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## GOVERNMENT NOTICES

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 597

5 May 2006

#### NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 of 2004)

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 100 of the Act, publish for public information and comments the following:

#### **DRAFT REGULATIONS RELATING TO LISTED THREATENED OR PROTECTED SPECIES**

The list of threatened or protected species is annexed to the draft regulations relating to listed threatened or protected species for information purposes only.

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 Pieter Botha

Enquiries should be directed to Dr Pieter Botha Tel. (012) 310 3575; e-mail: [pbotha@deat.gov.za](mailto:pbotha@deat.gov.za); or Mrs Thea Carroll Tel. (012) 310 3799; [tcarroll@deat.gov.za](mailto:tcarroll@deat.gov.za), or fax number (012) 320 7026.

**Closing date: 19 June 2006**

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

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT,  
2004: THREATENED AND PROTECTED SPECIES REGULATIONS**

The Minister of Environmental Affairs and Tourism has in terms of section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), made the regulations relating to listed threatened and protected species as set out in the Schedule hereto.

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## CHAPTER 1

### INTERPRETATION AND PURPOSE OF REGULATIONS

#### **Definitions**

- 1. (1) In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Biodiversity Act, has the same meaning, and –

**“applicable legal requirements”** means –

- (a) all legislation and instruments mentioned in section 88(3) of the Biodiversity Act;
- (b) any prescribed national norms and standards issued in terms of section 9 of the Biodiversity Act or section 11 of the Protected Areas Act which apply to the implementation of these regulations; and
- (c) any specific requirements of these regulations;

**“applicant”** means a person who intends to submit or has submitted a permit application or registration application;

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

**“bred in captivity”** or **“captive bred”**, in relation to a specimen of a listed threatened or protected animal species, means that the specimen was bred in a controlled environment;

**“captive breeding operation”** means a facility where specimens of a listed threatened or protected animal species are bred in a controlled environment for –

- (a) conservation purposes; or
- (b) commercial purposes;

**“CITES”** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973;

**“CITES permit”** means a permit authorising –

- (a) the import into the Republic of a specimen of a listed threatened or protected species which is also listed in Appendix I, II or III of CITES;
- (b) the introduction from the sea into the Republic of such a specimen; or
- (c) the export or re-export from the Republic of such a specimen;

**“commercial purposes”**, in relation to a restricted activity involving a specimen of a listed threatened or protected species, means that the primary purpose of the restricted activity is to obtain economic benefit, including profit in cash or in kind, and is directed towards trade, exchange or another form of economic use or benefit;

**“controlled environment”** means an enclosure on a piece of land designed to hold specimens of a listed threatened or protected animal species in a way that –

- (a) prevents them from escaping; and
- (b) facilitates human intervention in the form of the provision of –
  - (i) food or water;
  - (ii) artificial housing; or
  - (iii) health care,

but excludes a fenced piece of land on which self-sustaining wildlife populations of that species are managed in an extensive wildlife system;

**“culling”**

- (a) in relation to a specimen of a listed threatened or protected species in a protected area, means an operation executed by an official of, or other person designated by, the management authority of the area to kill a specific number of specimens of a listed threatened or protected species within the area in order to manage that species in the area in accordance with the management plan of the area; or
- (b) in relation to a specimen of a listed threatened or protected species which has escaped from a protected area and has become a damage causing animal, means an operation executed by an official of, or other person designated by, the management authority of the area to kill the animal as a matter of last resort;

**“damage causing animal”** means an animal that –

- (a) causes losses to livestock;
- (b) damage to cultivated trees or crops or other property;
- (c) presents a threat to human life; or
- (d) is present in such numbers that agricultural grazing is materially depleted;

**“darting”**, in relation to a live specimen of a listed threatened or protected animal species, means to shoot the specimen with a projectile loaded with a tranquillising or narcotic immobilising or similar agent;

**“Department”** means the Department of Environmental Affairs and Tourism;

**“Director-General”** means the Director-General of the Department;

**“elephant ivory”** includes –

- (a) a whole or piece of an elephant tusk of any size; or
- (b) any piece of ivory cut from an elephant tusk that is twenty centimetres or more in length or one kilogram or more in weight;

**“extensive wildlife system”** means a system practised on any piece of land which involves, and is large enough and suitable for, the management of self-sustaining wildlife populations in a natural environment with minimal human intervention in the form of –

- (a) the provision of water;
- (b) the supplementation of food, except in times of drought;
- (c) the control of parasites;
- (d) the provision of health care; or
- (e) the supplementation of wild prey populations;

