluding <i>S. nicolae</i>	crane flowers, all spp. excluding Natal wild banana	kraanvoëlblomme, alle spp. uitsluitend Natalse wildepiesang	ikhamanga, zonke iintlobo ngaphandle ikhamane omkulu
<i>Streptocarpus</i> , all spp. but not including any mentioned in Schedule 4	Cape primrose, rexia, nodding bells, twin sisters, wild gloxinia, all spp. but not including any mentioned in Schedule 4		
<i>Struthiola pondoensis</i>			
<i>*Strychnos mitis</i>	yellow bitterberry	geelbitterbessie	ibholo, umnqonqodi
<i>Syncolostemon</i> , all spp	pink plume, all spp.		
<i>Syncarpa recurvata</i>			
<i>*Syzygium gerrardii</i>	forest water berry	boswaterhout	umjomi-wehlathi, umansane
<i>*Tephrosia pondoensis</i>	Pondo poison pea	Pondogifertjie	
<i>Tetradenia barberae</i>			
<i>Thamnocalamus tessellatus</i>	mountain bamboo	bergbamboes	
<i>*Trichilia dregeana</i>	forest mahogany	bosrooiessenhout	umkhuflu
<i>Trichomanes reptans</i>			
<i>*Umtiza listeriana</i>	umtiza	omtisa	umthiza
<i>Urginea ciliata</i>			
<i>Veltheimia</i> all spp	forest lilies, all spp.	sanduse, alle spp	
<i>*Voacanga thouarsii</i>	wild frangipani	wildefrangipani	umthofu, umthomfi
<i>*Widdringtonia nodiflora</i>	mountain cypress	bergsipres	unwelelwentaba
<i>*Widdringtonia schwarzii</i>	Willowmore cedar	Baviaanskloofseder	
<i>*Xymalos monospora</i>	lemonwood	lemoenhout	uvethe

Zaluzianskya angustifolia
Zantedeschia elliotiana
 **Zanthoxylum davyi*

knobwood

perdepram

umlungumabele

SCHEDULE 6
NOXIOUS AQUATIC GROWTHS

Scientific name	common name (where known)	volksnaam (waar bekend)	igama elaziwayo (xa lisaziwa)
<i>Eichhornia</i> all spp.	water hyacinth, all spp.	waterhiasint, alle spp.	
<i>Myriophyllum</i> all spp.	parrot's feather all spp.	duisendblaar, alle spp.	
<i>Salvinia</i> all spp.	water fern, all spp.	watervaring, alle spp.	

(Schedule 7 on following page)

SCHEDULE 7
PROVINCIAL PARKS
[section 14(2)]

Name	Provincial or Government Notice No.	Date	Gazette No.
Andries Vosloo Kudu	Proc 409 / 1976	10 December 1976	Cape
	Proc 173 / 1980	1 August 1980	Cape
Cape St Francis	48 / 1989	23 June 1989	Cape
Commando Drift	172 / 1980	25 July 1980	Cape
Cycad	409 / 1976	10 December 1976	Cape
Double Drift	70 / 1987	25 September 1987	Ciskei 70 / 1987
Dwesa-Cwebe	74 / 1975	25 July 1975	Transkei 20 / 1975
Hluleka	31 / 1976	26 March 1976	Transkei 12 / 1976
Karnmelkspruit (Vulture)	59 / 1990	27 August 1990	Cape
Karoo	192 / 1983	22 July 1983	Cape
Malekgonyane (Ongeluksnek)	Unnumbered	6 July 1990	Transkei 28 / 1990
Mkambati	45 / 1977	27 April 1977	Transkei 28 / 1977
Nsikeni	145 / 1978	1 September 1978	Transkei 53 / 1978
Oviston	276 / 1981	18 September 1981	Cape
Seekoeirivier	65 / 1990	10 September 1990	Cape
St Croix Island	276 / 1991	18 September 1991	Cape
	35 / 1992	19 May 1992	Cape
Thomas Baines	294 / 1980	18 December 1980	Cape
Tsolwane	70 / 1987	25 September 1987	Ciskei 70 / 1987

(Schedule 8 on following page)

**SCHEDULE 8
REPEAL OF LAWS
(section 122)**

Title, No. & Year of law	Extent of repeal
Sea-shore Act, 1935 (Act No. 21 of 1935)	The whole, in so far as it does not relate to the sea-shore and the sea within any port or harbour that in terms of any law falls under the control and management of the Company referred to in section 1 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), excluding sections 2, 6, 7(1)(b) and (2)(b), 8, 9, 11(2), 12 and 13(b) and (e).
Sea-shore Amendment Act, 1959 (Act No. 60 of 1959)	The whole
Sea-shore amondement Act, 1969 (Act No. 45 of 1969)	The whole
Sea-shore Amendment Act, 1972 (Act No. 38 of 1972)	The whole
Sea-shore Act, 1979 (Act No. 17 of 1979), Transkei	The whole
Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), Cape Province	The whole
Nature Conservation Act, 1987 (Act No. 10 of 1987), Ciskei	The whole
Environmental Conservation Decree, 1992 (Decree No. 9 of 1992), Transkei	The whole
Nature Conservation Amendment Decree, 1992, Ciskei	The whole
Problem Animal Control Ordinance, 1957(No 26 Of 1957)	The whole