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 No.***GENERAL NOTICE****Environmental Affairs and Tourism, Department of***General Notice*

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GENERAL NOTICE

NOTICE 417 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT 57 of 2003)

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of Section 86(3) of the Act, publish for public comment the following:

**DRAFT REGULATIONS FOR THE PROPER ADMINISTRATION OF
SPECIAL NATURE RESERVES, NATIONAL PARKS AND WORLD
HERITAGE SITES, ISSUED IN TERMS OF SECTION 86(1) OF THE
NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003**

To ensure that all the relevant stakeholders are consulted and to streamline the consultation process, interested and affected stakeholders are invited to submit **written** comments to the department:

Please submit all written comments to:

The Director-General
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

For Attention: Dr G I Cowan

Enquiries should be directed to Dr G I Cowan Tel. (012) 310 3701, or e-mail:
gcowan@deat.gov.za.

Closing date: 16 April 2005

**M C J VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

DRAFT

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003 (ACT No. 57 OF 2003)**

**REGULATIONS FOR THE PROPER ADMINISTRATION OF SPECIAL NATURE
RESERVES, NATIONAL PARKS AND WORLD HERITAGE SITES**

The Minister of Environmental Affairs and Tourism has, under section 86 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), made the Regulations in the Schedule.

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**CHAPTER 1:
PART (A):
GENERAL**

1 DEFINITIONS

- 1.1 The words and expressions contained in all Regulations and rules applicable to special nature reserves, national parks and world heritage sites have the same meaning as have been assigned to them by the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) and unless the context otherwise indicates will have the meanings set out below wherever used in any such Regulations and rules;

- 1.2 In these Regulations masculine words include their feminine equivalents, the singular includes the multiple and vice versa.

“the Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“alien species” means

- (a) a species that is not an indigenous species; or
- (b) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention;

“authorised official” means an employee of a management authority, or any other person, acting as such on the written authorisation of a management authority and includes an environmental management inspector;

“axle weight” in relation to a vehicle, whether laden or unladen, means the total mass transmitted to the roadway by the wheels of any axle of such vehicle;

“Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“bioprospecting” in relation to indigenous biological resources, means any research on, or development or application of, indigenous biological resources for commercial or industrial exploitation, and includes:

- (a) the systematic search, collection or gathering of such resources or making extractions from such resources for purposes of such research, development or application;

- (b) the utilisation for purposes of such research or development of any information regarding any traditional uses of indigenous biological resources by indigenous communities; or
- (c) research on, or the application, development or modification of, any such traditional uses, for commercial or industrial exploitation;

“community based natural resource management” means in relation to indigenous biological resources, any utilisation of indigenous biological resources by a community for sustainable harvesting, traditional use or commercial purposes;

“canoe” means a lightweight vessel designed to be propelled by means of paddles without any mechanical assistance;

“critically endangered species” means any indigenous species listed as a critically endangered species in terms of section 55 of the Biodiversity Act;

“dangerous weapon” means any object, other than a firearm, which could cause serious bodily injury in respect of people and animals;

“development” means any significant physical intervention, excavation or action, other than those caused by natural forces, which may result in a change in the nature, appearance or physical nature of a site in a national park or world heritage site or influence its stability and future well-being, including –

- (a) construction, alteration, demolition, removal or change of use of a site or a structure on the site;
- (b) carrying out any works on or over or under the site;
- (c) construction or putting up for display signs or boardings;
- (d) any change to the natural or existing condition or topography of land;
- (e) any removal or destruction of trees or removal of vegetation or topsoil;

“employee” the person formally in the employ of a management authority;

“environmental management inspector” means a person designated as such in terms of Section 31B of the National Environmental Management Amendment Act, 2003 (Act No. 46 of 2003);

“firearm” means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act No.60 of 2000);

“helmsman” means a person who steers a vessel;

“houseboat” includes any vessel upon which facilities for day or night accommodation and/or any kind of food preparation and/or any kind of toilet or washing facilities have been fitted;

“internal rules” means internal rules issued as ‘Protected Area Notices’ made for special nature reserve, national parks and world heritage sites in terms of Section 52 of the Act;

“invasive species” means any species whose establishment and spread may:

- (a) threaten ecosystems, habitats or other species or have demonstrable potential to threaten ecosystems, habitats or other species; and
- (b) result in economic or environmental harm or harm to human health;

“life-guard” means a person appointed by a management authority to perform rescue and related matters;

“listed threatened or protected species” means any species listed in terms of section 55(1) of the Biodiversity Act;

“management authority” means the authority to whom the management of a special nature reserve, national park or world heritage site has been signed in terms of section 38 of the Act;

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act 18 of 1998);

“Merchant Shipping Act” means the Merchant Shipping Act, 1951 (Act 57 of 1951);

“motor boat” means any kind of motor driven vessel;

“overnight” means to be present in a park between sunset and sunrise;

“Protected Area Notice” means a written notification or internal rule issued by a management authority;

“protected species” means any indigenous species naturally found in the Protected Area and including any protected species in terms of section 55 of the Biodiversity Act;

“recreation area” means any area set aside for general recreational use by the public;

“Regulations” means these regulations made in terms of Section 86 of the Act;

“restricted activity”

- (a) in relation to a specimen of a protected species, means:
 - (i) hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying

in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

- (ii) gathering, collecting or plucking any specimen of a listed threatened or protected species;
- (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a listed threatened or protected species;
- (iv) importing into the Republic, including introducing from the sea, any specimen of a listed threatened or protected species;
- (v) exporting from the Republic, including re-exporting from the Republic, any specimen of a listed threatened or protected species;

(having in possession or exercising physical control over any specimen of a listed threatened or protected species;

- (vi) growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
 - (vii) conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
 - (viii) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a listed threatened or protected species; or
 - (ix) any other prescribed activity which involves a specimen of a listed threatened or protected species; and
- (b) in relation to a specimen of an alien species or listed invasive species, means:
- (i) importing into the Republic, including introducing from the sea, any specimen of an alien or listed invasive species;
 - (ii) having in possession or exercising physical control over any specimen of an alien or listed invasive species;
 - (iii) growing, breeding or in any other way propagating any specimen of an alien or listed invasive species, or causing it to multiply;
 - (iv) conveying, moving or otherwise translocating any specimen of an alien or listed invasive species;
 - (v) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or

disposing of any specimen of an alien or listed invasive species;
or

- (vi) any other prescribed activity which involves a specimen of an alien or listed invasive species;

“rowing boat” means a lightweight vessel designed to be propelled by means of oars without any mechanical assistance;

“sail” or “under way” means the position of a vessel when it is afloat on water and not anchored, moored or on dry land;

“sailing boat” means a wind propelled vessel;

“special use permit” means a permit granted as envisaged in these Regulations;

“species” means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population;

“specific environmental management Act” means a specific environmental management Act as defined in the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“specimen” means:

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which:-
 - (i) contain a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism.

“vehicle” means any conveyance designed or adapted principally to travel on wheels and includes a motor vehicle used for the transportation of persons or goods on land;

“vessel” means any conveyance floating on, in or over water and designed for navigation on or in water, howsoever propelled and includes a houseboat;

“vulnerable species” means any indigenous species listed as a vulnerable species in terms of section 55 of the Biodiversity Act;

“water area” means the water and the bed of any tidal lagoon, natural lake, tidal river, river or stream, dam or impoundment or any part thereof, situated within a special nature reserve, national park or world heritage site, and includes the water and the land between the lowest line and the highest line to which the water-level of such tidal lagoon, natural lake, tidal river, dam, impoundment, river or stream or any part thereof may recede or rise at any time;

“water ski” means to ski with or without the assistance of any kind of skating apparatus and where the water skier is towed by a vessel by means of a towing-rope, and including kite-surfing.

2 APPLICATION OF REGULATIONS

- 2.1 These Regulations are, unless specified otherwise, applicable to all special nature reserves, national parks and world heritage sites.
- 2.2 These Regulations apply to a marine protected area that has been included in a special nature reserve, national park or world heritage site in addition to applicable Regulations published in terms of the Marine Living Resources Act and the Merchant Shipping Act from time to time.
- 2.3 The management authority and an authorised official are not subject to these Regulations in relation to the performance of his or her functions or the exercise of his or her powers and in the course of the performance of his or her employment as an authorised official.
- 2.4 The management authority may, by Protected Area Notice, designate any area within a special nature reserve, national park or world heritage site as an area within which one or more activities otherwise prohibited in terms of these Regulations may be undertaken, and display a prominent Protected Area Notice to this effect in and around the designated area.
- 2.5 A Protected Area Notice may impose conditions in relation to the participation in or undertaking of any activity in a special nature reserve, national park or World Heritage Site and a management authority may vary or revoke a Protected Area Notice at any time by subsequent Protected Area Notice.

