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VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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GOEWERMENTSKENNISGEWING

**DEPARTEMENT VAN SAMEWERKING EN
ONTWIKKELING**

No. R.455

[19 Maart 1982

**KANGWANE- WET OP NATUURBEWARING,
1981
(WET 3 VAN 1981)**

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangeneem is en wat hierby vir algemene inligting gepubliseer word:

**GEBIED VAN DIE KANGWANE- WETGEWENDE
VERGADERING
WET**

Om voorsiening te maak vir die bewaring van wilde diere, vis en inheemse plante, die uitroeiing van en beheer oor probleemdiere en die stigting van en beheer oor natuur- en wildtuine.

DAAR WORD BEPAAL deur die KaNgwane- Wetgewende Vergadering, soos volg:—

HOOFTUK 1

WOORDOMSKRYWING EN ADMINISTRASIE

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

GOVERNMENT NOTICE

**DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT**

No. R.455]

[19 March 1982

**KANGWANE NATURE CONSERVATION ACT,
1981
(ACT 3 OF 1981)**

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

**AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY
ACT**

To provide for the conservation of wild animals, fish and indigenous plants, the destruction and control of problem animals and the establishment and control of nature and game reserves.

BE IT ENACTED by the KaNgwane Legislative Assembly, as follows:—

CHAPTER I

DEFINITIONS AND ADMINISTRATION

Definitions

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

„aas” enige organiese stof, hetsy lewend of dood, gebruik of wat gebruik gaan word om vis te lok, ongeag of dit tesame met ’n ander lokmiddel of ander stof gebruik word of gebruik gaan word;

„baars” enige grootbekbaars (*MICROPTERUS SALMOIDES*), kleinbekbaars (*MICROPTERUS DOLOMIEU*) of spikkelbaars (*MICROPTERUS PUNCTULATUS*);

„beampte” enige persoon wat aangestel is, hetsy permanent of tydelik, in enige pos op die diensstaat van die Departement en sluit in enige persoon toegewys ingevolge artikel 5 (4) van die Grondwet van die Swart State 1971 (Wet 21 van 1971);

„beskermde inheemse plant” ’n plant in artikel 13 bedoel;

„bosbeampte” ’n beampte soos omskryf in enige wet met betrekking tot bosbou van krag in KaNgwane;

„forelwaters” waters wat as sulks deur die Uitvoeren-deraad by kennisgewing in die *Staatskoerant* bepaal is;

„Departement” die Departement van Landbou en Bosbou en sluit enige beampte of ander werknemer in die Departement in wat binne die bestek van en die uitvoering van sy pligte optree;

„Direkteur” die Direkteur van Landbou en Bosbou of enige ander persoon in die Departement wat behoorlik gemagtig is om in sy plek op te tree;

„eienaar” met betrekking tot private grond—

(a) die persoon by wie die regstitel daartoe berus; en

(b) in die geval van grond onder die beheer van ’n plaaslike owerheid, sodanige owerheid.

„fopaas” enige anorganiese stof wat saam met ’n hoek en lyn gebruik word om te hengel;

„forel” enige vis van die genus *SALMO* of die genus *SALVELINUS*;

„geslote seisoen” die tydperk tussen die einde van een oop seisoen en die aanvang van die daaropvolgende oop seisoen;

„hengel” die vang van vis deur middel van ’n lyn en hoek ongeag of ’n stok of lokmiddel gebruik word en sluit die gebruik van ’n skepnet of houder om vis te skep en in te hou wat deur middel van ’n lyn en hoek gevang is, in, maar omvat nie die gryp van vis nie, dit wil sê die metode waarby ’n hoek of ander soortgelyke voorwerpe deur die water geruk word met die doel om vis daaraan vas te haak;

„hierdie Wet” ook enige regulasie wat daarkragtens uitgevaardig is;

„Hoofnatuurbewaringsbeampte” die bekleër van die pos bedoel in artikel 29 (1) (c) (i);

„jag” wanneer dit as ’n werkwoord gebruik word, om op watter wyse ook al dood te maak, te beseer, te vang of te probeer doodmaak, beseer of vang, of te skiet op, te vergiftig, te agtervolg, te dryf, te soek na, voor te lê of opsetlik te verstoor en enige persoon wat enige wilde dier nader of volg, wat enige skielike beweging of geluid maak of veroorsaak dat enige beweging of geluid gemaak word, of wat enige lig flits of veroorsaak dat sodanige lig geflits word, of wat klippe of enige ander voorwerp na enige wilde dier gooi, of wat enigiets doen met die bedoeling om sodanige wilde dier van sy rusplek te laat beweeg, of om hom van rig-

“adequately enclosed”, in relation to private land and any wild animal thereon, means enclosed—

(i) by a fence, wall or other obstruction through, over or under which such wild animal is unable to go without breaking it;

(ii) by any natural boundary through or over which such wild animal will normally not go; or

(iii) by any combination of such fences, walls, obstructions and natural boundaries;

“angle” means the catching of fish by means of a line and hook, whether or not any rod or lure is used, and includes the use of a landing or keep net to land and keep fish caught by means of a line and fishhook, but does not include the snatching of fish, that is to say the method whereby a hook or other similar object is jerked through the water with the intentions of impaling fish thereon;

“aquatic growth” means any vegetation which grows or is able to grow in any waters whether totally immersed or emergent therefrom or marginal thereto;

“artificial bait” means any inorganic substance used in conjunction with a hook and line to angle;

“artificial fly” means a lure consisting of a hook with one point and one barb to which is attached matter which is designed to attract although it is not edible by fish;

“authorisation” means any authorisation for which special provision has been made in this Act or, where no such provision has been made, any other authorisation issued in terms of section 2 (2);

“bait” means any organic substance, alive or dead, used or to be used for attracting fish whether or not it is, or is to be, used in conjunction with any other lure or any other substance;

“bass” means any large mouth bass (*MICROPTERUS SALMOIDES*), small mouth bass (*MICROPTERUS DOLOMIEU*) or spotted bass (*MICROPTERUS FUNCTULATUS*);

“buy” includes barter or exchange or receive as valuable consideration;

“carcase” includes any bone, hoof, horn, claw, tooth, tusk, hair, feather, hide, skin or tail;

“catch”, in relation to fish, means by any means whatsoever to catch or take or to attempt to catch or take, to pursue or wilfully disturb;

“chief” means any chief appointed or recognised in terms of section 2 of the Black Administration Act, 1927 (Act 38 of 1927), and includes any person acting in the place of such chief;

“Chief Nature Conservation Officer” means the incumbent of the post referred to in section 29 (1) (c);

“child” includes a step-child or adopted child;

“closed season” means the interval between the end of one open season and the commencement of the next ensuing open season;

“Department” means the Department of Agriculture and Forestry and shall include any officer or other employee in the Department acting within the scope of and in the course of his duties;

“Director” means the Director of Agriculture and Forestry or any other person in the Department duly authorised to act in his stead;

ting te laat verander, of om hom sy pas of spoed te laat versnel, of om hom op loop te laat sit, sal geag word sodanige wilde dier te verstoor, molesteer of verskrik het;

„kaptein” ’n kaptein aangestel of erken ingevolge artikel 2 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), en sluit enige persoon in wat in die plek van sodanige kaptein waarneem;

„karkas” ook enige been, hoef, horing, klou, tand, haar, veer, huid, vel of stert;

„kind” ook ’n stiefkind of aangenome kind;

„koop” ook kwansel of ruil, of ontvang as waardevolle teenprestasie;

„kunsvlieg” ’n lokmiddel wat bestaan uit ’n hoek met een punt en een weerhaak waaraan stof wat bedoel is om vis aan te lok alhoewel dit nie deur vis gevreet word nie, vasgebond is;

„lokmiddel” ook aas of fopaas;

„magistraat” ook ’n addisionele magistraat en ’n assistent magistraat;

„magtiging” ’n magtiging waarvoor spesiale voorsiening in hierdie Wet gemaak is of, waar geen sodanige voorsiening gemaak is nie, enige ander magtiging uitgereik ingevolge artikel 2 (2);

„natuurbewaringsbeampte” ’n natuurbewaringsbeampte in artikel 29 (1) (c) (ii);

„natuurtuin” ’n natuurtuin in artikel 23 bedoel;

„oewereienaar” die eienaar van grond wat aan enige waters grens of waarop enige waters geleë is;

„onkruid” ’n plant wat tot ’n onkruid verklaar is ingevolge die Wet op Onkruid, 1937 (Wet 42 van 1937);

„oop seisoen”—

(i) met betrekking tot die jag van enige wilde dier, die tydperk waartydens enige wilde dier ingevolge ’n kennisgewing, uitgereik kragtens artikel 7, gejag kan word; en

(ii) met betrekking tot die vang van vis, die tydperk waartydens enige vis ingevolge ’n kennisgewing uitgereik kragtens artikel 19 (2), gevang kan word;

„openbare pad” enige pad waaroor die publiek ’n reg van weg het en ook ’n trekpad, openbare uitspanning, veedeurgangwydte of rus- of drinkplek;

„ouer” ook ’n stiefouer;

„plaaslike owerheid” ’n liggaam bekleed met die bevoegdheid of bevoegdhede soortgelyk aan dié van ’n munisipaliteit, dorpsraad en enige ander soortgelyke liggaam in ’n stedelike gebied en ook ’n dorpsraad bedoel in Proklamasie R.293 van 1962;

„plant” enige plantegroei en sluit ’n gedeelte daarvan in;

„pluk” ook om te versamel, af te sny, af te kap, af te breek, uit te trek, te beskadig of te vernietig;

„polisiebeampte” ’n lid van die Suid-Afrikaanse Polisie of enige polisiemag deur die Regering ingestel;

„private grond” ander grond as regeringsgrond;

„probleemdier” enige dier in paragrawe (a) tot en met (e) van artikel 11 bedoel;

„professionele gids” ’n persoon aan wie ’n lisensie kragtens artikel 26 uitgereik is;

„Regering” die regering van KaNgwane;

„Executive Councillor” means the Executive Councillor of Agriculture and Forestry;

„exemption” means any exemption granted under this Act;

„exotic animal” means any vertebrate animal (including a reptile and any bird but not a fish) belonging to a species which occurs in a free state in nature anywhere except in the Republic and includes any such animal born or kept in captivity;

„fire-arm” includes any airgun;

„fish” means any fish or aquatic animal (except mammals and birds) and the eggs or spawn of such fish or aquatic animal;

„forest officer” means a forest officer as defined in any act relating to forestry in force in KaNgwane;

„game biltong” means meat of any wild animal which has been cut into pieces and is being or has been dried or pickled;

„game reserve” means any game reserve referred to in section 23;

„game sausage” means sausage made wholly or partly from the meat of any wild animal whether it is fresh or is being or has been dried or pickled;

„Government” means the government of KaNgwane;

„government land” means land owned or controlled by the Government;

„hunt” when used as a verb, means by any means whatsoever to kill, to injure, to capture or attempt to kill, injure or capture, or to shoot at, poison, pursue, drive, search for, lie in wait for or wilfully disturb and any person who approaches or follows any wild animal, or makes any sudden movement or noise or causes such movement or noise to be made, or flashes a light or causes such light to be flashed, or throw stones or any other object at any wild animal, or does anything whatsoever with the intention to cause such wild animal to move from its resting place, or to change its direction of

travel, or to increase its pace or speed, or to stampede, shall be deemed to have so disturbed, molested or frightened such wild animal;

„landing net” means a net the opening of which is attached to a frame, nowhere exceeding 60 centimetres in width or length and which is used, without any lure therein, by making use of a handle fixed to the frame either permanently or temporarily;

„local authority” means any body in which is vested the powers or powers similar to that of a municipality, town board and other such body in any urban area and also a town council referred to in Proclamation R.293 of 1962;

„lure” includes bait or artificial bait;

„magistrate” includes an additional magistrate and an assistant-magistrate;

„nature conservation officer” means a nature conservation officer referred to in section 29;

„nature reserve” means any nature reserve referred to in section 23;

„officer” means any person who has been appointed, whether permanently or temporarily, to any post on the establishment of the Department and shall include any person designated in terms of section

„regeringsgrond” grond wat die eiendom is van, of beheer word deur, die Regering;

„skepnet” ’n net waarvan die opening vasgemaak is aan ’n raam wat nêrens wyer of langer as 60 sentimeter is nie en wat aangewend word, sonder lokmiddel daarin, deur gebruik te maak van ’n handvatsel wat of permanent of tydelik aan die raam geheg is;

„stellyn” ’n lyn en hoek (ongeag of enige lokmiddel gebruik word of nie) wat, wanneer dit gebruik word om vis te vang, nie regstreeks of onregstreeks deur ’n persoon gehanteer word nie maar aan iets vasgemaak en onbewaak gelaat word, maar sluit nie ’n lyn en hoek in wat vasgemaak is aan ’n katrol en stok wat los op die grond lê nie;

„streeksowerheid” ’n streeksowerheid soos omskryf in artikel 1 van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951);

„strik” enige strik, slagyster, val, hok, net, vanggat, voëllym en enige toestel hoegenaamd waarmee wilde diere gevang kan word;

„uitheemse dier” ’n werwdier (met inbegrip van ’n reptiel, en enige voël maar nie ’n vis nie) wat behoort tot ’n soort wat op enige plek behalwe in die Republiek vry in die natuur voorkom en ook so ’n dier wat in gevangenskap gebore is of gehou word;