**“hunt”**, in relation to a specimen of a listed threatened or protected animal species, includes –

- (a) to kill such animal by any means, method or device whatsoever;
- (b) to capture such animal by any means, method or device whatsoever with the intent to kill the animal;
- (c) to search for, lie in wait for, pursue, pin down against a fence or barrier or in an enclosure, shoot at, or tranquillise or immobilise, such animal with the intent to kill the animal; or
- (d) to lure by any means, method or device whatsoever, or to set a snare or trap for, such animal with the intent to kill the animal,

but excludes the culling of a listed threatened or protected animal in a protected area or which has escaped from a protected area and has become a damage causing animal;

**“hunting off-take limit”**, in relation to a listed threatened or protected animal species, means a limit on the hunting of that species as determined in terms of regulation 76;

**“issuing authority”** means –

- (a) the Minister; or
- (b) an organ of state designated in terms of regulation 3 as an issuing authority but only for permits specified in that regulation;

**“kept in captivity”** or **“captive kept”**, in relation to a specimen of a listed threatened or protected animal species, means that the animal is or was kept in a controlled environment for a purpose other than –

- (a) transfer or transport;
- (b) quarantine; or
- (c) veterinary treatment;

**“listed large predator”** means a specimen of any of the following listed threatened or protected species:

- (a) Cheetah (*Acinonyx jubatus*);
- (b) Spotted hyaena (*Crocuta crocuta*);
- (c) Brown hyaena (*Hyaena brunnea*);
- (d) Wild dog (*Lycaon pictus*);
- (e) Lion (*Panthera leo*); or
- (f) Leopard (*Panthera pardus*);

**“listed threatened or protected species”** means a species listed as a threatened or protected species in Government Notice R.....dated..... published in terms of section 56(1) of the Biodiversity Act;

**“management plan”**, in relation to a protected area, has the meaning assigned to it in section 1 of the Protected Areas Act;



**“Marine and Coastal Management Unit”** means the unit within the Department which is responsible for the administration of the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

**“mark”** means an indelible imprint or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible;

**“Minister”** means the Cabinet member responsible for environmental affairs;

**“nursery”** means a facility where a listed threatened or protected plant species is artificially propagated or multiplied for commercial purposes;

**“permit”** means a permit authorising a restricted activity involving a specimen of a listed threatened or protected species, and includes a standing permit and a CITES permit;

**“permit application”** means an application in terms of –

- (a) regulation 7 for the issuing of a permit; or
- (b) regulation 32 for the renewal of a permit;

**“person”** means a natural or juristic person, and includes –

- (a) a company, close corporation or co-operative incorporated or registered in terms of legislation whether in the Republic or elsewhere;
- (b) a body of persons corporate or unincorporated;
- (c) a partnership or trust; or
- (d) an organ of state;

**“prescribed norms and standards”** means any national norms and standards issued in terms of –

- (a) section 9 of the Biodiversity Act to the extent that they apply to –
  - (i) restricted activities involving listed threatened or protected species; or

- (ii) a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility; or
- (b) section 11 of the Protected Areas Act, to the extent that they apply to restricted activities involving listed threatened or protected species in protected areas;

**“protected area”** has the meaning assigned to it in section 1 of the Protected Areas Act;

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

**“put and take animal”** means a live specimen of a listed large predator species that is released on a property irrespective of the size of the property for the purpose of hunting the animal;

**“registration application”** means an application in terms of –

- (a) regulation 43 for the registration of a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility; or
- (b) regulation 50 for the amendment of the registration of a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility;

**“rehabilitation facility”** means a facility equipped for the keeping of live specimens of a listed threatened or protected animal species for –

- (a) treatment and recovery purposes, in the case of sick or injured specimens;
- (b) rearing purposes, in the case of young orphaned specimens; or
- (c) quarantine purposes;

**“risk assessment”** means a risk assessment requested by an issuing authority in terms of section 89 of the Biodiversity Act;

**“SANBI”** means the South African National Biodiversity Institute established by section 10 of the Biodiversity Act;

**“sanctuary”** means a facility in which a permanent captive home is provided in a controlled environment for specimens of a listed threatened or protected animal species that would be unable to sustain themselves if released;

**“scientific institution”** means a zoo, aquarium, museum or herbarium where specimens of a listed threatened or protected species are kept;

**“standing permit”** means a permit provided for in regulation 5(2).

(2) In these regulations, a word or expression which is a derivative or other grammatical form of a word or expression defined in subsection (1) or in the Biodiversity Act, has a corresponding meaning unless the context indicates that another meaning is intended.

#### **Purpose of these regulations**

2. The purpose of these regulations is to –
  - (a) further regulate the permit system set out in Chapter 7 of the Biodiversity Act insofar as that system applies to restricted activities involving specimens of listed threatened or protected species;
  - (b) provide for the registration of captive breeding operations, nurseries, scientific institutions, sanctuaries and rehabilitation facilities; and
  - (c) provide for the implementation of CITES in the Republic.