CHAPTER 2: ADDITIONAL POWERS AND ASSIGNING ADDITIONAL DUTIES

3 POWERS OF AUTHORISED OFFICIALS

In relation to any special nature reserve, national park or world heritage site, an authorised official may:

- (a) to the extent authorised by the management authority administer, implement and enforce the provisions of these Regulations and any other Regulations published in terms of any specific environmental management Act or any other applicable Regulations;
- (b) issue a Protected Area Notice;
- (c) instruct any person to leave a special nature reserve, national park or world heritage site if the authorised official reasonably believes that the person is contravening any provision of these Regulations, and fails to immediately terminate such contravention upon the instruction of that authorised official; and
- (d) to the extent authorised by a management authority participate in the negotiation and settlement of land claims and local government planning processes insofar as they impact or may impact on any special nature reserve, national park or world heritage sites.

4 PROTECTED AREAS REGISTER

Every management authority must submit to the Minister, within 6 (six) months after the end of each financial year, a report, in the prescribed format, detailing all protected areas under the control of, or intended to be under the control of, the management authority.

5 BOARD VEHICLES AND VESSELS

The provisions of these Regulations in regard to vehicles and vessels shall not be applicable to any vehicle or vessel used by the management authority for the purpose of enforcing these Regulations or to perform any work, duty or power in terms of the Act.

CHAPTER 3:
PART (I):
REGULATING: BIODIVERSITY MANAGEMENT AND
CONSERVATION IN PROTECTED AREAS

6 PROHIBITIONS

- 6.1 No person shall, in a special nature reserve, national park or world heritage site, without the prior written consent of the management authority:
- (a) introduce any species or specimen, or part thereof to a special nature reserve, national park or world heritage site;
 - (b) engage in any restricted activity;
 - (c) wilfully disturb any species or specimen;
 - (d) feed any species or specimen;
 - (e) use any recording of a species or specimen sound and species or specimen imagery or scent to attract animals;
 - (f) remove any wood, firewood, sand, gravel, stone, sea shell, guano or other material;
 - (g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, dry wood or firewood, grass or other plant (including any marine plant); or
 - (h) wilfully cause pollution, harm or death to any individual or population of any fauna or flora species.
- 6.2 No person shall, other than with the permission of the management authority and subject to the directions of a management plan, open or close the mouth of a tidal lagoon or a tidal river within any special nature reserve, national park or world heritage site.

7 MINING ACTIVITIES

- 7.1 This regulation applies in relation to a review by the Minister of all commercial, prospecting or mining activities in a special nature reserve, national park or world heritage site under section 48(2) of the Act.
- 7.2 For section 48(3) of the Act, the management authority shall set out the conservation and environmental criteria that must be met in respect of the commercial prospecting or mining activities in a written agreement with the prospector or miner and must include:

- (a) conservation, environmental, social assessment requirements, operational and rehabilitation requirements under the provisions of the management plan in force;
- (b) the agreement must include provisions for the implementation of an environmental management plan drawn up under the Act incorporating provisions to deal with, mitigation measures, restoration and rehabilitation plans and procedures, monitoring and measurement schedules plans and procedures, auditing schedules and procedures, access control and making safe provisions; and
- (c) provisions for rehabilitation fund requirements.

**CHAPTER 3:
PART (II):
THE USE OF BIOLOGICAL RESOURCES IN
PROTECTED AREAS**

8 USE OF BIOLOGICAL RESOURCES

- 8.1 A management authority may, subject to the provisions of an approved management plan, by means of the granting of a licence or permit or the entering into of a written agreement, on the conditions it deems necessary and against payment of the fees determined by it, grant to any person the right to the sustainable use of identified biological resources.
- 8.2 A licence, permit or agreement contemplated in subregulation 8.1, shall define the area within which the use of the biological resources has been granted, indicate the period for which such right has been granted, and determine the limits to such use of the biological resources. The management authority shall demarcate such land or water area in a manner it deems fit.
- 8.3 A right granted in terms of subregulation 8.1 may not interfere with the exercise of any right which has been granted to another person in respect of such area.
- 8.4 A management authority may cancel a right granted in terms of subregulation 8.1 in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the management authority: Provided, that 14 days notice of such cancellation be given to the holder of the right and a *pro rata* portion of the tariff of fees in respect of the unexpired period the right has been granted for, is paid to the holder of the right.
- 8.5 The holder of a right contemplated in subregulation 8.1, shall not allow, permit or cause any environmental damage, not otherwise normally associated with the sustainable use of biological resources, except with the permission of the management authority.
- 8.6 Notwithstanding the provisions of subregulation 8.1, the management authority may determine the tariff or fee for the issuing of a licence, permit or the entering into of an agreement in respect of a right for the use of biological resources.
- 8.7 A tariff or fee contemplated in subregulation 8.1 is, unless otherwise determined, payable in advance and no licence, or permit shall be issued and no agreement shall come into force unless such tariff or fee has been paid.

**9 ACCESS TO SPECIAL NATURE RESERVES, NATIONAL PARKS AND
WORLD HERITAGE SITES**

- 9.1 The holder of a right granted in terms of subregulation 8.1 may, subject to any condition contained in a licence, permit or agreement, use any road, or path for the reasonable exercise of a right to use biological resources. Provided that:

- (a) the management authority may close any access road or prohibit the use thereof for the repair of such road or for conservation management reasons;
- (b) if a holder of a right fails to remove or repair any obstruction on an access road caused as a result of the exercise of a right, the management authority may undertake such removal or repair and recover the cost in this regard from the holder of the right;
- (c) a management authority may impose restrictions on the type of vehicle, machinery and equipment which are permitted on an access road in order to prevent any environmental or other damage;
- (d) the holder of a right shall keep every access road used, reasonable wear excluded, in a good driving condition, and failing to do so, the management authority may undertake the necessary repairs and recover the cost in this respect from the holder of the right; and
- (e) a holder of a right shall not construct any new access roads for the removal of biological resources, without the approval of the management authority.

10 COLLECTION OF DATA

- 10.1 A management authority shall annually submit a return or returns to the Minister in respect of the use of biological resources for the preceding year detailing:
- (a) the number of licences, permits and agreements granted or entered into in respect of the use of biological resources;
 - (b) a description of the biological resources used;
 - (c) the quantities of biological resources harvested;
 - (d) the financial returns generated by the harvesting of biological resources; and
 - (e) the conservation status of the biological resources being exploited.

**CHAPTER 3:
PART (III):
ACCESS TO NATIONAL PROTECTED AREAS**

11 ADMISSION

- 11.1 Any person who has been granted entry into a special nature reserve, national park or world heritage site shall only be allowed admission to a specific authorised area and in the designated times as determined by the management authority.
- 11.2 The management authority may close a special nature reserve, national park or world heritage site or any part of a special nature reserve, national park or world heritage site:
- (a) if, in the management authority's opinion, the closure is necessary or desirable for the proper management of the special nature reserve, national park or world heritage site or if it is necessary to perform any of its functions in terms of the Act or these Regulations; or
 - (b) if a total fire ban is in force in an area that includes all or part of the special nature reserve, national park or world heritage site, or the risk of uncontrolled fire in the special nature reserve, national park or world heritage site is, in the management authority's opinion, extreme; or
 - (c) if the staff necessary to patrol the special nature reserve, national park or world heritage site are unavailable; or
 - (d) if it is, in the management authority's opinion, in the interest of public safety to close the special nature reserve, national park or world heritage site.
- 11.3 A person may not, without the permission of the management authority, enter or remain in a special nature reserve, national park or world heritage site when it is closed to the public.

12 CLOSED PART

No person shall, subject to the provisions of Section 46 of the Act and without the special permission of the management authority, enter, drive or take a vehicle or vessel into or onto any place, road or water area closed to the public.

13 ENTRANCE FEES

- 13.1 No person shall enter a special nature reserve, national park or world heritage site without payment of the entrance fees determined by the management authority from time to time.
- 13.2 Where a fee is prescribed or fixed by the management authority for entrance to a special nature reserve, national park or world heritage site or part of a special

nature reserve, national park or world heritage site, a person shall not enter or remain in the special nature reserve, national park or world heritage site or part thereof unless the appropriate fee has been paid.

- 13.3 Where a fee is prescribed or fixed by the management authority for the hire of accommodation or related recreational facilities in a special nature reserve, national park or world heritage site, a person shall not enter or remain within the boundaries of the accommodation or related recreational facility unless that person has hired the facility or has been permitted by the management authority to enter or remain within the boundaries of the facility.

14 PLACES OF ENTRY

- 14.1 No person shall, subject to the provisions of Section 46 of the Act and subregulation 11, enter or leave a special nature reserve, national park or world heritage site at any place other than an official point of entry or exit, without the special written permission of the management authority.

- 14.2 Where a public road or railway line passes through a special nature reserve, national park or world heritage site:

- (a) No permission shall be required to pass through the special nature reserve, national park or world heritage site on such a road or railway line to a destination outside the special nature reserve, national park or world heritage site in question;
- (b) No person shall be permitted to leave such a public road or railway line or enter into a special nature reserve, national park or world heritage site from such public road or railway line other than in compliance with subregulation 14.2(a).