„Uitvoerenderaadslid” die Uitvoerenderaadslid van Landbou en Bosbou;

„vang”, met betrekking tot vis, om met watter middel hoegenaamd te vang of te neem of te probeer vang of neem of te agtervolg of opsetlik te verstoor;

„veldwag” ’n veldwag in artikel 29 (1) (a) bedoel;

„verkoop” ook ruil of kwansel, vir verkoop aanbied, vir verkoop uitstal, vir verkoop adverteer, in besit wees vir die doel van verkoop, vent, smous, skenk of aanbied as ’n teenprestasie vir waarde ontvang;

„vis” enige vis of waterdier (behalwe soogdiere en voëls) en eiers of kuit van sodanige vis of waterdier;

„voertuig” ’n voertuig aangedryf deur ’n binnebrand masjien of deur elektrisiteit of deur stoom en sluit ook in alle sleepwaens, water- en lugvaartuie;

„voldoende omhein”, met betrekking tot private grond en enige wilde dier daarop, omhein—

- (i) met ’n heining, muur of ander versperring waardeur, waaroor of waaronder sodanige wilde dier nie kan gaan sonder om dit te breek nie;
- (ii) deur enige natuurlike grens waardeur of waaroor sodanige wilde dier gewoonweg nie sal gaan nie; of
- (iii) deur enige kombinasie van sodanige heinings, mure, versperrings en natuurlike grens;

„voorgeskrewe” by hierdie Wet voorgeskryf;

„vrystelling” vrystelling kragtens hierdie Wet verleen;

„vuurwapen” ook ’n windbuks;

„wapen” ’n vuurwapen of ammunisie of enige ander werktuig wat in staat is om ’n projekiel sodanig voort te dryf of wat sodanig voortgedryf of gebruik kan word dat ’n wilde dier daarmee doodgemaak of beseer kan word;

5 (4) of the Black States Constitution Act, 1971 (Act 21 of 1971);

“Open season”—

- (i) in relation to the hunting of any wild animal means the period during which any wild animal may, in terms of a notice issued under section 7, be hunted; and
- (ii) in relation to the catching of fish means the period during which any fish may, in terms of a notice issued under section 19 (2), be caught;

“owner” in relation to private land means—

- (a) the person in whom is vested the legal title thereto; and
- (b) in the case of land under the control of any local authority, such local authority;

“parent” includes a step-parent;

“pick” includes to gather, to cut, to chop off, to break off, to uproot, to damage or to destroy;

“plant” means any vegetation and includes any part thereof

“police officer” means a member of the South African Police or any police force established by the Government;

“prescribed” means prescribed by this Act;

“private land” means land other than government land;

“problem animals” means any animal referred to in paragraphs (a) to and including (e) of section 11;

“professional guide” means a person to whom a licence referred to in section 26 has been issued;

“protected indigenous plant” means any plant referred to in section 13;

“public road” means any road over which the public has a right of way and includes a trek path, public outspan, stock removal width or any resting or watering place;

“ranger” means a ranger referred to in section 29 (1) (a)

“regional authority” means a regional authority as defined in section 1 of the Black Authorities Act, 1951;

“riparian owner” means the owner of land which abuts on any waters or on which any waters are situated;

“sell” includes to barter or exchange, offer for sale, expose for sale, to advertise, have in possession for the purpose of selling, hawk, peddle, give or offer for value received;

“set line” means a line and hook (whether or not any lure is used) which, when used for catching fish, is not manipulated directly or indirectly by a person but is attached to something and left unattended, but excludes any line and hook attached to any rod and reel lying loose on the ground;

“this Act” includes any regulation made thereunder;

“trap” means any trap, spring-trap, gin, cage, net, pit-fall, bird-lime, and any contrivance whatsoever capable of capturing any wild animal;

“trout” means any fish of the genus SALMO or the genus SALVELINUS;

„watergewas” enige plantegroei wat in enige waters, hetsy onder, bokant of aan die kant daarvan groei of kan groei;

„waters” met betrekking tot vis of enige watergewas, ’n rivier, stroom, riviermond of spruit, meer, pan, dam, sloot of ander versameling van water, hetsy natuurlik of kunsmatig, waarin vis of watergewasse gevind mag word;

„wilde dier” ’n werwdier (met insluiting van ’n voël en reptiel, maar met uitsluiting van ’n vis) hetsy in gevangenskap of elders geteel of aangehou wat aan ’n soort behoort wat nie ’n huisdier is nie wat in die natuurlike staat, hetsy tydelik of permanent, in enige deel van die Republiek voorkom en sluit in die karkas, eier, vleis (hetsy vars of bewerk), biltong en die onbewerkte of gedeeltelik bewerkte huid, vel, riem, tand, been, horing, dop, skub, klou, hoof, poot, stert, haar, veer of enige ander gedeelte van so ’n werwdier, maar sluit nie probleemdiere of uitheemse diere in nie;

„wildsbiltong” vleis van enige wilde dier wat in stukke gesny is en gedroog word of gedroog of gepek is;

„wildswors” wors wat geheel en al of gedeeltelik gemaak is van die vleis van enige wilde dier, hetsy dit vars is, gedroog of gepek is;

„wildtuin” ’n wildtuin in artikel 23 bedoel.

Administrasie

2. (1) Die Departement is verantwoordelik vir die uitvoering van die bepalings van hierdie Wet en, wanneer aan die Departement by sodanige bepalings ’n bevoegdheid verleen of ’n plig opgelê word, kan sodanige bevoegdheid of plig uitgeoefen of uitgevoer word deur die Direkteur of deur ’n ander beamppte in die Departement wat kragtens sy magtiging optree.

(2) Ten einde enigiemand in staat te stel om enigiets te doen waarvoor, by hierdie Wet, of in die uitvoering van hierdie Wet, magtiging vereis word, moet sodanige magtiging in die vorm wees en kan sodanige magtiging uitgereik word op dié voorwaardes wat die Uitvoerenderaadslid bepaal en teen betaling van die fooie of kostes (as daar is) wat hy, in oorleg met die Hoof- Uitvoerenderaadslid, mag voorskryf: Met dien verstande dat enige magtiging wat kragtens hierdie Wet uitgereik word slegs geldig sal wees in die regsgebied van die stamowerheid ten opsigte waarvan sodanige magtiging uitgereik is: Met dien verstande voorts dat vyf-en-twintig persent van alle fooie en kostes ingevorder ten opsigte van enige magtiging uitgereik kragtens hierdie Wet die stamowerheid ten opsigte van wie se gebied sodanige magtiging uitgereik is, toeval.

(3) ’n Magtiging—

(a) word nie oorgedra, en is nie vatbaar vir oordrag, deur die houer daarvan aan enige ander persoon nie;

(b) verleen aan die houer daarvan slegs die magtiging, reg of voorreg, en is beskikbaar slegs ten opsigte van dié gebied en vir dié tydperk wat daarin vermeld word: Met dien verstande dat, indien die geldigheids tydperk van ’n magtiging nie daarin vermeld word nie, sodanige magtiging vir twaalf maande vanaf die datum van uitreiking geldig is; en

(c) word in besit van die houer daarvan gehou tydens die uitvoering van die handeling wat daardeur gemagtig word.

(4) Indien die houer van ’n magtiging versuim om aan enige voorwaarde daarvan te voldoen of aan ’n oortre-

“trout water” is water declared as such by the Executive Councillor by notice in the *Gazette*;

“vehicle” means any vehicle powered by an internal combustion engine or by electrical or steam power and shall include all trailers and all aircraft;

“waters” in relation to fish or any aquatic growth, means any river, stream, estuary or creek and any lake, pan, pond, furrow or other collection of water, whether natural or artificial, in which fish or aquatic growth may be found;

“weapon” means any fire-arm or ammunition or any other instrument which is capable of propelling a projectile or which can be propelled or used in such a way that a wild animal may be killed or injured thereby;

“weed” means any plant declared to be a weed in terms of the Weeds Act, 1937 (Act 42 of 1937);

“wild animal” means any vertebrate animal (including a bird and reptile but not a fish) whether bred or kept in captivity or elsewhere belonging to a non domestic species whose habitat is either temporarily or permanently in any part of the Republic and includes the carcass, egg, flesh (whether fresh or cured), biltong and the unprocessed or partly processed hide, skin, thong, tooth, tusk, bone, horn, shell, scale, claw, hoof, paw, tail, hair, feather or any other part of any such vertebrate animal, but does not include problem animals or exotic animals.

Administration

2. (1) The Department shall be responsible for the administration of the provisions of this Act and, whenever by such provisions, any power or duty is conferred or imposed on the Department such power or duty may be exercised or performed by the Director or any other officer in the Department acting under his authority.

(2) To enable any person to do anything for which by this Act or the due execution of this Act, authorisation is required, such authorisation shall be in the form and may be issued upon such conditions as the Executive Councillor may determine and on payment of such fees or charges (if any) as he may prescribe by regulation in consultation with the Chief Executive Councillor: Provided that any authorisation issued in terms of this Act shall only be valid in the area of jurisdiction of the Tribal Authority in respect of which such authorisation was issued: Provided further that twenty-five per cent of all fees or charges collected in respect of any authorisation issued in terms of this Act shall accrue to the Tribal Authority in respect of whose area such authorisation was issued.

(3) An authorisation—

(a) shall not be transferred, or be capable of transfer, by the holder to any other person;

(b) shall confer on its holder only such authority, right or privilege, and be available only in respect of such area and for such period, as may be specified therein: Provided that, if the period of validity of an authorisation is not specified therein, such authorisation shall be valid for twelve months from the date of issue; and

(c) shall be kept in the possession of the holder thereof at all times material to the execution of the Act which is authorised by it.

(4) If the holder of any authorisation fails to comply with any condition thereof or is convicted of any offence

ding kragtens hierdie Wet skuldig bevind word, kan die Direkteur na goeë dunde die magtiging intrek en in so 'n geval—

- (a) moet die houer die magtiging aan die Departement lewer nie later nie as veertien dae na ontvangs van skriftelike kennisgewing van sodanige intrekking of, indien die kennisgewing aan hom persoonlik deur 'n beaampte gelewer word, onverwyld; en
 - (b) is die houer nie geregtig op die terugbetaling van enige gelde, of gedeelte van die gelde wat hy ten opsigte daarvan betaal het nie.
- (5) By die toepassing van die bepalings van hierdie Wet kan die Departement van tyd tot tyd—
- (a) by kennisgewing in die amptelike tale wat in 'n opvallende plek op, of op of naby die grens van regeringsgrond of in of naby enige waters vertoon word, reëls uitvaardig of verbodsbepalings of beperkings opleë ten opsigte van sodanige grond of waters; en
 - (b) op regeringsgrond of in enige waters, dié kennisgewingborde, bakens, boeie of ander tekens wat hy nodig of wenslik ag, laat oprig en onderhou.
- (6) 'n Sertifikaat uitgereik deur die Departement ten effekte dat enige private grond voldoende omhein is met betrekking tot enige wilde dier wat daarop gejaag staan te word, is geldig vir 12 maande vanaf die datum van uitreiking: Met dien verstande dat die Departement so 'n serti-fikaat te eniger tyd kan intrek indien, na sy oordeel, so-danige grond nie meer aldus voldoende omhein is nie.
- (7) Wanneer hy dit in belang van die beskerming van wilde diere, vis en plante noodsaaklik ag, kan die Uit-voerenderaadslid (of die Direkteur indien uitdruklik daartoe deur die Uitvoerenderaadslid gemagtig) te eniger tyd, sonder opgaaf van redes, 'n magtiging intrek of die voorwaardes waaraan 'n gemagtigde handeling onder-worpe is, wysig of verdere voorwaardes stel.

Algemene magte van Departement

3. Die Departement kan, uit fondse deur die Wetge-wende Vergadering vir dié doel bewillig—

- (a) ondersoek instel, opnames maak, proefnemings doen en inligting in verband met wilde diere, vis, inheemse plante en watergewasse inwin en publi-seer;
- (b) sodanige maatreëls tref as wat hy nodig of wenslik ag in verband met die teel en verspreiding van wilde diere, die teel of akklimatisering van vis, die bevolking of herbevolking van enige waters met vis, die voortplanting en verbouing van plante, die uitroei van probleemdiere en die beheer van watergewasse; en
- (c) in die algemeen, alles doen wat nodig is vir die uitvoering van die oogmerke en doelstellings van hierdie Wet.