## **CHAPTER 2**

### **PERMIT SYSTEM FOR LISTED THREATENED OR PROTECTED SPECIES**

#### ***Part 1: Issuing authorities***

##### **Designation of issuing authorities**

3. (1) All permit applications must be decided by an issuing authority.  
  
(2) The Director-General is designated as an issuing authority for permits relating to the carrying out of restricted activities involving any listed threatened or protected species.

(3) The head of the Marine and Coastal Management Unit is designated as an issuing authority for permits relating to the carrying out of restricted activities involving any listed threatened or protected marine species (including a listed threatened or protected marine species in protected areas).

(4) The MEC and the head of the provincial department responsible for the conservation of biodiversity in a province are designated as issuing authorities for permits relating to the carrying out of restricted activities involving any listed threatened or protected species in the province, excluding permits relating to –

- (a) listed threatened or protected species in national protected areas; and
- (b) listed threatened or protected marine species.

(5) An official of the Department or a provincial department responsible for the conservation of biodiversity in a province may exercise a power or duty of an issuing authority in terms of the Biodiversity Act or these regulations to the extent that that power or duty has been delegated or sub-delegated to that official in terms of section 42 or 42A of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

### **Integrated permits**

4. Section 92 of the Biodiversity Act applies to an issuing authority who is also empowered in terms of any other legislation to authorise an activity which is a restricted activity in terms of the Biodiversity Act.

### ***Part 2: Applications for new permits***

#### **Who may apply for permits**

5. (1) Any person may in terms of section 88(1) of the Biodiversity Act apply for a permit.

(2) Only the following persons may apply for standing permits:

- (a) The management authority of a protected area, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected species within the protected area that are necessary for their management in accordance with the management plan of the area;

- (b) a veterinarian engaged in the treatment of wild animals, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected animal species that are necessary for their treatment or for applying medical procedures;
- (c) a person conducting a registered captive breeding operation, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected animal species kept or bred at that captive breeding operation that are necessary for the purpose for which that captive breeding operation is registered;
- (d) a person conducting a registered nursery, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected plant species cultivated at that nursery that are necessary for the purpose for which that nursery is registered;
- (e) the operator of any registered sanctuary or rehabilitation facility, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected animal species brought to that sanctuary or rehabilitation facility that are necessary for their treatment or care; or
- (f) the operator of a registered scientific institution, for a standing permit authorising all restricted activities involving specimens of listed threatened or protected species kept at that institution.

**Persons holding provincial authorisations not absolved from applying for permits**

6. A person is not absolved from applying for a permit in terms of these regulations for the carrying out a restricted activity involving a specimen of a listed threatened or protected species by reason only that that person –

- (a) is the holder of a provincial permit, permission or other authorisation issued in terms of provincial legislation which authorises that person to carry out a similar activity in respect of a specimen of such species; or
- (b) is exempted or excluded from a provision of provincial legislation prohibiting the carrying out of a similar activity in respect of a specimen of such species without a provincial permit, permission or other authorisation.

**Application procedure**

7. (1) A person may apply for a permit by submitting an application on the form set out in Annexure 1 to the organ of state mentioned in subregulation (2).

(2) Unless the Minister directs otherwise in the case of a specific application, a permit application must be submitted to –

- (a) the Director-General, if the application relates to a specimen of a listed threatened or protected species in a national protected area;
- (b) the head of the Marine and Coastal Management Unit, if the application relates to a specimen of a threatened or protected marine species (including a listed threatened or protected marine species in a protected area); or
- (c) the head office of the provincial department responsible for the conservation of biodiversity in the province in which the restricted activity is to be carried out, if the application relates to a specimen of a listed threatened or protected species not referred to in paragraph (a) or (b).

(3) An application referred to in subregulation (1) must be accompanied by –

- (a) a written consent, if required in terms of regulation 8;
- (b) other documentation contemplated in regulation 9, if that regulation applies; and
- (c) the applicable processing fee as set out in Annexure 4.

**Restricted activities on land owned by person other than applicant**

8. If the restricted activity applied for is to be carried out on private land and the applicant is not the owner of the land, the applicant must obtain the written consent of the landowner to undertake the proposed restricted activity on that land.