- 14.3 A management authority may, by causing a Protected Area Notice to be published, give notice of the hours during which a special nature reserve, national park or world heritage site shall be open to the public.

15 PROOF OF ENTRY

- 15.1 Where the payment of a fee or the issue of a permit is required for entry to a special nature reserve, national park or world heritage site, a person who enters the special nature reserve, national park or world heritage site in a vehicle must ensure that the receipt for the entrance fee in respect of, or the permit authorising his or her entry into the special nature reserve, national park or world heritage site is displayed in the vehicle in accordance with subregulation 15.4 continuously until he or she or the vehicle leaves the special nature reserve, national park or world heritage site.

- 15.2 Where the issue of a permit is required for camping in a special nature reserve, national park or world heritage site, a person who camps in the special nature reserve, national park or world heritage site in or near a vehicle that he or she has travelled in to get to the camp site must ensure that the permit authorising him or her to camp in the special nature reserve, national park or world

heritage site is displayed in the vehicle in accordance with subregulation 15.4 continuously while he or she is camping in or near the vehicle.

15.3 For the purposes of these Regulations a receipt for an entrance fee or a permit is displayed in a vehicle only if:

- (a) the receipt or permit is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
- (b) where, because of the design of the vehicle, it is not possible to comply with subregulation 15.3(a) the receipt or permit is displayed in a prominent position in or on the vehicle,

so that the receipt or permit is facing outwards from the vehicle and can be easily seen and read by a person standing outside the vehicle.

15.4 This Regulation does not apply to people who enter, or camp in, a special nature reserve, national park or world heritage site as the client of a person conducting a tour for a fee or reward if the vehicle concerned is owned by, or is under the control of, the tour operator.

15.5 Any person visiting a special nature reserve, national park or world heritage site by aircraft, helicopter or vessel may travel by vehicle, without proof of entry, from the airfield or landing within the special nature reserve, national park or world heritage site to the nearest place designated by the management authority, to obtain the necessary proof permitting entry.

16 **SAFE ENTERING**

No person shall enter or take a vehicle or vessel onto a place, road, river or water area in an unsafe manner.

17 **STAYING OVERNIGHT**

17.1 No person shall stay overnight in any special nature reserve, national park or world heritage site:

- (a) without the permission of the management authority;
- (b) without payment of the applicable fees as determined by the management authority;
- (c) without having first reported to the designated reception office in the special nature reserve, national park or world heritage site or to an authorised official assigned to escort duty;
- (d) where no accommodation has been reserved or is available for that person;
- (e) on a houseboat or any vessel without the permission of the management authority;

- 21.2 The fee as determined from time to time by the management authority is payable when the application is approved.
- 21.3 A vessel in respect of which application for a permit has been made, must be made available for inspection by an authorised official at a date, time and place appointed by the authorized official, unless such applicant is informed by the authorised official that such an inspection is not required.
- 21.4 For the purposes of considering applications for permits and to limit the number of vessels that can obtain a permit, the management authority may make a distinction between different categories of vessels and different uses of vessels: Provided that the management authority may also prohibit a particular category of vessel.
- 21.5 The management authority may approve or refuse an application and may, if it approves such application-
- (a) lay down the conditions regarding the handling of the vessel, the area where the vessel may be used and repairs or alterations to it that the management authority considers necessary in the interests of safety or in compliance with these Regulations; and
 - (b) limit the use of a specific category or type of vessel or activity.
- 21.6 The management authority may approve or refuse an application and may, if it approves such application, specify on the permit:
- (a) the name of the person to whom it has been issued;
 - (b) the maximum number of persons that may be carried by the vessel;
 - (c) the type and overall length of the vessel;
 - (d) the maximum power of the engine;
 - (e) the identification number allotted to the vessel;
 - (f) the area where the vessel may be used; and
 - (g) the conditions for the handling of the vessel.
- 21.7 The management authority may limit the number of permits issued to each person.
- 21.8 The permit in respect of a vessel remains valid for a maximum period of 12 months or for such shorter period as may be determined by the management authority.
- 21.9 The holder of a permit in respect of a vessel must without delay affix or cause to be affixed, the permit number to such vessel, on such place and in a manner acceptable to the management authority.

- 21.10 The management authority may withdraw any permit if:
- (a) the vessel in respect of which the permit was issued is:
 - (i) no longer safe or seaworthy;
 - (ii) or is a source of pollution in the water area;
 - (iii) is handled in such a way as to be a nuisance or danger to other vessels or the public; or
 - (iv) has changed to be a limited or prohibited category;
 - (b) the vessel is transferred, sold or disposed of;
 - (c) the permit holder is found guilty of an offence in regard to the handling or control of a vessel in terms of these regulations; or
 - (d) the management authority is of the opinion that a vessel no longer qualifies for a permit in terms of these Regulations, or in terms of any condition on which the permit was issued, provided that:
 - (i) notice to this effect shall be given to the permit holder at the address appearing on the permit;
 - (ii) the permit holder shall be given the opportunity to submit within a period of 30 days written representations in response to such notice; and
 - (iii) if after considering the permit holder's representations, the management authority withdraws any permit in terms of these Regulations, the authorised official shall, without delay, notify the permit holder at the address on the permit of such withdrawal.

22 REMOVAL OF VESSELS

- 22.1 In the event of the management authority withdrawing a permit or if any permit expires in terms of these Regulations, the owner of the vessel in respect of which the permit has expired or been withdrawn must immediately remove the vessel from the water area.
- 22.2 If the owner of a vessel in respect of which the permit has expired or has been withdrawn fails to remove such vessel from the water area after such expiry or after having been given due notice of the said withdrawal, the management authority may remove the vessel forthwith at the cost of the owner and such owner shall be guilty of an offence.

23 POWER OF AUTHORISED OFFICIAL

Any person who operates a vessel without a permit in the water area may be ordered by an authorised official to immediately remove such vessel from the water area and

failure to comply with such order is an offence in which instance the management authority may forthwith remove the vessel at the cost of the owner.

24 OPERATING RULES

- 24.1 No person shall leave a vessel unattended in a water area unless it has been properly anchored, moored or removed to dry land within such water area at a safe height and in an area designated by the management authority.
- 24.2 No vessel shall be moored or launched at any place in the water area other than that indicated or approved by the management authority. An authorised official may transfer, remove from the water or moor any vessel to any other place without the consent of the owner if he deems this to be in the public interest.
- 24.3 No vessel shall be moored in the water area to any other vessel or to a marker, buoy or other navigational aid.
- 24.4 The helmsman of any vessel in a water area must ensure that he can at all times exercise full control over the vessel whilst it is under way.
- 24.5 The helmsman of any vessel in the water towing a line, cable or rope for any purpose whatsoever must ensure that he does not endanger any other person thereby or cause any inconvenience.
- 24.6 No person shall handle a vessel in a water area, or allow it to be handled in such a manner that it endangers or creates a nuisance to any other vessel, to other persons, property or to installations in the water or at the water's edge.
- 24.7 No motor boat which is under way in a water area and no person water skiing in a water area, shall approach:
- (a) closer than 100 metres to any designated area where people are swimming;
 - (b) closer than 15 metres from the edge of the water; or
 - (c) closer than 15 metres from any other vessel;
- unless:
- (d) circumstances are such that the said distance cannot be maintained;
 - (e) assistance is given in an emergency situation; or
 - (f) the motor boat or any water skier towed by it lands or leaves the shore.
- 24.8 When the prescribed distances set out in subregulation 24.7 cannot be maintained, the motorboat must immediately reduce its speed to less than idle speed or less than 10 knots, whichever is the lower.

- 24.9 No person shall be on the bow, forward deck or gunwale of any motorboat, which is under way in a water area, unless safety rails or guards rails approved by the management authority have been installed.
- 24.10 No person shall jump or dive from any motorboat which is under way, except when help is given in an emergency or when it is necessary to moor or to land the motorboat.
- 24.11 Where it is possible in a water area a vessel shall be piloted in such a manner that the median line of a water area shall always be on the port side of the vessel.
- 24.12 Whenever two vessels approach each other in a water area from or approximately from the front, each vessel must be piloted in such a manner that it passes the other on its own port side and subject to the provisions of subregulation 24.7, at such a distance and at such a speed that the wake of either of the vessels shall not endanger the other.
- 24.13 No vessel shall pass another vessel which is proceeding in the same direction in a water area, unless it is safe to do so and such vessel shall, when it does so, pass the other vessel on its port side and subject to the provisions of subregulation 24.7, at such a distance and at such a speed that its wake shall not endanger the other vessel.
- 24.14 A vessel which is passed in a water area shall maintain its speed and direction until the passing vessel is safely past.
- 24.15 Whenever two vessels approach each other in a water area in a manner other than that referred to in Regulations the vessel which finds the other on its port side shall maintain its speed and direction and the vessel which finds the other on its starboard side shall stay out of the way of the other vessel by changing its direction to starboard so that it passes behind the other vessel and shall if necessary stop or reverse to avoid a collision.
- 24.16 Whenever two sailing boats are approaching one another in a water area so as to involve risk of collision and notwithstanding the provisions of subregulations 24.13, 24.14, 24.15, 24.16 and 24.17, one of them shall keep out of the way of the other as follows:
- (a) When each has the wind on a different side, the vessel, which has the wind on, the portside shall keep out of the way of the other;
 - (b) When both have the wind on the same side, the vessel, which is to the windward, shall keep out of the way of the vessel, which is to leeward.
- 24.17 For the purpose of this Regulation the windward side shall be deemed to be the side opposite to that on which the mainsail is carried.
- 24.18 To avoid a collision between vessels a power boat shall give way to all other vessels and a rowing boat or a canoe shall give way to a sailing boat when circumstances in a water area so require, notwithstanding the provisions of subregulations 24.13, 24.14, 24.15, 24.16 and 24.17: Provided that this

Regulation shall not give the right to the helmsman of any vessel to unnecessarily obstruct or hinder the passage of any other vessel.