HOOFSTUK II

WILDE DIERE

Beskermde wilde diere

4. Vir die doeleindes van hierdie Wet en behoudens die bepalings daarvan is alle wilde diere beskermde wilde diere.

Bewaring en beskerming van uitheemse en ander wilde diere

5. (1) Behalwe soos hieronder bepaal, mag niemand—
- (a) sonder magtiging, 'n probleemdier of ander wilde dier in besit hê of in gevangenskap hou nie;

under this Act, the Director may, at his discretion, cancel such authorisation and, in that event, the holder—

- (a) shall deliver such authorisation to the Department not later than fourteen days after the receipt of written notification of such cancellation or, if such notification is delivered to him personally by any officer, forthwith; and
 - (b) shall have no claim to the refund of any fee or portion of any fee, paid in receipt thereof.
- (5) In the enforcement of the provisions of this Act the Department may from time to time—
- (a) by notice in the official languages displayed in a conspicuous place on, or on or near the boundary of, government land or in or near any waters, make rules or impose prohibitions or restrictions in respect of such land or waters; and
 - (b) cause to be erected and maintained on govern-ment land or in any waters such notice boards, beacons, buoys, or other marks as it may deem necessary or desirable.
- (6) Any certificate issued by the Department to the ef-fect that any private land is adequately enclosed in re-lation to any wild animal to be hunted thereon shall be valid for twelve months from the date of issue: Provided that the Department may, at any time, cancel any such certificate if, in its opinion such land is no longer so ad-equately enclosed.
- (7) If he considers it necessary in the interest of the conservation of wild animals, fish and plants, the Execu-tive Councillor (or the Director if specially authorised thereto by the Executive Councillor) may, at any time, without assigning any reasons, cancel any authorisation or amend the conditions to which any action so author-ised is subject or impose further conditions.

General powers of Department

3. The Department may, out of moneys appropriated by the Legislative Assembly for the purpose—

- (a) carry out investigations, make surveys, conduct experiments and obtain or publish information in connection with wild animals, vermin, fish, in-digenous plants and aquatic growths;
- (b) take such measures as it may deem necessary or desirable in connection with the breeding and dis-tribution of wild animals, the hatching or acclima-tisation of fish, the stocking or re-stocking of any waters with fish, the propagation and cultivation of plants, the destruction of problem animals and the control of aquatic growths; and
- (c) generally do all such things as are necessary for the achievement of the aims and objects of this Act.

CHAPTER II

WILD ANIMALS

Protected wild animals

4. For the purpose of this Act and subject to its provis-ions all wild animals shall be protected wild animals.

Conservation and protection of exotic and other wild ani-mals

5. (1) Except as hereinafter provided, no person—
- (a) shall without authorisation, be in possession of, or keep in captivity any problem animal or other wild animal;

- (b) sonder magtiging enige wilde dier jag nie;
 - (c) sonder magtiging opsetlik die nes of eier van enige wilde dier beskadig of vernietig of hom daarmee bemoei nie;
 - (d) sonder magtiging, enige wilde dier koop of verkoop nie; en
 - (e) sonder magtiging enige wilde dier vir kommersiële doeleindes vang, vervoer of aanhou nie.
- (2) Subartikel (1) word nie so uitgelê nie dat dit die eienaar van enige grond wat die Departement gesertifiseer het voldoende omhein te wees met betrekking tot enige bepaalde soort wilde dier, verhoed om, gedurende die oop seisoen en onderworpe aan die beperkings voorgeskryf by hierdie Wet, daardie bepaalde soort wilde dier te jag nie.
- (3) Die bepalings van subartikel (1) (a) is nie van toepassing nie op iemand wat by die inwerkingtreding van hierdie Wet, enige wilde dier wettiglik in gevangenskap hou of in besit het en wat, nie later nie as 30 dae na sodanige inwerkingtreding, magtiging van die Departement verkry om voort te gaan om bedoelde wilde dier aldus te hou of te besit.
- (4) Niemand mag in besit wees van die karkas van enige wilde dier nie, tensy—
- (a) hy sodanige wilde dier wettiglik gevang of doodgemaak het; of
 - (b) in die geval waar hy besit van 'n ander persoon verkry het, hy in besit is van skriftelike bewys van sodanige verkryging.

Behandeling van wilde diere in gevangenskap

6. (1) Iedereen wat 'n wilde dier in gevangenskap hou moet—
- (a) dit daaglik van sy natuurlike kos voorsien;
 - (b) dit te alle tye van skoon drinkwater voorsien;
 - (c) dit van genoegsame water waarin dit volgens sy natuurlike gewoontes kan was, voorsien;
 - (d) behoorlike voorsiening daarvoor maak dat dit volgens sy natuurlike gewoontes kan slaap;
 - (e) indien dit in 'n kamp of hok gehou word, 'n kamp of hok voorsien wat genoegsame ventilasie en lig verskaf sowel as beskutting teen hitte, koue en gure weer, en die minimum ruimte voorsien wat by regulasie kragtens hierdie Wet voorgeskryf mag word of as sodanige dier kragtens 'n magtiging in gevangenskap gehou word, wat daarin gespesifiseer mag word; en
 - (f) die kamp of hok waarin dit aangehou word, te alle tye, in 'n skoon en higiëniese toestand hou.
- (2) Niemand mag die vlerkpunt, vlerk of vlerkvere van 'n wilde voël kort knip of afsny nie of 'n wilde dier wat hy in sy besit of in gevangenskap het aan 'n tou, lyn, ketting of enigiets wat 'n dergelike doel dien, hou nie.

Oop en geslote seisoene vir die jag van wilde diere

7. (1) Die Uitvoerende Raadslid kan, by kennisgewing in die *Staatskoerant*, ten opsigte van 'n bepaalde jaar, met betrekking tot 'n besondere soort wilde dier, of wilde diere in die algemeen, of ten opsigte van 'n besondere gebied, verklaar—
- (a) dat daar geen oop seisoen vir jag sal wees nie; of
 - (b) dat die oop seisoen sal wees soos in sodanige kennisgewing vermeld.
2. Indien die Uitvoerende Raadslid nie 'n in subartikel (1) (b) bedoelde kennisgewing ten opsigte van 'n bepaalde jaar uitreik nie, word geag dat daar geen seisoen vir jag is nie.

- (b) shall without authorisation hunt any wild animal;
 - (c) shall without authorisation, wilfully interfere with, damage or destroy the nest or egg of any wild animal;
 - (d) shall without authorisation, buy or sell any wild animal;
 - (e) shall without authorisation capture, transport or keep for commercial purposes any wild animal
- (2) Nothing in subsection (1) contained shall be construed as prohibiting the owner of any land which the Department has certified to be adequately enclosed in relation to any particular species of wild animal, from hunting, during the open season, and subject to the limitation prescribed under this Act, that particular species of wild animal.
- (3) The provision of subsection (1) (a) shall not apply to any person who, at the commencement of this Act, lawfully keeps in captivity or is in possession of any wild animal and who, not later than 30 days after such commencement, obtains authorisation from the Department to continue so to keep or to possess such wild animal.
- (4) No person shall be in possession of the carcase of any wild animal unless—
- (a) he has captured or killed such animal lawfully; or
 - (b) in the event of his having acquired possession from another person, he is in possession of written proof of such acquisition.

Treatment of wild animals in captivity

6. (1) Any person keeping in captivity any wild animal shall—
- (a) provide it daily with its natural food;
 - (b) provide it with clean drinking water at all times;
 - (c) provide it with adequate water for bathing according to its natural habits;
 - (d) make adequate provision for it to be able to sleep according to its natural habits;
 - (e) if it is kept in an enclosure, provide an enclosure which affords adequate ventilation and light, as well as shelter against heat, cold and inclement weather and such minimum space as may be prescribed by regulation under this Act or, if such animal is kept in captivity under any authorisation, as may be specified therein; or
 - (f) keep the enclosure in which it is kept, in a clean and hygienic condition at all times.
- (2) No person shall trim, sever or clip the wing or wing feathers of any wild bird or keep on a rope, cord or chain, or anything serving a similar purpose, any wild animal, which he has in his possession or keeps in captivity.

Open and closed seasons for hunting of wild animals

7. (1) The Executive Councillor may, by notice in the *Gazette*, declare, in respect of a specified year, in relation to any particular kind of wild animal or wild animals generally, or in respect of any particular area—
- (a) that there shall be no open season for hunting; or
 - (b) that the open season for hunting shall be as stated in such notice.
- (2) If the Executive Councillor does not issue a notice referred to in subsection (1) (b) in respect of a specific year, it shall be deemed that there is no season for hunting.

Verbode metodes van jag

8. (1) Behoudens die bepalings van subartikel (3), mag niemand sonder magtiging 'n wilde dier jag nie—

- (a) deur middel, of deur gebruik te maak, van vuur;
- (b) met behulp van kunsmatige lig;
- (c) op of vanaf 'n openbare pad en reserwe van so 'n pad;
- (d) deur middel van enige strik of wapen, maar nie 'n vuurwapen nie;
- (e) vanaf of deur middel van 'n voertuig;
- (f) op enige wyse tussen 'n halfuur na sonder en 'n halfuur voor sonop;
- (g) deur van gif gebruik te maak;
- (h) deur van 'n windbuks van watter kaliber hoegenaamd gebruik te maak;
- (i) deur van 'n vuurwapen wat 'n patroon met randontsteking en 'n kaliber van 5,6 millimeter of kleiner afskiet, gebruik te maak; of
- (j) deur van 'n vuurwapen gebruik te maak wat, nadat dit afgevuur is, outomaties herlaai en afgevuur word deur die sneller of te trek of in die vuurposisie te hou, tensy die wapen so ontwerp of verander is dat dit nie meer as twee skote agtereenvolgens kan afvuur nie.

(2) Niemand mag, sonder magtiging—

- (a) 'n vangkuil, vanghok of hok bou, oprig of in stand hou nie; of
- (b) 'n strik, val, net, voëllym, pyl en boog, stelgeweer of soortgelyke toestel, of gif, na gelang van die geval, besit, oprig of hanteer nie,

op grond waarop enige wilde dier is of moontlik teenwoordig kan wees.

(3) Die bepalings van subartikels 1 (d), (f) en (g) is nie van toepassing ten opsigte van rotte, muise en molle nie.

Verbode metodes van vervoer van vuurwapens

9. (1) Niemand mag op 'n openbare pad of op of in 'n voertuig op 'n openbare pad in besit wees van 'n vuurwapen met 'n loop van langer as 11 sentimeter nie tensy dit in 'n deeglik toegemaakte houer, geweersak of huls is en op so 'n wyse daardeur omhul word dat die loop en sneller behoorlik bedek is en die loop, kamer of magasyn daarvan nie gelaai is nie.

(2) Die bepalings van subartikel (1) is nie van toepassing nie—

- (a) op enige natuurbewaringsbeampte of veldwag nie;
- (b) op 'n lid van enige polisie- of verdedigingsmag terwyl sodanige lid aan diens is; of
- (c) op 'n persoon, wat besig is met die uitroeiing van 'n wilde dier in artikel 11 bedoel en uitdruklik deur die Departement vrygestel is van die bepalings van subartikel (1).

Verkoop, skenking, besit en vervoer van dooie wilde diere

10. Niemand mag—

- (a) sonder 'n magtiging enige dooie wilde dier verkoop nie tensy hy die wilde dier wettiglik gejag of verkry het;
- (b) enige dooie wilde dier (uitgesonderd wildsbiltong of wildswors) verkoop nie, tensy hy ten tye van die lewering daarvan aan die koper 'n dokument lewer wat—
 - (i) die naam en adres van die verkoper;
 - (ii) die naam en adres van die koper;
 - (iii) die soort en hoeveelheid dooie wilde dier verkoop;

Prohibited ways of hunting

8. (1) Subject to the provisions of subsection (3) no person shall, without authorisation, hunt any wild animal—

- (a) by means of or by the use of fire;
- (b) with the aid of artificial light;
- (c) on, or from any public road and reserve of such road;
- (d) by means of any trap or weapon but not a firearm;
- (e) from, or by means of any vehicle;
- (f) by any means, between half an hour after sunset and half an hour before sunrise;
- (g) by the use of poison;
- (h) by the use of an airgun of any calibre whatsoever;
- (i) by the use of any fire-arm which discharges a rim-fire cartridge of 5,6 millimetre calibre or smaller; or
- (j) by the use of any fire-arm which, after it has been discharged automatically reloads and is discharged by pulling the trigger, or by holding it in the firing position, unless the fire-arm has been so designed or altered that it is unable to discharge more than two shots in succession.

(2) No person shall, without authorisation—

- (a) construct, erect or maintain any pitfall, trapage or holding pen; or
- (b) possess, erect or handle any snare, trap, gintrap net, bird-lime, bow and arrow, set gun or like device or means, or poison,

on any land on which any wild animal is or is likely to be present.

(3) The provisions of subsection (1) (d), (f) and (g) shall not apply in respect of rats, mice and moles.

Prohibited ways of transporting fire-arms

9. (1) No person shall, on a public road or on or in any vehicle on any public road, have in his possession any fire-arm with a barrel exceeding 11 centimetres in length, unless it is in a securely fastened cover, holster or case and enclosed thereby in such a way that the barrel and trigger are properly covered and of which the barrel, chamber or magazine is not loaded.

(2) The provisions of subsection (1) shall not apply—

- (a) to any nature conservation officer or ranger;
- (b) to a member of any police or defence force while such member is on duty; or
- (c) to any person engaged in the destruction of any wild animal referred to in section 11 and who has been specially exempted from the provisions of subsection (1) by the Department.