- 24.19 The helmsman of any vessel in a water area shall maintain a safe and cautious speed in the area where vessels are moored, where fish is caught or where buoys are placed, and whenever visibility is obstructed due to fog, nightfall or other causes he shall pilot the vessel under his control in such a manner that people, other vessels or other property are not endangered.
- 24.20 No vessel in a water area shall follow closer than 100 metres in the wake of a water skier.
- 24.21 No vessel or vehicle, which is propelled by means of a propeller above the water, shall be used in a water area.

25 PROHIBITIONS

- 25.1 No person shall use a canoe in a water area between sunset and sunrise unless it has on board a flashlight, which is in good working condition.
- 25.2 No person shall use a canoe, other than a canoe designed to float when it is waterlogged, in a water area unless an efficient life-belt or other floating device is attached to his body or is within easy reach on board the canoe.
- 25.3 All life-saving apparatus on board a vessel in a water area must be in good working condition and within easy reach for immediate and effective use.
- 25.4 The name and or registration number of the vessel shall be affixed to all life saving devices in a permanent and visible manner.
- 25.5 A vessel which is hired out, or which is used in a water area for profit, must comply with such conditions as are imposed by the management authority from time to time and carry a clearly displayed notice on which any person boarding or leaving the vessel can read the number of persons it can carry or its loading capacity according to its construction.
- 25.6 No person under the age of 12 years shall drive a motorboat in a water area or exercise control over it. No person between the ages of 12 years and 16 years shall drive a motorboat powered by an engine of 5,9 kilowatts or more in a water area or exercise control over it unless the motorboat is under the direct control of a capable person of at least 16 years of age.
- 25.7 No person shall use an overloaded vessel in a water area.
- 25.8 No person shall control, drive or use a vessel in a water area, or shall be in the driving seat of a power boat with its engine running, or shall water ski, while the percentage of alcohol in his blood is 0,05 or more, expressed in grams per hundred millilitres of blood.
- 25.9 No person shall, without the prior written authorisation of the management authority paint or clean any vessel or remove existing coats of paint from any vessel whilst it is still in a water area;

- 25.10 No person shall, without the prior written authorisation of the management authority do any mechanical, electrical or other reparation work to any vessel, except as an emergency measure and then only with the express prior written permission of the management authority, whilst it is still in a water area.
- 25.11 No person shall, without the prior written authorisation of the management authority bring into, ride on or drive any vehicle in a water area except in a water area or part of a water area where such activities are specifically permitted by the management authority at such times and on such condition as the management authority may determine;
- 25.12 No person shall, without the prior written authorisation of the management authority keep or use any vessel for the transport of passengers or goods for payment or reward or as part of a land based business activity except as determined by the management authority;
- 25.13 No person may use a vessel to gain access to a special nature reserve, would heritage site or national park without the permission of the management authority and against payment of any fee stipulated therefor.

**CHAPTER 3:
PART (IV):
TOURISM IN PROTECTED AREAS WHERE TOURISM IS ALLOWED**

26 DEVELOPMENT

- 26.1 No development contemplated in section 50(5) of the Act shall be implemented:
- 26.1.1 in any area other than an area specifically designated for such use in a management plan, and
- 26.1.2 before the management authority has indicated in writing the nature and extent of the strategic or environmental impact assessment required for the development.
- 26.2 No commercial activity or activity contemplated in section 50 of the Act, which requires an environmental impact assessment to be undertaken, either in terms of subregulation 26.1.2 above or under any other law, may be implemented before the management authority has approved, with or without conditions, the environmental impact assessment before it is submitted to the relevant authority for approval.

27 CONDITIONS FOR A COMMERCIAL ACTIVITY OR ACTIVITY

- 27.1 The Management Authority of a national park or world heritage site may grant the rights contemplated in section 50 subject to certain conditions and, with special reference to the following matters in so far as they may be applicable, namely –
- (a) the suitability of the development with regard to extent, position, water supply, storm water drainage, sewerage, soil, slope, possibility of extension, climatic conditions, accessibility from railway and main or public roads, and any other physical conditions or circumstances which may affect the development in a national park or world heritage site;
 - (b) the existence of servitudes or encumbrances which may affect the prosperity of the national park or world heritage site;
 - (c) the allocation of definition of areas or zones within the national park or world heritage site for commercial, or other purposes or a combination of any such purposes, and the regulation, restriction or prohibition of the construction of buildings in each particular area or zone;
 - (d) the suitability or otherwise of the proposed design or layout having regard to the shape and dimensions in the various zones and the restriction of use in relation to the proximity to sewerage, drainage, widths and gradients of streets, probable future traffic requirements and control both within the national park or world heritage site and in relation

to the surrounding area, and to natural and artificial features, and aesthetic and social amenities;

- (e) the provision and reservation for the public of open space or any other purpose for the use and benefit of visitors to the national park or world heritage site;
- (f) the extent to which the costs attributable to road construction, water supply, electricity, sewerage reticulation and sewage purification and other services are to be borne by a contracting party, and the provision of security for the fulfilment of any obligations imposed on a contracting party;
- (g) the regulation of buildings with particular reference to the maximum number which may be built upon and the maximum area of each building which may be built whether for tourist accommodation, or other purpose, the minimum outlay in cost of buildings within specified areas, open spaces round about buildings, the position of buildings in relation to any street or lateral boundary or to other buildings and their character, use, height and harmony in design;
- (h) the technical specifications to which any infrastructure, equipment or materials must comply;
- (i) the number of tourist accommodation and staff beds permitted;
- (j) the provision of a performance bond or other form of security for a breach of the permit, license or agreement;
- (k) the use of the name of the national park or world heritage site; and
- (l) any other matter or matters material to the development which the management authority deems it desirable to include in the permit, license or agreement.

CHAPTER 3:
PART (V):
ACTIVITIES THAT MAY BE CARRIED OUT IN TERMS OF SECTION 50

28 AUTHORISED ACTIVITIES

- 28.1 A person may not undertake any of the following activities in a special nature reserve, national park or world heritage site except pursuant to a licence, permit or agreement and subject to the payment of the appropriate fees between that person, or some other person, and the management authority:
- (a) filming, videotaping or taking photographs for commercial purposes; or
 - (b) conducting tours; or
 - (c) conducting any kind of competition; or
 - (d) selling or hiring goods or offering goods for sale or hire; or
 - (e) providing, or offering to provide, any service for a fee or reward; or
 - (f) conducting speed trials; or
 - (g) conducting scientific experiments; or
 - (h) an activity of any kind for the purpose of fund raising, personal gain or making a profit.

29 COMMERCIAL AND COMMUNITY ACTIVITIES

The management authority may set aside a special nature reserve, national park or world heritage site, or part thereof, as an area in which a particular activity may be undertaken by visitors to the special nature reserve, national park or world heritage site and shall cause a Protected Area Notice to be published at the entrance to the special nature reserve, national park or world heritage site indicating designation, for that purpose.

30 OTHER ACTIVITIES

- 30.1 A person may not, without the permission of the management authority, use or cause to be used, any loud speaker or similar device or other noisy equipment in a special nature reserve, national park or world heritage site.
- 30.2 A person may not, without the permission of the management authority, construct or erect any booth, marquee or other structure in a special nature reserve, national park or world heritage site.
- 30.3 A person may not, without the permission of the management authority, organise or cause to be organised or attend or participate in any public

meeting, demonstration or gathering in a special nature reserve, national park or world heritage site.

31 **PHOTOGRAPHY**

No person may, except in accordance with the conditions laid down by the management authority from time to time and the payment of the stipulated fee, utilise any webcam, take any photographs, videos or films or record any images in a special nature reserve, national park or world heritage site for commercial or professional purposes.