Sale, donation, possession and transport of dead wild animals

10. No person shall—

- (a) without authorisation sell any dead wild animal unless he has lawfully hunted or acquired such wild animal;
- (b) sell any dead wild animal (except game biltong or game sausage) unless, at the time of delivery thereof, he hands to the buyer a document containing
 - (i) the name and address of the seller;
 - (ii) the name and address of the buyer;
 - (iii) the kind and quantity of dead wild animal sold;

- (iv) die datum waarop die verkoping plaasgevind het; en
- (v) sy handtekening, bevat;
- (c) enige wildsbiltong of wildswors koop of verkoop nie, tensy dit deur die produsent in 'n verseëlde houer waarop sy naam en adres verskyn, verpak is;
- (d) enige dooie wilde dier aan enigiemand skenk nie, tensy hy—
 - (i) die wilde dier wettiglik gejag of gekoop het of as geskenk ontvang het van iemand wat dit wettiglik mag geskenk het; en
 - (ii) ten tye van die lewering van sodanige dooie wilde dier aan so iemand 'n dokument lewer wat die besonderhede in paragraaf (b) vermeld, bevat;
- (e) enige dooie wilde dier van iemand koop of as geskenk ontvang nie, indien hy daarvan bewus is of rede het om te vermoed dat sodanige wilde dier nie wettiglik gejag is nie;
- (f) enige dooie wilde dier besit of in KaNgwane invoer of vervoer of uitvoer of wegneem uit KaNgwane nie tensy hy sodanige wilde dier wettiglik gejag, gekoop of as geskenk ontvang het en ten tye van die besit, invoer, vervoer, uitvoer of wegneem uit KaNgwane daarvan, in besit is—
 - (i) van 'n geldige magtiging wat hom magtig om sodanige wilde dier te jag indien hy sodanige wilde dier in KaNgwane ooreenkomstig die bepalinge van hierdie Wet gejag het; of
 - (ii) van 'n dokument in paragraaf (b) bedoel, indien sodanige wilde dier of karkas aan hom verkoop of geskenk is; of
 - (iii) indien hy sodanige wilde dier buite KaNgwane gejag of verkry het, van 'n geldige lisensie of magtiging wat ingevolge enige wet aan hom uitgereik of verleen is en wat hom magtig om die wilde dier te jag of te besit, of by gebreke van sodanige lisensie of magtiging of van 'n dokument bedoel in subparagraaf (ii), van 'n dokument wat deur 'n magistraat, vrederegter of polisiebeampte uitgereik, onderteken en gedateer is en waarin sy naam en adres en die feit dat hy sodanige wilde dier na die beste van die magistraat, vrederegter of polisiebeampte se kennis en wete, wettiglik gejag of verkry het, vermeld word.

Jag deur die Departement

11. Ondanks andersluidende bepalinge van hierdie Wet, kan die Direkteur enige wilde dier op enige wyse jag of laat jag indien hy daarvan oortuig is dat sodanige wilde dier—

- (a) waarskynlik 'n gevaar vir die mens kan wees; of
- (b) eiendom in so 'n mate beskadig dat die vernietiging van die dier noodsaaklik is; of
- (c) gekwes, siek of beseer is; of
- (d) in belang van natuurbewaring in die algemeen gejag moet word; of
- (e) skadelik is vir die behoud van enige wilde dier of spesie van wilde dier; of
- (f) benodig word vir erkende wetenskaplike of opvoedkundige doeleindes.

Vernietiging van problemdiëre

12. (1) Die algemene beheer en toesig oor die vernietiging van problemdiëre berus by die Uitvoerende Raads-lid en, in sy opdrag, kan die Departement, uit fondse

- (iv) the date on which such sale took place; and
- (v) his signature;
- (c) buy or sell any game biltong or game sausage unless it has been packed by the producer in a sealed container bearing his name and address;
- (d) donate any dead wild animal to any person unless—
 - (i) he has lawfully hunted, bought or received as a donation such wild animal from any person who could lawfully donate it; and
 - (ii) at the time of delivery of such dead wild animal, he hands to such person a document containing the particulars mentioned in paragraph (b);
- (e) buy or receive as a donation any dead wild animal from any person, if he is aware or has reason to suspect that such wild animal was not hunted lawfully;
- (f) possess or introduce into, transport in or export or remove from KaNgwane any dead wild animal unless he has lawfully hunted, bought or received as a donation such wild animal and is, at the time of such possession, introduction into, transport in or export or removal from KaNgwane thereof, in possession—
 - (i) of a valid authorisation to hunt such wild animal if he has hunted such wild animal in KaNgwane in accordance with the provisions of this Act; or
 - (ii) of a document referred to in paragraph (b) if such wild animal or carcase was sold or donated to him; or
 - (iii) if he hunted or obtained such wild animal outside KaNgwane, of a valid licence or authority issued or granted to him in terms of any law authorising him to hunt or possess such wild animal, or in the absence of such licence or authority of a document referred to in subparagraph (ii), of a document issued, dated and signed by a magistrate, justice of the peace or police officer, stating his name and address and the fact that to the best of the knowledge of such magistrate, justice of the peace or police officer, he has hunted or obtained such wild animal lawfully.

Hunting by Department

11. Notwithstanding anything to the contrary in this Act contained, the Director may hunt or cause to be hunted in any manner any wild animal or any exotic wild animal if he is satisfied that such animal—

- (a) is likely to be dangerous to human life; or
- (b) is causing damage to property to such an extent that the destruction of such animal is necessary; or
- (c) is wounded, diseased or injured; or
- (d) should be hunted in the interest of nature conservation in general; or
- (e) is detrimental to the preservation of any wild animal or species of wild animal; or
- (f) is required for recognised scientific or educational purposes.

Destruction of problem animals

12. (1) The general control and supervision of the destruction of problem animals shall vest in the Executive Councillor and, under his direction, the Department

deur die Wetgewende Vergadering vir dié doel bewillig, te eniger tyd op enige grond probleemdiere jag of laat jag.

(2) Die Uitvoerende Raadslid, die Direkteur of die Hoofnatuurbewaringsbeampte, indien daartoe kragtens artikel 31 gemagtig, kan aan enigiemand wat daarom aansoek doen, magtiging verleen om 'n probleemdier te jag: Met dien verstande dat sodanige magtiging nie verleen word nie, tensy die persoon wat die magtiging verleen, oortuig is dat dit nie die voortbestaan van die soort wilde dier ten opsigte waarvan die magtiging verleen word, in gevaar stel nie.

(3) Die Uitvoerende Raadslid kan na goeë dunnke beskik of laat beskik oor die karkas van enige wilde dier wat gejag is ingevolge 'n magtiging wat kragtens hierdie artikel uitgereik is.

(4) Niemand—

- (a) mag 'n beampte in die Departement of 'n persoon wat met die magtiging van die Departement optree, dwarsboom of hinder terwyl sodanige beampte of persoon besig is om 'n probleemdier te jag nie;
- (b) mag 'n jaghond, perd of ander dier, wat deur sodanige beampte of persoon gebruik word gedurende en in verband met die jag van probleemdiere, beseer of doodmaak nie; of
- (c) met insluiting van die eienaar van grond, mag versuim of weier om sodanige redelike hulp te verleen as wat sodanige beampte of persoon van hom verlang nie.

(5) Geen geding, hetsy siviël of strafregtelik, word ingestel teen die Uitvoerende Raadslid of die Departement of 'n beampte of 'n persoon wat kragtens magtiging optree ten opsigte van enigiets wat te goeder trou kragtens hierdie artikel gedoen is nie of vir enige onopsetlike skade aan eiendom of onopsetlike doodmaak of besering van vee of 'n wilde dier in die loop van die jag van probleemdiere: Met dien verstande dat die Departement enige sodanige skade, doodmaak of besering so gou doenlik laat rapporteer—

- (a) as dit op private grond plaasgevind het, aan die eienaar van die grond; of
- (b) as dit nie op private grond plaasgevind het nie, aan die kaptein in wie se regsgebied die voorval plaasgevind het:

Met dien verstande voorts, dat die Uitvoerende Raadslid, uit fondse deur die Wetgewende Vergadering vir daardie doel bewillig, 'n persoon kan vergoed vir enige skade of verlies gely in die uitvoering van die bepalings van hierdie artikel.

HOOFTSTUK III

INHEEMSE PLANTE

Indeling van inheemse plante

13. Vir die doeleindes van hierdie Wet is alle plante wat inheems tot die Republiek is, behalwe die plante bedoel in Bylae I, beskermde inheemse plante.

Bewaring en beskerming van inheemse plante

14. (1) Behoudens die bepalings van hierdie Wet, mag niemand sonder magtiging enige beskermde inheemse plant, ongeag waar dit groei, pluk, sny, neem, versamel, uittrek, breek, beskadig of vernietig nie.

(2) Niemand mag—

- (a) 'n beskermde inheemse plant koop nie behalwe van iemand wat dit wettiglik verkoop;

may, out of money appropriated by the Legislative Assembly for that purpose, hunt problem animals or cause problem animals to be hunted on any land at any time.

(2) The Executive Councillor (or the Director or the Chief Nature Conservation Officer if authorised thereto in terms of section 31) may, on application, grant to any person an authorisation to hunt any problem animal: Provided that such authorisation shall not be granted unless the person granting the authorisation is satisfied that it will not endanger the survival of the species of wild animal in respect of which such authorisation is granted.

(3) The Executive Councillor may in his discretion dispose of the carcase of any wild animal hunted in terms of an authorisation issued under this section, or cause such carcase to be disposed of.

(4) No person—

- (a) shall obstruct or hinder any officer in the Department or any person acting under its authorisation, whilst such officer or person is engaged in any hunt for a problem animal;
- (b) shall injure or kill any hound, horse or other animal used by any such officer or person in the course of or in connection with any hunt for problem animals; or
- (c) being an owner of land, shall fail or refuse to render such reasonable assistance as he may be called upon to give by any such officer or person.

(5) No action, whether civil or criminal, shall lie against the Executive Councillor or the Department or any officer or any person acting under authorisation, for anything done in good faith, under this section or for any unintentional damage to property or unintentional killing or injuring of live-stock or wild animal in the course of the hunting of problem animals: Provided that the Department shall cause any such damage, killing or injuring to be reported as soon as possible—

- (a) if it took place on private land, to the owner of such land; or
- (b) if it took place on government land, to the chief in whose area of jurisdiction the incident took place:

Provided further that the Executive Councillor may, out of moneys appropriated for the purpose by the Legislative Assembly, compensate any person for any damage or loss suffered in the execution of the provisions of this section.

CHAPTER III

INDIGENOUS PLANTS

Classification of indigenous plants

13. For the purposes of this Act all plants indigenous to the Republic, except plants referred to in Schedule I, shall be protected indigenous plants.

Conservation and protection of indigenous plants

14. (1) Subject to the provisions of this Act, no person shall, without authorisation pick, cut, take, gather, uproot, break, damage or destroy any protected indigenous plant wherever it may be growing.

(2) No person shall—

- (a) buy any protected indigenous plant except from a person lawfully selling it;

- (b) sonder magtiging 'n beskermde inheemse plant, ongeag waar dit groei, in KaNgwane verkoop, skenk, invoer, vervoer, uitvoer of uit KaNgwane verwyder nie; of
- (c) 'n beskermde inheemse plant koop of as geskenk ontvang nie, behalwe van iemand wat dit wettiglik kan verkoop of skenk en tensy hy van die verkoper of skenker 'n dokument in subartikel (6) bedoel, ontvang het nie.
- (3) Die bepalings van subartikel (1) (a)—
 - (a) is nie van toepassing op die eienaar van private grond waarop die beskermde inheemse plant groei, of op sy eggenoot of kind nie; of
 - (b) is nie van toepassing op 'n persoon of liggaam wat by enige wet gemagtig is, of van wie of wat dit vereis word, om enigiets te doen wat by daardie subartikel verbied word nie.
- (4) Die bepalings van hierdie artikel is nie van toepassing op die verkoop aan 'n persoon van droë dekgras, riete of enige ding gemaak van droë plante nie.
- (5) Die bepalings van subartikel (2) (b) is nie van toepassing nie ten opsigte van—
 - (a) die skenking van 'n beskermde inheemse plant wat deur die skenker op sy perseel gekweek is of op 'n ander wettige wyse verkry is; en
 - (b) die invoer of vervoer in KaNgwane of uitvoer of wegneem uit KaNgwane van 'n beskermde inheemse plant deur iemand wat sodanige plant wettiglik gekoop of as geskenk ontvang het, indien so iemand ten tye van die invoer, vervoer, uitvoer of wegneem van sodanige plant, in besit is van 'n dokument in subartikel (6) bedoel.
- (6) Enigiemand wat 'n beskermde inheemse plant verkoop of skenk moet, ten tye van die lewering van sodanige plant, aan die koper of persoon wat dit as geskenk ontvang, 'n dokument bevattende—
 - (a) die naam en woonadres van die verkoper of skenker;
 - (b) die datum en plek van die transaksie;
 - (c) 'n beskrywing van die plant wat verkoop of geskenk is;
 - (d) indien sodanige plant verkoop is, besonderhede van die verkoper se magtiging ingevolge hierdie Wet om sodanige plant te verkoop;
 - (e) indien sodanige plant geskenk is, besonderhede van die wyse waarop die skenker in besit gekom het van die plant wat aldus geskenk is;
 - (f) die naam en woonadres van die koper of persoon wat die plant as geskenk ontvang; en
 - (g) die handtekening van die verkoper of skenker of sy agent,

Bevoegdhede van Direkteur

15. Ondanks andersluidende bepalings van hierdie Hoofstuk kan die Direkteur enige inheemse plant laat pluk, sny, versamel, uithaal of wegneem, vir sover dit nodig mag wees vir die bewaring en beskerming daarvan of om enige ander voldoende rede.

Uitvoerendraadslid kan magtiging verleen

16. Die Uitvoerendraadslid kan na goeddunke aan enigiemand wat daarom aansoek doen 'n magtiging wat by hierdie Hoofstuk vereis word, verleen.

- (b) without authorisation sell, donate, import into or convey within KaNgwane or export or remove from KaNgwane any protected indigenous plant, wherever it may be growing; or
- (c) buy or receive as a donation any protected indigenous plant, except from a person who may lawfully sell or donate it and unless he receives from the seller or donor a document referred to in subsection (6).
- (3) The provisions of subsection (1) (a)—
 - (a) shall not apply to the owner of any private land on which the indigenous plants are growing, or to his spouse or child; or
 - (b) shall not apply to any person or body authorised or required by any other law to do anything prohibited by that subsection.
- (4) The provisions of this section shall not apply to the sale to any person, of dry thatch grass, reeds or anything made from dried plants.
- (5) The provisions of subsection (2) (b) shall not apply in respect of—
 - (a) the donation of any protected indigenous plant cultivated by the donor on his premises or obtained by him in any lawful manner; and
 - (b) the importation into or conveyance within KaNgwane or exportation or removal from KaNgwane of any protected indigenous plant by any person who has lawfully purchased such plant or received such plant as a donation if such person is, at the time of the importation, conveyance, exportation or removal of such plant, in possession of a document referred to in subsection (6).
- (6) Any person who sells or donates any protected indigenous plant shall, at the time of delivery of such plant, hand to the buyer or donee a document containing—
 - (a) the name and residential address of the seller or donor;
 - (b) the date and place of the transaction;
 - (c) a description of the plant sold or donated;
 - (d) if such plant was sold, particulars of the seller's authority under this Act to sell such plant;
 - (e) if such plant was donated, particulars of the manner in which the donor obtained possession of the plant so donated;
 - (f) the name and residential address of the purchaser or donee; and
 - (g) the signature of the seller or donor or his agent.

Powers of Director

15. Notwithstanding anything to the contrary contained in this Chapter the Director may cause any indigenous plant to be picked, cut, gathered, uprooted or removed in so far as it may be necessary for the conservation and protection thereof or for any other sufficient reason.

Executive Councillor may grant authority

16. The Executive Councillor may in his discretion grant to any person upon application any authorisation required by this Chapter.

HOOFSTUK IV

VIS

Beheer oor vang van vis in die algemeen

17. (1) Behoudens die bepalings van hierdie Wet, mag niemand in enige waters—

- (a) hengel nie, tensy hy die houer is van 'n magtiging ingevolge hierdie Wet uitgereik: Met dien verstande dat sodanige magtiging slegs verleen sal word ten opsigte van die hengel of vang met 'n net (behalwe 'n skepnet), van vis op die voorwaardes deur die Uitvoerende Raadslid bepaal;
 - (b) hengel nie by wyse van—
 - (i) 'n stellyn;
 - (ii) meer as twee lyne; of
 - (iii) 'n lyn waaraan meer as twee enkelhoeke geheg is;
 - (c) vis doodmaak of beseer nie tensy hy eers sodanige vis wettiglik gevang en uit die water geneem het: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van vis wat, terwyl dit wettiglik met 'n net of andersins gevang word, doodgaan of beseer word; of
 - (d) gedurende die geslote seisoen ten opsigte van enige soort vis of in enige waters, bedoelde vis vang of die kuit van bedoelde vis opsetlik beskadig, of in sodanige waters hengel of 'n net gebruik nie; of
 - (e) vis, deur middel van kunsmatige lig, versteur of lok vir die doel om sodanige vis te vang of te neem nie.
- (2) Die Uitvoerende Raadslid kan met betrekking tot enige soort vis in enige waters by kennisgewing in die *Staatskoerant* verklaar—
- (i) dat die hele jaar 'n geslote seisoen is;
 - (ii) dat die geslote seisoen is soos in sodanige kennisgewing vermeld; of
 - (iii) dat daar geen geslote seisoen is nie,
- met dien verstande dat indien hy geen kennisgewing vir 'n betrokke jaar publiseer nie, die hele jaar geag word 'n geslote seisoen te wees.

Beskerming van besondere vissoorte en van aas

18. (1) Behoudens die bepalings van hierdie Wet, mag niemand—

- (a) forelle in enige waters of enige vis in forelwaters vang deur gebruik te maak van enige ander lokmiddel as 'n nie-ronddraaiende kunsvlieg nie;
- (b) sonder magtiging, forelle of baars of enige ander varswatervis verkoop nie;
- (c) sonder magtiging, enige soort krap, wurm of ander aas wat in enige waters gevang is, ongeag of dit lewend of dood is, verkoop of dit uit KaNgwane verwyder nie;
- (d) enige varswatervis of enige soort krap, wurm of ander aas wat in enige waters gevang is, ongeag of dit lewend of dood is, koop nie behalwe van iemand wat dit wettiglik verkoop;
- (e) in enige waters 'n vis van 'n soort in Bylae II bedoel, wat kleiner is as die grootte wat in elke geval in daardie Bylae vermeld word, vang nie; of
- (f) sonder magtiging, deur middel van hengel meer vis van 'n soort in Bylae III bedoel as die getal wat in bedoelde Bylae ten opsigte van sodanige soort gespesifiseer word, op een dag uit enige waters neem nie.

(2) Iemand wat onopsetlik 'n vis vang in oortreding van paragraaf (a), (e) of (f) van subartikel (1), na gelang

CHAPTER IV

FISH

Control over the catching of fish generally

17. (1) Subject to the provisions of this Act, no person shall in any waters—

- (a) catch fish unless he is the holder of an authorisation issued in terms of this Act: Provided that such authorisation shall only be granted in respect of angling or the netting (other than a landing net) of fish on conditions determined by the Executive Councillor;
- (b) catch fish by means of—
 - (i) angling with a set line;
 - (ii) more than two lines; or
 - (iii) a line to which more than two single hooks are attached;
- (c) kill or injure fish unless he has first lawfully caught and taken such fish from the water: Provided that the provisions of this paragraph shall not apply in respect of fish which die or are injured in the course of lawful angling or netting;
- (d) during the closed season in respect of any kind of fish or in any waters, catch such fish or wilfully injure the spawn of such fish or angle or net in such waters; or
- (e) by means of an artificial light disturb or attract fish for the purpose of catching or taking such fish.

(2) The Executive Councillor may, in relation to any species of fish in any waters by notice in the *Gazette*, declare—

- (i) that the whole year shall be a closed season;
 - (ii) that the closed season shall be as stated in such notice; or
 - (iii) that there shall be no closed season,
- provided that if he does not publish a notice for a specific year, the whole year shall be deemed to be a closed season.

Protection of particular species of fish and bait

18. (1) Subject to the provision of this Act, no person shall—

- (a) catch trout in any waters or any fish in trout waters by making use of any lure other than a non-spinning artificial fly;
- (b) without authorisation, sell any trout or bass or any other freshwater fish;
- (c) without authorisation sell or remove from KaNgwane any kind of crab, worm or other bait whether alive or dead caught in any waters;
- (d) buy, except from a person lawfully selling it, any freshwater fish or kind of crab, worm or other bait whether alive or dead caught in any waters;
- (e) in any waters catch any of the species of fish referred to in Schedule II of a size smaller than that specified in that Schedule in each case; or
- (f) without authorisation, take by means of angling from any waters on any one day more fish of any of the species referred to in Schedule III than the number specified in that Schedule in respect of such species.

(2) Any person who inadvertently catches any fish in contravention of paragraph (a), (e) or (f) of subsection 1,

van die geval, word, indien hy dit onverwyld in die water terugsit, geag sodanige vis nie in oortreding van bedoelde paragraaf te gevang het nie.

Beskerming van visserye

19. Niemand mag—

- (a) sonder magtiging, 'n lewende vis of watergewas in enige waters plaas of inbring nie, behalwe—
 - (i) 'n vis of watergewas wat hy van 'n telery wat deur die Departement beheer word of goed-gekeur is, verkry het; of
 - (ii) 'n vis wat hy gevang het en in sodanige waters terugplaas;
- (b) enigiets (hetsy solied, vloeibaar of gasagtig) wat vir enige vis of die voedsel van vis waarskynlik skadelik sal wees, in enige waters of op 'n plek vanwaar dit waarskynlik na enige waters sal deursypel of daarin sal kom, stort of laat stort nie; of
- (c) sonder magtiging, met die doel om die vrye deurgang van vis te verhinder, 'n versperring in enige waters plaas nie.

Toestemming om vis te vang

20. (1) Tensy hy in besit is van die skriftelike toestemming van die eienaar van enige waters, mag niemand (behalwe die eienaar, die eggenoot, kind of ouer van sodanige eienaar) vis in bedoelde waters vang nie.

(2) Subartikel (1) van hierdie artikel word, behoudens die bepalinge van artikel 21 (2), nie so uitgelê dat dit afbreuk doen aan enige bepaling van artikel 17 nie.

Vrystelling

21. (1) die Direkteur kan, op die voorwaardes en vir die tydperk wat hy goed dink, vrystelling van enige bepaling van hierdie Hoofstuk, behalwe artikel 20 (1), verleen aan—

- (a) 'n hengelgenootskap of -vereniging;
 - (b) enigiemand wat wetenskaplike werk in verband met visserye doen; of
 - (c) 'n geregistreerde kommersiële vissery.
- (2) die oewereienaar van enige waters en sy eggenote, kind of ouer—
- (a) kan in sodanige waters hengel sonder om die hou-er te wees van 'n magtiging om aldus te doen; en
 - (b) is, ten opsigte van die vang of doodmaak van vis in enige sodanige waters wat 'n gemaakte dam is (uitgesonderd 'n dam wat in 'n openbare stroom gemaak is) van die bepalinge van hierdie Hoofstuk vrygestel.

Uitvoerende Raadslid kan magtiging verleen

22. Die Uitvoerende Raadslid kan na goeddunke aan enigiemand wat daarom aansoek doen, 'n magtiging verleen wat by hierdie Hoofstuk vereis word.

HOOFSTUK V

WILD- EN NATUURTUINE

Stigting van wild- en natuurtuine

23. (1) Ten einde die beskerming, bewaring en voortplanting van wilde diere, vis en inheemse plante te bevorder, kan die Uitvoerende Raadslid by kennisgewing in die *Staatskoerant* wild- en natuurtuine stig onder die naam wat hy daaraan toeken op—

- (a) grond wat vir daardie doel deur die Uitvoerende Raad van KaNgwane afgesonder is; of

as the case may be, shall, if he forthwith returns it to the water, be deemed not have caught such fish in contravention of such paragraph.

Protection of fisheries

19. No person shall—

- (a) without authorisation place in or introduce into any waters any live fish or aquatic growth other than—
 - (i) a fish or aquatic growth which he has obtained from a hatchery controlled or approved of by the Department; or
 - (ii) a fish which he has caught and is replacing in such waters;
- (b) deposit or allow to be deposited in any waters, or in any place from where it is likely to percolate into or to enter any waters, anything (whether solid, liquid or gaseous) which is likely to be injurious to any fish or the food of fish; or
- (c) without authorisation, place in any waters any obstruction with the intention of preventing the free passage of fish.

Permission to catch fish

20. (1) No person who is not in possession of the written permission of any riparian owner of any waters (other than the owner, the spouse, child or parent of such owner) shall catch fish in such waters.

(2) Subject to the provisions of section 21 (2) nothing in subsection (1) shall be construed as derogating from the provisions of section 17.

Exemptions

21. (1) The Department may upon such conditions and for such period as it may deem fit, grant exemption from any of the provisions of this Chapter, except section 20 (1) to—

- (a) any angling society or association;
 - (b) any person engaged in scientific work in connection with fisheries; or
 - (c) any registered commercial fishery.
- (2) The riparian owner of any waters and his spouse, child or parent—
- (a) may angle in such waters without being the holder of any authorisation to do so; and
 - (b) shall, in respect of the catching or killing of fish in any such waters which are a constructed dam (not being a dam constructed in a public stream) be exempt from the provisions of this Chapter.

Executive Councillor may grant authorisation

22. The Executive Councillor may in his discretion on application grant to any person any authorisation required by this Chapter.

CHAPTER V

GAME AND NATURE RESERVES

Establishment of game and nature reserves

23. (1) In order to promote the protection, conservation and propagation of wild animals, fish and indigenous plants, the Executive Councillor may, by notice in the *Gazette*, establish game or nature reserves, under the name assigned thereto by him, on any—

- (a) land which has been set aside by the Executive Council of KaNgwane for that purpose; or

(b) op grond wat 'n bosreservaat is, soos omskryf in enige wet met betrekking tot bosbou, wat in KaNgwane van krag is.

(2) so 'n kennisgewing moet die grense van sodanige wild- of natuurteine omskryf en kan by dergelike kennisgewing gewysig of ingetrek word.