CHAPTER 3:
PART (VI):
THE USE OF WATER AREAS, LAND AND AIRSPACE IN PROTECTED AREAS

32 PROTECTED AREA NOTICE

32.1 The management authority may from time to time and by means of a Protected Area Notice at the entrance to and other relevant places:

- (a) set aside any land, airspace or water area in a special nature reserve, national park or world heritage site or part thereof;
- (b) designate any land or water area as a recreation area;
- (c) designate any land or water area for any other purpose;
- (d) prohibit or restrict use and/or access of any person, vehicle, vessel, pet or species or specimen to any land or water area or any other place or part thereof within a special nature reserve, national park or world heritage site; and/or
- (e) designate the times and conditions during which and subject to which any sports or other activities may be practiced or performed on such land or water area.

33 RECREATION AREAS

33.1 The management authority shall within a recreation area display any Protected Area Notice required under these Regulations.

33.2 In relation to recreation areas, the management authority shall:

- (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a Protected Area Notice; and
- (b) prominently display a Protected Area Notice at every entrance indicating:
 - (i) the opening and closing times of that recreation area; and
 - (ii) any rules made by the management authority in relation to that recreation area.

34 PROHIBITIONS IN WATER AREAS

34.1 The management authority may within a special nature reserve, national park or world heritage site restrict or permit any use of or activity in a water area or any part thereof.

34.2 A person may not, without the permission of the management authority, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water

in a special nature reserve, national park or world heritage site unless the water has been set aside by the management authority for the use of vessels of that kind.

35 DISCHARGE OF FIRE ARMS BY PERSONS

35.1 No person may discharge a fire-arm within a special nature reserve, national park or world heritage site, except-

- (a) if that person is authorised to the management authority thereto;
- (b) for the discharge of a blank by a life-guard during an organized competition or by any other person authorised by the management authority, during a sports meeting in a water area;
- (c) in connection with the collection of specimens of aquatic life or birds or animals for scientific purposes, subject to the written consent of the management authority;
- (d) to give a distress signal;
- (e) with the prior approval of the management authority.

36 BATHING AND SWIMMING

36.1 No person shall bathe, dive or swim in any area in a special nature reserve, national park or world heritage site:

- (a) except where bathing and swimming is permitted;
- (b) where bathing and swimming is prohibited by an officiating life-guard by means of appropriate signs at both ends of the prohibited area, for so long as the state of the water is considered unsafe.

37 SAFETY ROPES

No person may hang from, sit on, interfere with or cause safety ropes or other devices to sink where such safety ropes or devices are provided for the assistance of bathers in distress or for the protection of bathers.

38 LIFE SAVING APPARATUS

Except in an emergency, no person, with the exception of a duly authorised official or a life-guard, may handle, touch or use in any manner a life-saving rope, buoy or other life-saving apparatus installed or maintained in or at a water area, or do anything which will impede the proper working of such life-saving apparatus.

39 WATER SKIING

39.1 No person shall water ski in a water area other than in a place and at times specifically permitted by the management authority.

39.2 No person shall water ski in a water area unless wearing an efficient life-belt or other floating device.

- 39.3 No steel, metal cable or steel wire shall be used in a water area to tow a water skier.
- 39.4 The helmsman of any vessel in a water area which tows a water skier shall, before such water skier is taken in tow, ensure that the water skier is familiar with all signals used by water skiers.
- 39.5 No water skiing is permitted between sunset and sunrise in a water area.
- 39.6 No vessel shall tow a water skier in a water area unless a second person older than 12 years is present in the vessel and who is facing the stern to observe the water skier.
- 39.7 No water skier shall drop a water ski in a water area except at a spot where the discarded water ski does not constitute a danger to any other water skier or vessel.
- 39.8 As soon as a water skier drops the towing-line the helmsman of the vessel towing the water skier in a water area shall pull in the towing line immediately and if the water skier has dropped the towing line by accident the said helmsman shall turn immediately and take the water skier in tow again or take him aboard.

40 **PROHIBITIONS ON LAND AND IN AIRSPACE**

- 40.1 A person shall not, without the permission of the management authority:

- (a) engage in the sport of climbing rock faces; or
- (b) engage in the sport of parachuting or abseiling; or
- (c) use a hang glider or any other kind of glider; or
- (d) launch or fly a hot air balloon; or
- (e) fly model planes or gliders; or
- (f) engage in the sport of sand boarding; or
- (g) operate any motorised vehicle for recreational purposes.

in a special nature reserve, national park or world heritage site except in an area set aside by the management authority for that purpose.

- 40.2 A person:

- (a) must operate any aircraft landing or taking off and flying at a height lower than 2 500 feet, according to the provisions of the management plan for the special nature reserve, national park or world heritage site; and

- (b) must not allow the aircraft to approach a special nature reserve, national park or world heritage site other than on the flight path detailed in the management plan; and
- (c) if the aircraft can land on water, must not land the aircraft on water in any area other than an area designated for such landing; and
- (d) if the aircraft is a helicopter:
 - (i) must approach the special nature reserve, national park or world heritage site on the flight path determined in the management plan; and
 - (ii) must not hover over a special nature reserve, national park or world heritage site, other than in cases of emergency; and
- (e) only operate or land such aircraft in a special nature reserve, national park or world heritage site with the permission of the management authority and against payment of the fees stipulated from time to time by such the management authority for special nature reserve, national park or world heritage site.

**CHAPTER 3:
PART (VII):
COMMUNITY-BASED NATURAL RESOURCE USE**

41 USE OF BIOLOGICAL RESOURCES

The management authority may, by means of the granting of a license or permit or the entering into of a written agreement, on the conditions it deems necessary and against payment of the fees determined, if any, grant to any local community the right to the sustainable use of biological resources on the same basis as set out in subregulation 1 of Chapter 3, Part II.

42 ACCESS

The management authority, notwithstanding any other provision of these regulations, may by means of the granting of a license, permit or the entering into of an agreement, on the conditions it deems necessary and against payment of the fees determined, if any, grant a local community access to part or parts of a special nature reserve, national park or world heritage site for cultural, spiritual, heritage or religious purposes.

43 REGISTER OF LOCAL COMMUNITIES

43.1 The management authority of a national park shall, within twelve months from the date on which these Regulations take effect or the date that the national park is assigned to the management authority, whichever date is the later, establish by open invitation and thereafter maintain a register of local communities with rights, or direct or indirect interests, in that national park.

43.2 The register shall be reviewed and, if necessary, updated at least every two years.

**CHAPTER 3:
PART (VIII):
CONSULTATION ACTIVITIES**

**44 MANAGEMENT AUTHORITY TO CONSULT PEOPLE OF AREA
AFFECTED BY PROPOSED SPECIAL NATURE RESERVE, NATIONAL
PARK OR WORLD HERITAGE SITE**

- 44.1 A management authority shall consult the people in the area to be affected by the establishment of a special nature reserve, national park or world heritage site.
- 44.2 The consultation referred to in subregulation 44.1 shall include an investigation and determination that the land is suitable for a special nature reserve, national park or world heritage site purposes.
- 44.3 The Management Authority shall convene a meeting of the people of the area to be affected by a proposed special nature reserve, national park or world heritage site, and shall give adequate and timely notice of such meeting, and such notice shall include, without limiting the generality of the term –
- (a) requesting the heads of all relevant local communities concerned to convene a meeting of all relevant local communities and endeavour to secure their attendance;
 - (b) advertising the meeting in any manner which seems expedient;
 - (c) sending out runners to spread the news of the contemplated meeting; if necessary
- 44.4 At a meeting convened in terms of subregulation 44.3, the Management Authority shall –
- (a) explain the matter so that the persons concerned are furnished with sufficient information to enable them to submit meaningful representations or objections; and
 - (b) give such persons a fair and sufficient opportunity to express such representations or objections.
- 44.5 Notwithstanding the provisions of subregulations 44.3 and 44.4, the Management Authority may, if the holding of such meeting is not feasible, adopt any other mode of consultation as deemed appropriate.
- 44.6 The management authority shall give due consideration to all representations or objections received or presented.

**CHAPTER 3:
PART (IX):
GENERAL**

45 SCIENTIFIC RESEARCH

A person may not, without the permission of the management authority, carry out scientific research in a special nature reserve, national park or world heritage site.

46 SPECIAL USE PERMITS

46.1 A management authority may determine activities in special nature reserves, national parks and world heritage sites generally or in specific special nature reserves, national parks or world heritage sites for which special use permits are required.

46.2 The management authority may impose on such permits such conditions as the management authority deems appropriate from time to time, including but not limited to, the imposition of fees for such activities.

46.3 The management authority must include the list of activities for which a special use permit is required, the conditions that pertain to such permit for each activity and the fees to be paid for such a permit in the internal rules applicable to the special nature reserve, national park or world heritage site in question.

47 ACCIDENTS

The driver of any motor vehicle and the person in charge of a vehicle or vessel shall, whenever such vehicle or vessel is involved in or contributes to any accident, in which any person or species or specimen is injured or killed or property damaged, immediately stop the vehicle or vessel and render any possible assistance to any person whereafter the incident must be reported to the South African Police Service and to the nearest authorised official as soon as possible.

48 INTERFERENCE WITH THE MANAGEMENT AUTHORITY EQUIPMENT

No person shall, in a special nature reserve, national park or world heritage site, interfere with, put into operation, damage, climb on or board any vehicle, vessel, dredging apparatus or any other implement which is the property of or is used by the management authority or its agents, without the prior permission of the management authority, or its agents.

49 MISUSE OF FACILITIES

49.1 No person shall interfere with, misuse, damage or use in conflict with any management authority directions any building, convenience shelter, changing room, pier, landing stage, raft, buoy or other facility provided or erected by a management authority.

49.2

No person shall fail to comply with the directions of any notice affixed by the management authority to any such building, structure or facility.

CHAPTER 4:
PART (I):
PROHIBITING OR RESTRICTING ACTIVITIES THAT HAVE AN ADVERSE
EFFECT IN PROTECTED AREAS

50 PROHIBITED ACTIVITIES

50.1 A person is not in contravention of any provision of these Regulations if that person needs to undertake the prohibited activity:

- (a) to perform his or her obligations as an employee, agent or contractor of the management authority under his or her contract with, or mandate from, the management authority or to achieve the purposes of these Regulations;
- (b) to carry out public duties as an employee, agent or contractor or an organ of State within a special nature reserve, national park or world heritage site; or
- (c) to fulfil his or her duties as an authorised official.

51 INTERFERENCE WITH SOIL OR SUBSTRATE

51.1 A person shall not, without the permission of the management authority:

- (a) remove from a special nature reserve, national park or world heritage site any:
 - (i) soil, rock, mineral or similar material; or
 - (ii) wood, mulch or other dead vegetation; or
 - (iii) fossil, archaeological remains or cultural artefacts; or
 - (iv) ritual or spiritual remains; or
 - (v) coral or shells; or
 - (vi) shipwreck, flotsam or jetsam.
- (b) dig or otherwise intentionally disturb any soil or similar material in a special nature reserve, national park or world heritage site; or
- (c) intentionally disturb any:
 - (i) wood, mulch or other dead vegetation or animal in a special nature reserve, national park or world heritage site; or
 - (ii) termite mounds; or
 - (iii) fossil, shell midden, archaeological remains or paleontological in a special nature reserve, national park or world heritage site; or
 - (iv) any of the marine components referred to in subregulation 2.1(a) above; or
 - (v) any object or material in use for any ritual, spiritual or other practice.

- 51.2 No person shall construct an impoundment or weir on any river or river bed in or forming a boundary with a special nature reserve, national park or world heritage sites without the written permission of the management authority and without conducting an environmental impact assessment.

52 LITTERING

A person shall not, in a special nature reserve, national park or world heritage site:

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material, except in an area or receptacle provided for that purpose; or
- (b) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing; or
- (c) deposit or leave any offal, dead species or specimen or dung; or
- (d) deposit, except in any receptacle provided for litter, any domestic garbage; or
- (e) wilfully break any article of glass, china, pottery, plastic or other brittle material; or
- (f) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product.

53 POLLUTION OF WATERS

A person shall at any time or in any manner not foul or pollute any water in a river, spring, pan, well, borehole, groundwater, dam, reservoir or lake in a special nature reserve, national park or world heritage site.

54 REMOVAL AND DUMPING IN WATER AREAS

- 54.1 No persons shall, without the prior written consent of the management authority and subject to the conditions imposed by the management authority, in any manner:
- (a) remove, dredge, pump or move any sand, soil or stones from a water area;
 - (b) deposit, dump or throw sand, soil, stones or other material of any kind in a water area;
 - (c) construct any retaining wall or weir.

55 GENERAL PROHIBITIONS

No person may in a special nature reserve, national park or world heritage site:

- (a) offer any show or entertainment, conduct any business or trade or collect any money from the public, unless the prior written permission of the management authority is obtained;
- (b) unlawfully occupy, move into, inhabit or use any existing land, building or structure;

- (c) damage any property of the management authority;
- (d) damage, remove or destroy any fences or gates or climb over or through such fences or gates;
- (e) light or cause any open fire to be started, or make use of an open fire, unless such fire is properly contained in a fireplace or container made available by the management authority for that purpose or unless the management authority otherwise authorises;
- (f) place, throw, dump or let out any refuse, rubbish, used containers, effluent, toilet waste or any objectionable matter;
- (g) wilfully or negligently cause a fire or discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire other than where the making of a fire is specifically permitted;
- (h) carry on any agricultural or gardening activities without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time;
- (i) allow any species or specimen to graze in a special nature reserve, national park or world heritage site or enter upon it without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time. Any species or specimen which is found in a special nature reserve, national park or world heritage site in conflict with this Regulation or in conflict with the conditions laid down by the management authority may be destroyed by an authorised official;
- (j) place, display or distribute any advertisement, promotional material or notice anywhere in a special nature reserve, national park or world heritage site without the express prior written permission of the management authority;
- (k) affix to or, in any manner whatsoever, make on any tree or any object not belonging to that person any name, letter, figure, symbol, mark, picture, sign or notice or otherwise damage any tree or other object;
- (l) wilfully or negligently cause any damage to any object of geological, archaeological, historical, ethnological, oceanographic, educational or other scientific interest;
- (m) at any time play any radio, compact disc player, music system, musical instrument or in any way whatsoever cause any noise in a manner that is likely to disturb any species or specimen or other person;
- (n) behave in an offensive, improper, indecent or disorderly manner;
- (o) litter or discard any article or refuse of whatever nature, except in receptacles and containers provided for this purpose by the management authority.

56 FIREARMS AND DANGEROUS WEAPONS

Subject to the provisions of Section 46 of the Act, no person other than an authorised official or any other person acting under the specific authority of the management authority may:

- (a) Convey into a special nature reserve, national park or world heritage site or within a special nature reserve, national park or world heritage site be in possession of any firearm or dangerous weapon other than a firearm declared and dealt with in terms of subregulation 56(b), or any explosive, trap or poison;
- (b) A person in possession of a valid licence for the firearm in question may convey that firearm into a special nature reserve, national park or world heritage site subject to the following conditions:
 - (i) All firearms of whatever nature must be handed in at the first checkpoint of the management authority, whether such checkpoint be an entrance gate, a rest camp or an office of an official, as the case may be, for the purposes defined in subregulation 56(b)(ii);
 - (ii) The possessor of the firearm shall make the firearm safe and remove the magazine and any bullets that might be in the chamber before handing it over to the authorised official. Both the possessor and the official shall ensure that firearms are not loaded when being sealed;
 - (iii) The authorised official to whom such firearms are handed in under subregulation 56(b)(i) shall seal such firearms in such a manner that the firearms cannot be used without the seals being broken;
 - (iv) When leaving a special nature reserve, national park or world heritage site, the firearms shall again be handed over for inspection to the official in charge of the rest camp or gate, as the case may be, and if any seals should be found to be broken then the owner or possessor of the firearm shall be guilty of an offence;
 - (v) All authorised officials and people residing within a special nature reserve, national park or world heritage site shall declare all firearms in their possession in a special nature reserve, national park or world heritage site to the head of that special nature reserve, national park or world heritage site who shall maintain a register of such firearms at all times;
 - (vi) No unlicensed firearms may be conveyed into a special nature reserve, national park or world heritage site.

CHAPTER 4:
PART (II):
PROHIBITING OR RESTRICTING THE USE OF BIOLOGICAL RESOURCES IN
PROTECTED AREAS

57 RESTRICTED ACTIVITIES

No person shall within a special nature reserve, national park or world heritage site and without the prior written authorisation of the management authority undertake, support or participate in any restricted activity.

**CHAPTER 4:
PART (III):
PROHIBITING OR RESTRICTING LAND USES IN PROTECTED AREAS**

58 BUILDINGS

- 58.1 No person shall, without the written authorisation of the management authority, erect, construct or transform or cause to be erected, constructed or transformed:
- (a) any building or any other improvement, including but not limited, to a building or structure of any kind, jetty, dock, pier, landing stage, landing float, marker, anchor buoy, raft, fence or any obstruction, bridge, pontoon, road or crossing in respect of a building or other immovable property;
 - (b) on any private land in a special nature reserve, national park or world heritage site other than in accordance with the management plan for the area and plans, specifications and conditions approved by the management authority.
- 58.2 If any such erection takes place in conflict with the conditions laid down by the management authority, the management authority may cause the building, structure or improvement concerned to be demolished and removed and shall be entitled to recover the costs thereof from the person who has erected it or caused it to be erected.
- 58.3 Any person who has applied in terms of subregulation 58 for the erection of a building or any other improvement in respect of a building or other immovable property shall, if required to do so by the management authority:
- (a) in instances where prior environmental authorisation is not compulsory employ an independent environmental consultant to conduct an assessment of the proposed activity in compliance with the minimum requirements set by the Act, or other applicable legislation, and to submit the findings of the assessment to the management authority;
 - (b) in instances where prior environmental authorisation is compulsory, provide the management authority with such environmental authorisation before the management authority considers the application.