(3) Die Departement bestuur, beheer en ontwikkel 'n kragtens subartikel (1) gestigte wild- of natuurtein uit fondse wat deur die Wetgewende Vergadering vir daardie doel bewillig is en vir die bereiking andersins van die oogmerke en doelstellings van hierdie Hoofstuk, kan die Departement—

- (a) huisvesting, kampeergeriewe, vervoerdienste en ondernemings vir die gerief van persone wat die wild- of natuurtein besoek, voorsien en onderhou;
- (b) paaie, brûe, ponte, geboue, heinings en enige ander werke wat hy nodig ag, in sodanige wild- of natuurtein bou, oprig en onderhou;
- (c) ondanks enige andersluidende bepaling van hierdie Wet, die stappe doen wat hy nodig of wenslik ag vir die beskerming, bewaring en voortplanting van wilde diere, inheemse plante en vis in 'n wild- of natuurtein, met inbegrip van—

(i) enige van die maatreëls in artikel 11 bedoel of die uitroeiing van onkruid, plaeg of vreemde plantegroei; en

(ii) die daarstelling of afsondering van plekke of waters vir die teel van wilde diere of vis of die kweek van inheemse plante;

(d) inheemse plante, vis of wilde diere verkry of daarmee wegdoen; en

(e) in die algemeen enige handeling verrig of enigiets verkry wat na sy oordeel nodig is vir die bereiking van voornoemde oogmerke en doelstellings.

(4) Die Uitvoerende Raadslid kan, in ooreenstemming met die Hoof- Uitvoerende Raadslid, die tariewe bepaal vir die verkoop deur die Departement van enige plant, vis of dier en die gelde (as daar is), voorskryf, wat gehef moet word vir toegang tot of verblyf in, of vir die gebruik of genot van enige diens of enigiets anders wat verskaf word in of met betrekking tot wild- of natuurteine in die algemeen of 'n besondere wild- of natuurtein.

Beskerming van wilde diere, vis en inheemse plante in wild- en natuurteine

24. (1) Behoudens die bepalings van hierdie Wet, mag niemand—

- (a) enige wilde dier in 'n wild- of natuurtein jag nie;
- (b) enige vis in enige waters in 'n wild- of natuurtein vang nie;
- (c) enige plant in 'n wild- of natuurtein pluk, sny, versamel, uittrek, afbreek, beskadig of vernietig nie; of
- (d) enige dier of plant in 'n natuur- of wildtein inbring nie.

(2) Die bepalings van hierdie artikel is nie van toepassing nie op beamptes in die Departement wat enige bevoegdhede of werksaamhede kragtens artikel 11 of 23 uitoefen of verrig.

Beheer oor safari's

25. (1) Niemand kan—

- (a) enige fotografiese- of besigtigingsafari, per voertuig, te voet, te perd of op enige ander middel hoegenaamd, in 'n wild- of natuurtein teen vergoeding begelei of behulpsaam wees met die begeleiding van sodanige safari nie, tensy hy die houer is van

(b) on land which is a forest reserve as defined in any act relating to forestry in force in KaNgwane.

(2) Any such notice shall define the boundaries of such game or nature reserves and may, by like notice, be amended or withdrawn.

(3) The Department shall, out of moneys appropriated by the Legislative Assembly for that purpose manage, control and develop any game or nature reserve established under subsection (1) and in order to attain otherwise the aims and objects of this Chapter the Department may—

(a) provide and maintain accommodation, camping facilities, transport services and undertakings for the convenience of persons visiting such game or nature reserve;

(b) construct, build and maintain roads, bridges, ferries, buildings, fences and such other works in such game or nature reserve as it may deem necessary;

(c) notwithstanding anything contained in any other provision of this Act, take such steps as it may deem necessary or desirable for the protection, preservation and propagation of wild animals, indigenous plants and fish in such game or nature reserve including—

(i) any of the measures referred to in section 11 or the eradication of weeds, pests or alien vegetation; and

(ii) the making available and setting aside of places or waters for the breeding and cultivation of indigenous plants, fish and wild animals;

(d) acquire or dispose of indigenous plants, fish or wild animals; and

(e) generally do any act or acquire anything which, in its opinion, is necessary for the achievement of the aforesaid aims and objects.

(4) The Executive Councillor may, in consultation with the Chief Executive Councillor determine the tariffs for the sale by the Department of any plant, fish or animal and prescribe the authorisations and charges (if any) to be levied for entry into or remaining in, or for the enjoyment of any service or thing provided in or in relation to game or nature reserves generally or any game or nature reserve in particular.

Protection of wild animals, fish and indigenous plants in game and nature reserves

24. (1) Subject to the provisions of this Act no person shall—

(a) hunt any wild animal in any game or nature reserve;

(b) catch any fish in any waters in any game or nature reserve;

(c) pick, cut, gather, uproot, break, damage, or destroy any plant in any game or nature reserve; or

(d) introduce any animal or plant into a game or nature reserve.

(2) The provisions of this section shall not apply to officers in the Department exercising any powers or performing any functions under section 11 or 23.

Control of safaris

25. (1) No person shall—

- (a) conduct or assist in the conducting for reward in a game or nature reserve any photographic or viewing safari by vehicle, on foot, on horseback or by any other means whatsoever, unless he is the

'n professionele gidslisensie wat sodanige begeleiding magtig;

- (b) aanbied om teen vergoeding, enige safari genoem in paragraaf (a) te begelei nie, tensy hy die houer is van 'n toepaslike lisensie wat magtiging verleen vir sodanige begeleiding; of
- (c) op enige manier hoegenaamd, enige valse of misleidende verklaring met betrekking tot enige fotografiese- of besigtingsafari wat in KaNgwane begelei of begelei staan te word, publiseer of laat publiseer nie.

(2) Enige persoon wat die bepalings van subartikel (1) oortree is skuldig aan 'n misdryf.

Uitvoerende Raadslid mag professionele gidslisensie uitreik

26. Die Uitvoerende Raadslid kan, onderworpe aan die bepalings van hierdie Wet, op aansoek en by betaling van die voorgeskrewe fooie, 'n professionele gidslisensie uitreik aan enige persoon wat hy geskik ag: Met dien verstande dat die Uitvoerende Raadslid, sonder opgaaf van redes, kan weier om sodanige lisensie uit te reik of enige sodanige lisensie wat reeds uitgereik is kan endosseer, opskort of kanselleer en waar enige sodanige lisensie wel so geëndosseer, opgeskort of gekanselleer is, moet die houer daarvan, wanneer hy weer om 'n lisensie aansoek doen, die feit van sodanige endossering, opskorting of kansellering blootlê.

Bevoegdhede van houters van professionele gidslisensies

27. 'n Professionele gidslisensie magtig die houer daarvan om, onderworpe aan die bepalings van hierdie Wet—

- (a) in enige wild- of natuurtuin in die lisensie gespesifiseer, per voertuig, te voet, te perd of met enige ander goedgekeurde middel, 'n fotografiese- of besigtingsafari teen vergoeding te begelei of behulpsaam te wees met die begeleiding daarvan;
- (b) aan te bied om enige safari genoem in paragraaf (a) teen vergoeding te begelei.

HOOFTUK VI

ALGEMENE BEPALINGS

Wysiging van Bylaes

28. (1) Die Uitvoerende Raadslid kan, van tyd tot tyd, by kennisgewing in die *Staatskoerant*—

- (a) Bylae I wysig deur die insluiting daarin of die weglatig daaruit van enige inheemse plant; of
- (b) Bylae II of III wysig deur enige beperking of verbod wat daarin voorkom te wysig of in te trek, of deur enige ander beperking of verbod met betrekking tot aangeleenthede wat in daardie Bylaes behandel word, voor te skryf, in die algemeen of ten opsigte van bepaalde aangeleenthede, waters of gebiede.

(2) Die Bylaes word as een met die Wet gelees en enige wysiging van 'n Bylae, wanneer dit gepubliseer is soos bepaal by subartikel (1), het dieselfde krag en uitwerking asof dit deel van die oorspronklike Bylae was en word beskou ingesluit te wees in 'n verwysing wat deur hierdie Wet na sodanige Bylae gemaak word.

Natuurbewaringsbeamptes en veldwagte

29. (1) Die Uitvoerende Raadslid—

- (a) stel, behoudens die bepalings van die wette op die regeringsdiens van KaNgwane, natuurbewaringsbeamptes en veldwagte aan vir die uitoefening van die bevoegdhede en die verrigting van die werksaamhede wat by hierdie Wet aan hulle verleen word;

holder of a professional guide's licence authorising such conduct; or

- (b) offer to conduct for reward any safari referred to in paragraph (a) unless he is the holder of an appropriate licence authorising such conduct; or
- (c) publish or cause to be published in any way whatsoever any false or misleading statement relating to any photographic or viewing safari conducted or to be conducted in KaNgwane.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Executive Councillor may issue professional guide's licence

26. Subject to the provisions of this Act, the Executive Councillor may, on application and upon payment of the prescribed fees, issue a professional guide's licence to any person whom he deems fit: Provided that the Executive Councillor may, without assigning any reason, refuse to issue any such licence, and may endorse, suspend or cancel any such licence already issued and, where any such licence has been so endorsed, suspended or cancelled, the holder thereof, when again applying for a licence shall disclose the fact of such endorsement, suspension or cancellation.

Powers of holders of professional guide's licences

27. A professional guide's licence shall authorise the holder thereof, subject to the provisions of this Act—

- (a) to conduct or assist in the conducting for reward, in a game or nature reserve specified in the licence, a photographic or viewing safari by vehicle, on foot, on horseback or such other means as are approved; or
- (b) to offer to conduct for reward any safari referred to in paragraph (a).

CHAPTER VI

GENERAL PROVISIONS

Amendment of Schedules

28. (1) The Executive Councillor may, from time to time, by notice in the *Gazette* amend—

- (a) Schedule I by including therein or removing therefrom any indigenous plant; or
- (b) Schedule II or III by altering or withdrawing any limitation, prohibition or restriction appearing therein, or by imposing any other limitation, prohibition or restriction in relation to the matters dealt with in those Schedules, either generally or in respect of particular matters, waters or areas.

(2) The Schedules shall be read as one with this Act and any amendment of a Schedule when published as provided in subsection (1) shall have the same force and effect as if it had been part of the original Schedule and shall be deemed to be included in any reference made by this Act to such Schedule.

Nature conservation officers and rangers

29. (1) The Executive Councillor may—

- (a) subject to the laws governing the public service of KaNgwane, appoint nature conservation officers and rangers to exercise the powers and perform the functions conferred on them by this Act;

- (b) kan ere-natuurbehearingsbeamptes aanstel; en
 - (c) (i) wys die pos, waarvan die bekleër die Hoof-natuurbehearingsbeamptes is, aan; en
 - (ii) wys die poste, waarvan die bekleërs natuurbehearingsbeamptes is, aan.
- (2) Elke magistraat, kaptein, polisiebeampte, bos-beampte en landboubeampte en elke beampte in 'n pos in subartikel (1) (c) bedoel is *ex officio* 'n natuurbehearingsbeampte.
- (3) Die Departement reik aan elke natuurbehearings-beampte wat nie 'n *ex officio* natuurbehearingsbeampte is soos in subartikel (2) bedoel nie, 'n sertifikaat van aanstelling uit wat sodanige beampte, wanneer hy enige bevoegdhede uitoefen of pligte kragtens hierdie Wet verrig, op versoek moet toon.

Bevoegdhede van natuurbehearingsbeamptes en veldwagte

30. (1) 'n Natuurbehearingsbeampte en 'n veldwag kan van iedereen, wat 'n handeling verrig of wat redelikerwys vermoed word 'n handeling te verrig het waarvoor 'n magtiging ingevolge hierdie Wet vereis word, die oorlegging van sodanige magtiging vorder.
- (2) 'n Natuurbehearingsbeampte of veldwag (met insluiting van 'n ere-natuurbehearingsbeampte) of enige persoon as sodanig aangestel ingevolge enige ander wet en wat skriftelike deur die Uitvoerende-Raadslid gemagtig is om in KaNgwane op te tree, het, ten opsigte van 'n oortreding of verdagte oortreding deur enigiemand ingevolge hierdie Wet, al die bevoegdhede waarmee polisie-beamptes regtens bekleë is en kan daarbenewens—
- (a) te eniger tyd enige grond of perseel betree en daarop enige ondersoek instel wat hy nodig ag ten einde vas te stel of die bepalings van hierdie Wet nagekom word;
 - (b) enige grond, perseel, gebou, tent, kampeerplek, voertuig, vaartuig, vlot, boot of houer van watter aard ook al, deursoek as hy rede het om te vermoed dat daarop of in bedoelde grond, perseel, gebou, tent, kampeerplek, voertuig, vaartuig, vlot, boot of houer enigiets is wat vir die doel van, of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik word of gebruik is, of wat tot bewys van die pleging van so 'n misdryf kan strek;
 - (c) te eniger tyd enige voertuig, vaartuig, vlot of boot waarin of waarop iets bedoel in paragraaf (b) vermoedelik is of was, stop of die bestuurder of lods daarvan opdrag gee om te stop en sodanige bestuurder of lods mag nie sonder die toestemming van sodanige natuurbehearingsbeampte of veldwag vertrek of die reis voortsit nie;
 - (d) beslag lê op enige voertuig, vaartuig, vlot, boot, houer, wapen, toestel, middel, dier of enigiets anders wat hy redelikerwys glo vir die doel van of in verband met die pleging van enige misdryf gebruik is of wat bewys van die pleging van sodanige misdryf of van enige element van sodanige misdryf ingevolge hierdie Wet kan lewer;
 - (e) te eniger tyd enige persoon wat na sy mening oor inligting beskik wat in verband staan met 'n oortreding van hierdie Wet, ondervra en sodanige persoon gelas om sodanige inligting te verstrek wat sodanige persoon in staat is om te verstrek;
 - (f) die naam en adres vereis van enige persoon—
 - (i) wat 'n misdryf ingevolge hierdie Wet gepleeg het of wat hy redelikerwys vermoed sodanige misdryf te gepleeg het; of
 - (ii) wat redelikerwys geag word in staat te wees om getuie af te lê in verband met 'n mis-

- (b) appoint honorary nature conservation officers; and
- (c) (i) designate the post, the incumbent of which shall be the Chief nature Conservation Officer; and
- (ii) designate the posts, the incumbants of which shall be nature conservation officers.