59 FRENCH DRAINS AND PIT LATRINES

No person shall, without the prior written approval of the management authority accompanied by a site plan, establish or in any way alter, extend or enlarge any french drain system, pit latrine or any other sewerage disposal system on any land situated within a special nature reserve, national park or world heritage site or replace it with another french drain system, pit latrine or any other sewerage disposal system.

60 HOLIDAY RESORT, CARAVAN PARK, CAMPING OR PICNIC SITE

No person other than the management authority shall erect, establish, transform, extend or enlarge any holiday resort, caravan park or camping or picnic site situate on private land within a special nature reserve, national park or world heritage site at which members of the public can stay, camp or picnic upon payment of a fee, other than in accordance with the management plan for the area and the written approval of the management authority.

61 MAINTENANCE

Notwithstanding the existence of the provisions of essential services and the acquisition of servitudes for that purpose the holder of any authorisation in terms of Section 50 shall continue to maintain, at its cost, the area allocated for the performance of the essential services or the servitude area.

**CHAPTER 4:
PART (IV):
GENERAL**

62 DOGS AND PETS

- 62.1 No person shall allow any dog or pet belonging to or under the care of that person to enter into and/or remain in the special nature reserve, national park or world heritage site where the presence of such a dog or pet is not permitted by the management authority.
- 62.2 Any dog or pet which is found outside the permitted area referred to in subregulation 62.1 and which is not in the care of any person, may either be caught and removed to a pound or destroyed at the discretion of the management authority.

63 ABANDONED PROPERTY

- 63.1 A person shall not, without the permission of the management authority, abandon or leave unattended for more than 24 hours any vehicle, vessel or other personal property in a special nature reserve, national park or world heritage site.
- 63.2 Any vehicle, vessel or personal property abandoned or left unattended for more than 24 hours in a special nature reserve, national park or world heritage site may be seized and impounded by an authorised official.
- 63.3 The management authority may require the owner of any vehicle, vessel or personal property seized and impounded under this Regulation to pay the cost of seizing, impounding and keeping such vehicle or personal property before returning the vehicle or personal property to the owner.
- 63.4 If, at the expiration of one month after the owner of a vehicle, vessel or personal property has been notified of its seizure or impounding, the owner has not paid to the management authority the cost of seizing, impounding and keeping the vehicle or personal property, the management authority may sell or otherwise dispose of the vehicle or personal property.
- 63.5 If the owner of any vehicle, vessel or personal property seized or impounded under this Regulation is unknown or cannot be contacted, the management authority may, after the expiration of one month after the vehicle or personal property has been seized or impounded, sell or otherwise dispose of the vehicle or personal property.

64 DISORDERLY BEHAVIOUR

- 64.1 A person shall not behave in a special nature reserve, national park or world heritage site in a disorderly, offensive or unwanted manner or use any offensive or indecent language or create any disturbance.

- 64.2 A person shall not, in a special nature reserve, national park or world heritage site, wilfully obstruct, disturb, interrupt or purposefully annoy any other person engaged in the proper use of such special nature reserve, national park or world heritage site.
- 64.3 A person shall not, in a special nature reserve, national park or world heritage site, throw, roll or discharge any stone, substance or missile to endanger any person or species or specimen in the special nature reserve, national park or world heritage site.
- 64.3.1 A person must not deface, paint, write on, cut names or letters in or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a special nature reserve, national park or world heritage site.

65 NOTICE BOARDS

No person, except a person authorised thereto by the management authority shall move, deface or otherwise interfere with a Protected Area Notice, notice-board, notice or other sign-board put on to, affixed to or placed in a special nature reserve, national park or world heritage site by the management authority or by a life-guard in terms of these Regulations.

66 TYPES OF VEHICLES

No person shall enter or travel in a special nature reserve, national park or world heritage site except in a vehicle that conforms to the dimensions and other requirements prescribed by the management authority from time to time.

67 VEHICLES TO BE REGISTERED

No person shall enter into or use in any special nature reserve, national park or world heritage site any vehicle that is not lawfully registered and licensed for use on public roads.

68 DRIVERS MUST BE LICENCED

No person shall drive a motor vehicle in a special nature reserve, national park or world heritage site unless that person is in possession of a valid drivers licence for the vehicle in question.

69 TRAFFIC RULES

A management authority may issue internal rules dealing with all aspects of traffic behaviour and penalties in respect of traffic violations on any kind of road in a special nature reserve, national park or world heritage site.

70 SPEED LIMITS

- 70.1 The management authority shall determine the speed limit on all roads and tracks in national parks or world heritage sites other than in respect of open public roads.

70.2

A person must not:

- (a) drive a vehicle on a part of a road or public access track at more than the maximum speed for that part of the road or track; or
- (b) drive a vehicle in a parking area or camping area at more than the special limit determined by the management authority.

70.3

The maximum speed for a part of a road or public access track between a speed limit sign and another speed limit sign or a de-restricting sign facing the direction from which the vehicle approaches is the number of kilometres per hour that is shown in numbers on the first speed limit sign.

70.4

The management authority may designate a road or public access track as a one-way traffic road or track.

71

PROHIBITIONS

71.1

No person driving any vehicle in a special nature reserve, national park or world heritage site shall:

- (a) drive, park, or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
- (b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of an emergency vehicle;
- (c) park a vehicle in a place other than in a place specifically designated for that purpose by the management authority;
- (d) drive or park anywhere except on a specifically permitted road or place;
- (e) damage or act in a manner that could potentially cause damage of any nature whatsoever, including but not limited to, damage to a road, plants and to animals;
- (f) without the permission of the management authority exceed such speed limits as the management authority may from time to time impose;
- (g) drive or control any vehicle in a reckless or negligent manner or in a deliberate or wilful disregard for the safety of any person, species or specimen or property of whatever nature.

CHAPTER 5: ADVISORY COMMITTEES

- 72 A management authority may establish one or more advisory committees in respect of a special nature reserve, national park or world heritage site.
- 73 In establishing an advisory committee a management authority must:
- (a) invite submissions from residents of and neighbouring communities to, the special nature reserve, national park or world heritage site of the names of persons who could be taken into consideration when appointing members to the advisory committee;
 - (b) prescribe the minimum requirements and other criteria which will be taken into consideration when deciding which persons are to be appointed to such advisory committee; and
 - (c) prescribe the method which will enable the invitation contemplated in paragraph (a) above to reach the greatest number of residents of, neighbouring communities to the special nature reserve, national park or world heritage site.
- 74 An invitation contemplated in subregulation 73(a) must specify the method of submission and a date by which such nominations are to reach the management authority.
- 75 The management authority must, after considering any nominations submitted in terms of subregulation 73(a), appoint the prescribed number of members to the advisory committee: provided that at least 1 (one) employee of the management authority, nominated by the management authority, must be an *ex officio* member of such advisory committee and that any appointments made in respect of any particular advisory committee should, based on demonstrated real interest by the nominated persons in respect of the particular special nature reserve, national park or world heritage site.
- 76 The Minister may, on the same basis as set out in subregulations 72 to 75 above, appoint general advisory committees not specifically linked to a special nature reserve, national park or world heritage site, in which case the management authority must invite submissions from duly qualified and interested persons given the required mandate of the particular advisory committee.
- 77 The management authority must define the specific mandate of any advisory committee in writing in specific terms. The specific terms must include the terms of reference, the method of communicating advice, the acceptance and rejection of advice offered, the appointment and removal committee members and the support to be provided together with any remuneration payable and its terms.
- 78 A member of an advisory committee can be appointed for any period, as determined by the management authority but not exceeding 5 (five) years.

CHAPTER 6: NORMS AND STANDARDS

79 INTERNAL RULES

- 79.1 A management authority must, when making rules in terms of section 52 of the Act, consider at least the following
- (a) the impact of such rule on any provisions of any approved management plan; and
 - (b) the environmental, social and financial effect of such rule on the precautionary principle.

80 MANAGEMENT PLANS

- 80.1 A management authority must have due regard for and seek to integrate and harmonise management plans with the requirements of the Act, and where applicable:
- (a) plans in terms of other national legislation;
 - (b) provincial government planning and development plans;
 - (c) regional planning and development plans;
 - (d) local government planning and development plans; and
 - (e) existing planning and development plans of any other relevant management authority.
- 80.2 In preparing a management plan and in addition to the requirements of section 41 of the Act, a management authority must have due regard for,
- (a) terms and conditions for conducting activities;
 - (b) prohibited activities;
 - (c) an assessment of the activities and an evaluation of material threats arising therefrom;
 - (d) an assessment of equitable access in respect of such activities;
 - (e) the ability of such activity to attract visitors to the national park or world heritage site; and
 - (f) the sense of place, which the management authority must define in a separate section in the management plan prepared for such special nature reserve, national park or special nature reserve.

81 PLANNING

All existing planning measures in connection with any special nature reserve, national park or world heritage site shall remain in force until the management plan for that special nature reserve, national park or world heritage site becomes effective in accordance with the Act: provided that where land is to be incorporated into a

special nature reserve, national park or world heritage site the planning measures in respect of the existing special nature reserve, national park or world heritage site into which the land is to be incorporated shall apply as if the land were considered in preparing the management plan.

82 REVENUE REQUIREMENTS

82.1 A management authority must, when determining its revenue requirements on which licence, permit or agreed fees are based take into account at least the need to:

- (a) recover the costs of contracted in professional services;
- (b) recover overhead, operational and maintenance costs;
- (c) recover the cost of capital not financed through any grant, subsidy or donation;
- (d) provide for the replacement, refurbishment and extension of any facilities;
- (e) provide for the replacement, refurbishment and extension of any facilities.

and ensure that there are adequate systems for monitoring such costs.

CHAPTER 7: ANY OTHER MATTER

83 BIOPROSPECTING

No person may undertake any manner or form of bioprospecting in a special nature reserve, national park or a world heritage site without the prior written authorisation of the management authority. Such authorisations must be issued in writing and may be subject to such conditions and against the payment of a fee as determined by the management authority.

CHAPTER 8**84 FINES AND PENALTIES**

Any person who breaches any provision of the Act or these Regulations or any rules applicable to a special nature reserve, national park or world heritage site shall, in addition to any other liability that person may incur in law and otherwise, be liable guilty of an offence and liable for payment of a fine.

85 COMPLIANCE WITH NOTICES AND SIGNS

A person in a special nature reserve, national park or world heritage site may not, without the permission of the management authority, contravene or fail to comply with a direction given by the management authority in the form of a Protected Area Notice displayed in the special nature reserve, national park or world heritage site.

86 COMPLIANCE WITH INTERNAL RULES

A person must not fail to comply with any reasonable direction or request given by an authorised official relating to:

- (a) use of a special nature reserve, national park or world heritage site; or
- (b) conduct and behaviour in a special nature reserve, national park or world heritage site; or
- (c) safety in a special nature reserve, national park or world heritage site.

87 VARIATION

The management authority may vary or revoke a Protected Area Notice under these Regulations at any time by subsequent Protected Area Notice.

88 OFFENCES AND PENALTIES**88.1 Any person who:**

- (a) contravenes or fails to comply with any provisions of these Regulations;
- (b) fails to comply with any Protected Area Notice, an internal rule, or other document issued or displayed in terms of these Regulations;
- (c) fails to comply with any lawful instruction given in terms of an internal rule or these Regulations; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these Regulations,

shall be guilty of an offence.

89 LAWFUL INSTRUCTIONS

89.1 All persons within a special nature reserve, national park or world heritage site shall comply with all internal rules issued by the management authority or an authorised official and no person shall:

- (a) hinder, trouble or obstruct such management authority or authorised official in the execution of their duties in ensuring that these Regulations are complied with;
- (b) violate, refuse or fail to obey or comply with any prohibition, request or instruction imposed by the Regulations or by the management authority or authorised official.

89.2 An authorised official may at all reasonable times enter any area within a special nature reserve, national park or world heritage site to undertake any inspection, investigation or test which may be necessary to attain and to perform the objects and powers conferred upon the management authority.

90 EVICTON

90.1 If any person in a special nature reserve, national park or world heritage site:

- (a) commits or has committed an offence in terms of the Act, these Regulations, any other Regulations applicable to special nature reserves, special nature reserve, national park or world heritage sites and world heritage sites or the internal rules; and/or
- (b) fails to pay a fine imposed in terms of the Act, these or other Regulations or the internal rules within the prescribed time; and/or
- (c) acts or has acted in an improper manner which substantially offended any other persons in the special nature reserve, national park or world heritage site; then

any authorised official may, in addition to any further action that may be taken and/or penalty that may be imposed, withdraw any permission granted in terms of these Regulations and request such person to leave such special nature reserve, national park or world heritage site, whereupon such person shall leave the special nature reserve, national park or world heritage site within a fixed time and by the shortest route open to the public.

90.2 If any person requested to leave a special nature reserve, national park or world heritage site in terms of Regulation 90.1 is the holder of any proof of entry authorising that person to enter into or be in a special nature reserve, national park or world heritage site, that person shall, on demand, hand over the said document to the official concerned, who shall withdraw the permission to enter and record the place and date of such withdrawal by endorsement on the said documents.

90.3 In addition to any other penalty that may be imposed, all money already paid to the management authority by the person concerned to enter or be in a special nature reserve, national park or world heritage site shall be forfeited to

the management authority on withdrawal of the permission to enter referred to above.

- 90.4 The management authority may permit, with or without conditions, or refuse anyone permission to enter a special nature reserve, national park or world heritage site who has on a previous occasion breached one or more of these Regulations.

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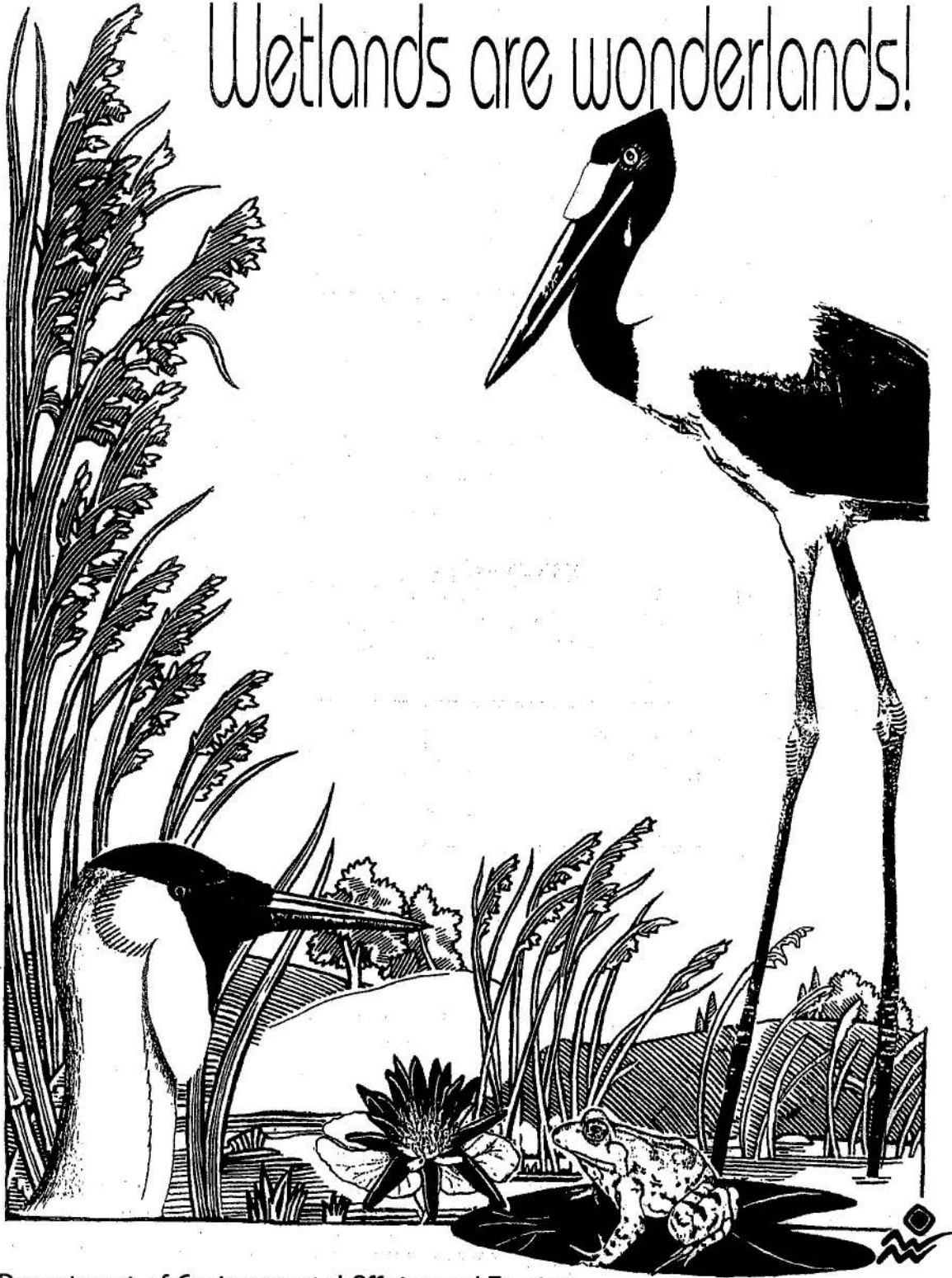
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