(2) Every magistrate, chief, police officer, forest officer and agricultural officer and every officer in a post referred to in subsection (1) (c) shall be a nature conservation officer *ex officio*.

(3) The Department shall furnish every nature conservation officer other than *ex officio* nature conservation officers referred to in subsection (2) with a certificate of appointment which such officers shall produce on demand when exercising any power or performing any duty under this Act.

Powers of nature conservation officers and rangers

30. (1) Any nature conservation officer and any ranger may demand of any person doing or reasonably suspected of having done a thing for which an authorisation in terms of this Act is required, the production of such authorisation.

(2) Any nature conservation officer or ranger (including an honorary nature conservation officer) or any person appointed as such under any other law and authorised in writing by the Executive Councillor to act in KaNgwane shall, in respect of any offence or suspected offence by anybody under this Act, have all the powers vested by law in police officers, and may, in addition—

- (a) at any time enter upon any land or premises and there carry out any investigation which he deems necessary in order to determine whether the provisions of this Act are being complied with;
- (b) search any land, premises, building, tent, camping place, vehicle, vessel, raft, boat or container of any nature whatsoever if he has reason to suspect that there is on or in such land, premises, building, tent, camping place, vehicle, vessel, raft or container, anything which is being used or has been used for the purpose of or in connection with the commission of an offence in terms of this Act or which may afford proof of the commission of such offence;
- (c) at any time stop any vehicle, vessel, craft or boat wherein or whereon anything mentioned in paragraph (b) presumably is or was, or order the driver or pilot thereof to stop and such driver or pilot may not depart or proceed without the permission of such nature conservation officer or ranger;
- (d) seize any vehicle, vessel, craft, boat, container, weapon, device, instrument, animal or other thing which he has reason to believe has been used in or in connection with the commission of an offence under this Act, or which may afford proof of the commission of such offence or of any element of such offence;
- (e) at any time interrogate any person who, in his opinion, has information which is material in connection with any contravention of this Act and order such person to furnish him with such information as such person may be able to give;
- (f) demand the name and address of any person—
 - (i) who has committed an offence under this Act or who he reasonably suspects of having committed such offence; or
 - (ii) who is reasonably deemed to be able to give evidence in connection with an offence com-

dryf ingevolge hierdie Wet wat gepleeg is of rederlikerwys vermoed word gepleeg te gewees het;

- (g) enige strik, slagyster, val, net, voëllym, fuik, stellyn, vanggat, vangkraal, vanghok, stelgeweer, vuurwapen, gif of enige ander toestel, wapen of middel wat vermoedelik gebruik word om 'n wilde dier of vis onwettiglik te jag of te vang; verwyder of laat verwyder van die plek waar dit gevind is of, indien dit nie verwyder kan word nie, dit te vernietig of te laat vernietig of dit onskadelik te maak of te laat maak;
- (h) enige hond wat nie by wettige jag gebruik word nie en wat nie onder die fisiese beheer van enige persoon is nie, van kant maak;
- (i) sonder 'n lasbrief iemand in hegtenis neem—
 - (i) wat redelikerwys vermoed word betrokke te gewees het by die pleging van 'n misdryf ingevolge hierdie Wet, indien hy rede het om te glo dat so iemand nie in antwoord op 'n dagvaarding sal verskyn nie;
 - (ii) wat redelikerwys vermoed word betrokke te gewees het by 'n oortreding van artikel 5 (1) (a) of (b) of artikel 24 (1) (a).
- (3) 'n Beslaglegging kragtens subartikel (1) (d) moet onverwyld aangemeld word by 'n magistraat wat, ten aansien van die verdere aanhouding van of beskikking oor die inbeslaggenome eiendom, sodanige bevel kan uitvaardig wat hy, volgens die feite aan hom voorgelê, billik of raadsaam ag.
- (4) 'n Natuurbewaringsbeampte of veldwag kan by die uitoefening van die bevoegdhede of die uitvoering van die pligte wat by hierdie Wet aan hom verleen of opgedra word, een of meer assistente saamneem wat, solank hulle onder die leiding van sodanige natuurbewaringsbeampte of veldwag optree, geag word natuurbewaringsbeamptes of veldwagte, na gelang van die geval, te wees.

Delegasie van bevoegdhede

31. Die Uitvoerende Raadslid kan enige bevoegdheid, of werksaamheid wat by hierdie Wet aan hom verleen of opgedra word, uitgesonderd die bevoegdheid om regulasies te maak of om enigiets voor te skryf, aan die Direkteur deleger wat na die goeddunke van die Uitvoerende Raadslid sodanige gedelegeerde bevoegdheid of werksaamheid aan 'n ander beampte of beamptes in die Departement kan deleger: Met dien verstande dat ingeval die bevoegdhede kragtens artikel 12 (1) aan die Uitvoerende Raadslid verleen reeds gedelegeer is soos in daardie artikel bepaal, dit nie verder gedelegeer kan word nie.

Streeksowerhede word adviserende komitees op natuurbewaring

32. Dit is die plig van elke streeksowerheid om die Uitvoerende Raadslid by te staan en van advies te bedien in alle aangeleenthede betreffende die bewaring van wilde diere, vis en inheemse plante en die uitroeiing van prolemdiere binne sy gebied.

Misdrywe

- 33. (1) Iedereen is skuldig aan 'n misdryf wat—
 - (a) enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen;
 - (b) enige bepaling of voorwaarde vermeld in of voorgeskryf in hierdie Wet of in 'n magtiging, oortree of versuim om daaraan te voldoen;

mitted under this Act or reasonably suspected of having been so committed;

- (g) remove or cause to be removed any snare, trap, net, bird-lime, fish trap, set-line, gintrap, pitfall, holding pen, trap cage, set-gun, fire-arm, poison or any other device, weapon or instrument which he suspects is to be used to hunt or catch a wild animal or fish unlawfully from the place where it was found or if such removal is impossible, to destroy or render harmless or cause it to be destroyed or rendered harmless;
- (h) destroy any dog not used in lawful hunting which is not under the physical control of any person;
- (i) without warrant arrest any person—
 - (i) who is reasonably suspected of having been involved in the commission of any offence under this Act if he has reason to believe that such person will fail to appear in an answer to a summons;
 - (ii) who is reasonably suspected of having been involved in a contravention of section 5 (1) (a) or (b) or section 24 (1) (a).
- (3) Any seizure under subsection (1) (d) shall forthwith be reported to a magistrate who may make such order as to the further retention or disposal of seized property as may, from the facts reported, appear to him to be just or expedient.
- (4) A nature conservation officer or ranger may, in the exercise of the powers or performance of the duties conferred on him or assigned to him by this Act, take with him one or more assistants who shall, whilst under the direction of such nature conservation officer or ranger, be deemed to be nature conservation officers or rangers as the case may be.

Delegation of powers

31. The Executive Councillor may delegate any power or function conferred upon or assigned to him by this Act, other than the power to make regulations or to prescribe anything, to the Director to delegate further such delegated power or function to any other officer or officers in the Department as the Executive Councillor may deem fit: Provided that in case the powers conferred upon the Executive Councillor in terms of section 12 (1) have already been delegated as provided for in that section, it cannot be delegated further.

Regional authorities to be advisory committees on nature conservation

32. It shall be the duty of every regional authority to assist and advise the Executive Councillor in all matters concerning the conservation of wild animals, fish and indigenous plants, and the destruction of problem animals within its region.

Offences

- 33. (1) Any person shall be guilty of an offence who—
 - (a) contravenes or fails to comply with any provision of this Act;
 - (b) contravenes or fails to comply with any terms or condition stated in, or prescribed in this Act or in any authorisation;

- (c) enige magtiging of toestemming verander;
 - (d) 'n dokument vervaardig of vervals met die doel om dit as 'n magtiging of toestemming aan te bied, te gebruik of uit te gee;
 - (e) 'n Veranderde magtiging of toestemming, of 'n vervaardigde of valse dokument wat heet 'n magtiging of toestemming te wees, aanbied, gebruik, uitgee of in sy besit het;
 - (f) onder 'n valse naam 'n magtiging of toestemming verkry;
 - (g) 'n magtiging of toestemming verkry of daarom aansoek doen terwyl hy kragtens 'n bevel van 'n hof verbied is om dit te verkry;
 - (h) terwyl hy die houer is van 'n magtiging of toestemming wat hom magtig om 'n handeling te verrig, sodanige handeling verrig sonder dat hy die magtiging of toestemming by hom het;
 - (i) die vereistes, voorwaardes of bepalinge van 'n kennisgewing kragtens artikel 2 (5) (a) oortree of versuim om daaraan te voldoen;
 - (j) opsetlik 'n kennisgewingbord, baken, boei of teken in artikel 2 (5) (b) bedoel, beskadig, verander of verskuiwe of hom andersins daarmee bemoei;
 - (k) terwyl hy in besit is van 'n wapen of strik, op grond waarop 'n wilde dier is, oortree;
 - (l) in besit is van enige wilde dier of van vis of aas in artikel 18 (1) (c) bedoel en nie in staat is om bevredigende rekenskap van sodanige besit te gee nie;
 - (m) valslik voorgee dat hy 'n natuurbewaringsbeampte of 'n veldwag is.
 - (n) 'n natuurbewaringsbeampte of ander beampte in die nakoming van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet weerstaan, hinder, belemmer of hom aanrand;
 - (o) versuim om sy naam en adres te verstrek wanneer dit deur 'n natuurbewaringsbeampte of veldwag vereis word of 'n valse naam en adres verstrek; of
 - (p) versuim om aan enige wettige bevel van 'n natuurbewaringsbeampte of veldwag te voldoen.
- (2) By die toepassing van hierdie artikel beteken „toestemming” enige toestemming wat kragtens hierdie Wet deur die eienaar van grond verleen is om 'n handeling op sodanige grond te verrig.

Strawwe

34. (1) Iedereen wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet is strafbaar, in die geval van—

- (a) 'n oortreding van artikel 5 (1) (a) of (b) of artikel 24 (1) (a) met betrekking tot 'n wilde dier—
 - (i) in die geval van 'n eerste skuldigbevinding, moet 'n boete van minstens R200 of by wanbetaling tot gevangenisstraf van minstens 200 dae; of
 - (ii) in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van minstens R400 of by wanbetaling tot gevangenisstraf van minstens 400 dae.
- (b) 'n oortreding van artikel 8 (1)—
 - (i) in die geval van 'n eerste skuldigbevinding, met 'n boete van minstens R150 of by wanbetaling tot gevangenisstraf van minstens 150 dae; of
 - (ii) in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van minstens R300 en by wanbetaling tot gevangenisstraf van minstens 300 dae;

- (c) alters any authorisation or permission;
- (d) fabricates or forges any document for the purpose of passing, using or uttering it as an authorisation or permission;
- (e) passes, uses, utters or has in his possession any altered authorisation or permission, or any fabricated or forged document purporting to be an authorisation;
- (f) under a false name obtains any authorisation or permission;
- (g) obtains or applies for an authorisation or permission, whilst he is debarred under an order of court from obtaining the same;
- (h) being the holder of an authorisation or permission, authorising him to do a thing, does that thing without having such authorisation or permission, in his possession;
- (i) contravenes or fails to comply with the requirements, conditions or terms of any notice under section 2 (5) (a);
- (j) wilfully damages, alters, shifts or in any way interferes with any notice board, beacon, buoy or mark referred to in section 2 (5) (b);
- (k) while in possession of any weapon or trap, trespasses on land on which there is any wild animal;
- (l) is in possession of any wild animal or any fish or bait referred to in section 18 (1) (c), and is unable to give a satisfactory account of such possession;
- (m) falsely holds himself out to be a nature conservation officer or a ranger;
- (n) resists, hinders, obstructs or assaults a nature conservation officer or other officer acting in the performance of his duties or the exercise of his powers under this Act;
- (o) fails to furnish his name and address when a nature conservation officer or ranger demands the same or furnishes a false name and address; or
- (p) fails to comply with any lawful demand of a nature conservation officer or ranger.

(2) For the purpose of this section “permission” means any permission granted under this Act by the owner of private land to perform any act on such land.

Penalties

34. (1) Any person convicted of an offence under this Act shall be liable, in the case of—

- (a) a contravention of section 5 (1) (a) or (b) or section 24 (1) (a) in relation to any wild animal—
 - (i) in the case of a first conviction to a fine of not less than R200 or in default of payment to imprisonment of not less than 200 days; or
 - (ii) in the case of a second or subsequent conviction, to a fine of not less than R400 or in default of payment to imprisonment of not less than 400 days.
- (b) a contravention of section 8 (1)—
 - (i) in the case of a first conviction to a fine of not less than R150 or in default of payment to imprisonment of not less than 150 days; or
 - (ii) in the case of a second or subsequent conviction to a fine of not less than R300 or in default of payment to imprisonment of not less than 300 days;

- (c) enige ander misdryf ingevolge hierdie Wet, met 'n boete van minstens R50 of by wanbetaling tot gevangenisstraf van minstens 50 dae.
- (2) Die hof wat enigiemand aan 'n misdryf kragtens hierdie Wet skuldig bevind kan, benewens enige straf wat opgelê word—
- (a) enige of alle magtigings wat aan so iemand verleen of uitgereik is, intrek; en
- (b) so iemand belet om vir 'n tydperk van hoogstens drie jaar 'n bepaalde magtiging of enige magtiging hoegenaamd te verkry.
- (3) Die hof wat enigiemand aan 'n misdryf kragtens hierdie Wet skuldig bevind kan, benewens enige straf wat opgelê word, enigiets ten opsigte waarvan die misdryf gepleeg is aan die Regering verbeurd verklaar of bevel dat dit vernietig word.
- (4) Die Uitvoerende Raadslid kan, in oorleg met die Hoof- Uitvoerende Raadslid, na goeie dunnke handel met enigiets wat kragtens hierdie artikel aan die Regering verbeurd verklaar is: Met dien verstande dat niks wat aldus verbeurd verklaar is (behalwe bederfbare goed) vernietig of op enige ander wyse oor beskik mag word nie terwyl enige appêl wat teen sodanige verbeurdverklaring of teen die skuldigbevinding wat tot sodanige verbeurdverklaring aanleiding gegee het, hangende is, of totdat 'n tydperk van drie maande vanaf die datum van sodanige verbeurdverklaring verloop het, watter tydperk ook al die langste is: Met dien verstande voorts dat die Uitvoerenderaadslid enigiets wat kragtens hierdie artikel verbeurd verklaar is, op aansoek aan die eienaar kan teruggee of, indien so iets verkoop is, die opbrengs van die verkoping aan hom kan betaal.
- (5) Ondanks andersluidende wetsbepalings is 'n magistratshof bevoeg om enige straf by hierdie Wet voorgeskryf op te lê.
- (6) By die oplegging van enige boete word die fooie wat vir die jag van die betrokke wilde dier gehef word en die markwaarde van die betrokke plant inaggeneem.

Vermoedens

35. (1) Wanneer 'n vuurwapen met 'n loop van langer as 11 sentimeter, 'n wilde dier of die eier van 'n wilde dier in of op 'n voertuig, boot of ander vervoermiddel gevind word of bewys word dat dit daarop was, word dit geag, tensy die teendeel bewys word, dat dit in die besit was van die persoon in beheer van sodanige voertuig, boot of ander vervoermiddel.
- (2) Wanneer iemand in besit gevind word van 'n beskermde inheemse plant of dit bewys word dat hy in besit daarvan was, word dit geag, tensy die teendeel bewys word, dat hy sodanige plant bekom of gekoop het van iemand wat dit onwettig gegee of verkoop het.
- (3) Wanneer—
- (a) 'n boot of ander vaartuig vir die doel van of in verband met die pleging van 'n misdryf ingevolge hierdie Wet gebruik is; of
- (b) enige vis ten opsigte waarvan 'n misdryf ingevolge hierdie Wet gepleeg is, op 'n boot of ander vaartuig gevind word of bewys word dat dit daarop was; of
- (c) 'n net of enigiets waarmee vis gevang word, wat gebruik is of 'n element uitgemaak het by die pleging van 'n misdryf ingevolge hierdie Wet, op 'n boot of ander vaartuig gevind word of bewys word dat dit daarop was,
- word dit geag dat die eienaar van die boot of vaartuig sowel as die persoon in beheer van die boot of vaartuig ten tyde van die pleging van die misdryf of, in die omstandighede in paragrawe (b) en (c) genoem, toe die voorwerpe

- (c) any other offence under this Act to a fine not less than R50 or in default of payment to imprisonment not less than 50 days.
- (2) The court convicting any person of an offence under this Act may, in addition to any other penalty imposed—
- (a) cancel any or all of the authorisations held by such a person;
- (b) debar such person from obtaining any specific authorisation or any authorisation whatsoever for a period not exceeding three years.
- (3) In addition to any penalty imposed, the court convicting any person of an offence under this Act may declare anything in respect of which the offence was committed to be forfeited to the Government or may order it to be destroyed.
- (4) The Executive Councillor acting in consultation with the Chief Executive Councillor may deal, as he deems fit, with anything forfeited to the Government in terms of this section: Provided that nothing thus declared to be forfeited (except perishable goods) shall be destroyed or otherwise disposed of while any appeal against such declaration or the conviction which led to such forfeiture is pending or until a period of three months has elapsed from the date of such declaration, whichever period is the greater: Provided further that the Executive Councillor so acting may on application made to him, return to the owner anything declared to be forfeited under this section, or if such thing has been sold, pay the proceeds of the sale to him.
- (5) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.
- (6) On imposing any fine due regarding shall be had to the fees levied for the hunting of the wild animal concerned and the market value of the plant concerned.

Assumptions

35. (1) when any fire-arm having a barrel length exceeding 11 centimetres, any wild animal, the carcase of a wild animal, or the egg of any wild animal is found in or on any vehicle, boat or other conveyance or is proved to have been thereon, it shall, unless the contrary is proved, be deemed to have been in the possession of the person in charge of such vehicle, boat or other conveyance.
- (2) When any person is found in possession of any protected indigenous plant or is proved to have been in possession thereof, he shall, unless the contrary is proved, be deemed to have obtained or have bought such a plant from a person who gave or sold it unlawfully.
- (3) When—
- (a) any boat or other craft has been used for the purpose of or in connection with the commission of an offence under this Act; or
- (b) any fish in respect of which an offence has been committed under this Act is found on any boat or other craft or is proved to have been thereon; or
- (c) a net or anything with which fish are caught, which was used, or formed an element in the commission of an offence under this Act, is found on a boat or other craft or is proved to have been thereon;
- the owner of the boat or craft as well as the person in charge of such boat or craft at the time of the commission of the offence or in the circumstances mentioned in paragraphs (b) and (c), when the things mentioned in

in daardie paragrawe genoem op die boot of vaartuig was, skuldig is aan die misdryf, tensy bewys word dat sodanige eienaar of persoon nie die misdryf gepleeg het nie en die pleging daarvan nie kon verhinder nie.

Regulasies

36. (1) Die Uitvoerende Raadslid kan regulasies uitvaardig wat voorsiening maak vir enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf kan word en enige ander aangeleentheid hoegenaamd wat na sy oordeel nodig of dienstig is om voor te skryf ten einde uitvoering te gee aan die oogmerke en doelstellings van hierdie Wet met inbegrip, ten opsigte van 'n besondere natuur- of wildtuin, gestig kragtens artikel 23 of 'n gedeelte daarvan, of natuur- of wildtuine in die algemeen, enige aangeleentheid met betrekking tot—

- (a) die toegang of die beperking van die toegang van persone tot, die reëling van die gedrag van persone in, die uitsluiting of uitsetting van sekere persone uit 'n natuur- of wildtuin weens wangedrag en die tydperke en tye van toegang tot of van kampering binne 'n natuur- of wildtuin;
- (b) die inbring in of besit van 'n wapen binne 'n natuur- of wildtuin;
- (c) die besit binne of verwydering uit 'n natuur- of wildtuin deur ander persone as beamptes in die Departement, van 'n wilde dier, vis of inheemse plant;
- (d) die maak van vuur in 'n natuur- of wildtuin;
- (e) die reëling van en beheer oor motorvoertuie en verkeer in die algemeen in 'n natuur- of wildtuin;
- (f) die reëling van en beheer oor die gebruik van bote of ander vaartuie op enige waters in 'n natuur- of wildtuin;
- (g) die bevoegdhede en pligte van beamptes aangestel ingevolge hierdie Wet;
- (h) die beslaglegging op of die van kant maak van 'n hond wat gevind word terwyl dit in 'n natuur- of wildtuin oortree;
- (i) die beskerming en bewaring in die algemeen van 'n natuur- of wildtuin en van enige wilde dier, vis, inheemse plant of voorwerp daarbinne; en
- (j) die lisensie bedoel in artikel 26, die bestek van sodanige lisensie en enige voorwaardes waaronder sodanige lisensie uitgereik kan word.

(2) Die regulasies kan strawwe voorskryf vir oortreding daarvan of versuim om daaraan te voldoen.

Herroeping van Wette

37. (1) Die Ordonnansie op Natuurbewaring, 1967 (Transvaal Ordonnansie 17 van 1967) word hierby herroep.

(2) Iedere lisensie, permit, vergunning, magtiging of vrystelling verleen of uitgereik deur die bevoegde gesag kragtens 'n bepaling van die Wet by subartikel (1) herroep, word, tensy dit teenstrydig met hierdie Wet is, geag deur die bevoegde gesag kragtens die ooreenstemmende bepaling van hierdie Wet verleen of uitgereik te gewees het en bly van krag solank dit kragtens die herroepe wet van krag sou gebly het, tensy dit vroeër kragtens die bepaling van hierdie Wet ingetrek of gewysig word.

Kort titel en inwerkingtreding

38. Hierdie Wet heet die KaNgwane-Wet op Natuurbewaring, 1981 en tree in werking op 'n datum wat die Minister by kennisgewing in die *Amptelike Koerant* bepaal.

those paragraphs were on the boat or craft, shall be deemed to be guilty of the offence unless it is proved that such owner or person did not commit the offence and was unable to prevent its commission.

Regulations

36. (1) the Executive Councillor may make regulations providing for any matter which, in terms of this Act, may be prescribed by regulation or any matter whatsoever which, in his opinion, is necessary or expedient to prescribe in order to give effect to the aims and objects of this Act including, in respect of any particular game or nature reserve established under section 23 or any part thereof or any game or nature reserves generally, any matter relating to—

- (a) the entry or the restriction of the entry of persons into, the regulation of the conduct of persons in, the exclusion or ejection on the grounds of misconduct of persons from a game or nature reserve and the periods and times of admission to or of camping within a game or nature reserve;
- (b) the introduction into or possession within a game or nature reserve of any weapon;
- (c) the possession within or removal from a game or nature reserve, by persons other than officers in the Department, of any wild animal, fish or indigenous plant;
- (d) the making of fires in a game or nature reserve;
- (e) the regulation and control of motor vehicles and traffic generally in a game or nature reserve;
- (f) the regulation and control of boats or other craft on any waters in a game or nature reserve;
- (g) the powers and duties of officers appointed in terms of this Act;
- (h) the impoundment or destruction of any dog found trespassing in a game or nature reserve;
- (i) the protection and preservation generally of any game or nature reserve and any wild animal, fish, indigenous plant or thing therein; and
- (j) the licence referred to in section 26, the scope of such licence and any conditions under which such licence may be issued.

(2) The regulations may provide penalties for a contravention thereof or failure to comply therewith.

Repeal of Laws

37. (1) The Nature Conservation Ordinance, 1967 (Transvaal Ordinance 17 of 1967) is hereby repealed.

(2) Every licence, permit, permission, authority or exemption issued or granted by the competent authority in terms of any provision of the Act repealed under subsection (1) shall, if not inconsistent with this Act, be deemed to have been granted by the appropriate authority in terms of the corresponding provisions of this Act and shall remain in force for as long as it would have remained in force under the repealed law, unless sooner withdrawn or amended in terms of this Act.

Short title and coming into operation

38. This Act shall be called the KaNgwane Nature Conservation Act, 1981 and shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

SCHEDULE I
BYLAE I

PLANTS NOT PROTECTED IN TERMS OF SECTION 13
PLANTE NIE BESKERM INGEVOLGE ARTIKEL 13

Algae, Fungi, Bacteria	Alge, Swamme, Bakterieë	<i>Thallophyta</i>
Bracken	Adelaarsvaring	<i>Pteridium aquilinum</i>
All Grasses, except Berg Bamboo (<i>Arundinaria tessellata</i>)	Alle Grassoorte behalwe Bergbamboes (<i>Arundinaria tessellata</i>)	<i>Gramineae</i>

SCHEDULE II
BYLAE II

MINIMUM SIZES OF FISH AS REFERRED TO IN SECTION 18 (1) (e)
MINIMUM GROOTTES VIS SOOS BEDOEL IN ARTIKEL 18 (1) (e)

Bass (all species)	Baars (alle soorte)	25 cm
Trout (all species)	Forel (alle soorte)	20 cm
Tilapia (<i>Sarontherodon mossambicus</i>)		15 cm
(<i>Tilapia rendalli swierstrae</i>)		15 cm

SCHEDULE III
BYLAE III

NUMBER OF FISH REFERRED TO IN SECTION 18 (1) (f)
GETAL VIS SOOS BEDOEL IN ARTIKEL 18 (1) (f)

		Maximum number to be taken in one day.
		Maksimum getal wat in een dag gevang mag word.
Bass (all species)	Baars (alle soorte)	5
Trout (all species)	Forel (alle soorte)	5
Tilapia (all species)	Tilapia (alle soorte)	10

INHOUD

Departement van Samewerking en Ontwikkeling

GOEWERMENTSKENNISGEWING

No.		BLADSY
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Department of Co-operation and Development

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