**Documents to be submitted with applications involving listed large predators**

9. (1) An issuing authority may not consider a permit application for –

- (a) the hunting of a listed large predator unless the owner of the land on which the animal is to be hunted provides an affidavit or other written proof indicating –
  - (i) the period for which the predator to be hunted has been on that property, if that predator was not born on that property;

- (ii) that the predator to be hunted was not bred or kept in captivity; and
    - (iii) that the predator to be hunted is not a put and take animal;
  - (b) the breeding in captivity of a listed large predator unless the prospective breeder provides a written undertaking that no predator of that species will be bred, sold, supplied or exported for hunting purposes;
  - (c) the sale, supply or export of a live specimen of a listed large predator species bred or kept in captivity unless the person selling, supplying or exporting the animal provides an affidavit or other written proof indicating –
    - (i) the purpose for which the predator is to be sold, supplied or exported; and
    - (ii) that the predator is not sold, supplied or exported for hunting purposes; or
  - (d) the purchase or acquisition of a live specimen of a listed large predator species bred or kept in captivity unless the person purchasing or acquiring the predator provides an affidavit or other written proof indicating –
    - (i) the purpose for which the predator is to be purchased or acquired; and
    - (ii) that the predator is not purchased or acquired for hunting purposes.
- (2) Subregulation (1) does not apply to a listed large predator bred or kept in captivity which –
- (a) has been rehabilitated in a extensive wildlife system; and
  - (b) has been fending for itself in the wild for at least two years.

#### **Applications affecting the rights of other persons**

**10.** (1) If approval of an application is likely to affect the rights of a specific person, the applicant must give notice of the application to that other person.

(2) A person notified of an application in terms of subregulation (1) may within 14 days of having been notified submit to the issuing authority, in writing, any objections that person may have against the application.



***Part 3: Consideration and decision of applications by issuing authorities*****Consideration of applications**

**11.** On receipt of an application in terms of regulation 7, an issuing authority must consider the application in accordance with this Part.

**Additional information**

**12.** An issuing authority may require an applicant to furnish such additional information as the issuing authority may determine for the proper consideration of the application.

**Factors to be taken into account by issuing authorities when considering permit applications**

**13.** When considering a permit application, an issuing authority must, to the extent applicable, take into account –

- (a) all applicable legal requirements, in order to ensure that any decision with respect to a permit is consistent with regulation 18;
- (b) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species; and
- (c) all other relevant factors, including –
  - (i) all the information and documentation submitted by the applicant to the issuing authority in connection with the application;
  - (ii) any additional information required by the issuing authority in terms of section 88(2)(a) of the Biodiversity Act;
  - (iii) whether the restricted activity in respect of which the application is submitted is likely to have a negative impact on the survival of the relevant listed threatened or protected species;
  - (iv) any recommendation by the Scientific Authority in terms of section 61(1)(d) of the Biodiversity Act regarding the application;
  - (v) any risk assessment or expert evidence requested by the issuing authority;
  - (vi) any relevant information on the database that SANBI is required to keep in terms of section 11 (1) (j) of the Biodiversity Act; and
  - (vii) any objections to the application submitted in terms of regulation 10(2).



**Additional factors to be taken into account by issuing authorities when considering applications for CITES permits**

**14.** If the application is for a CITES permit, the issuing authority must, in addition to the factors listed in regulation 13, also take into account, as may be determined by the Minister –

- (a) resolutions and decisions of the Conference of the Parties to CITES that are in force;
- (b) notifications issued by the CITES Secretariat; and
- (c) any applicable provisions of CITES.

**Additional factors to be taken into account by issuing authorities when considering applications for hunting permits**

**15.** When considering an application for an permit to hunt a specimen of a listed threatened or protected animal species, an issuing authority must, in addition to the factors listed in regulation 13, also take into account –

- (a) the impact of the hunt of specimens of the species to which the application relates on the conservation status of that species;
- (b) any annual hunting off-take limits set in respect of that species for –
  - (i) the country as a whole; and
  - (ii) the province in which the hunt is to take place;
- (c) SANBI's latest statistics on the number of hunting permits already issued during that year in respect of that species–
  - (i) for the country as a whole; and
  - (ii) in the province in which the hunt is to take place;
- (d) the manner in which, and the hunting instrument by which the hunt is to be carried out; and
- (e) if the application relates to a listed large predator species –
  - (i) whether the land on which the hunt is to take place is used for an extensive wildlife system; and
  - (ii) whether there are any captive bred or kept specimens of the listed large predator species to which the application relates on that land.

**Effect of provincial authorisations on applications for permits**

16. If a person referred to in regulation 6 applies for a permit in terms of these regulations to carry out a restricted activity involving a specimen of a listed threatened or protected species, the issuing authority considering the application –

- (a) may not by reason only that the applicant is the holder of a provincial permit, permission or other authorisation, or is in terms of provincial legislation an exempted or excluded person, issue a permit for that restricted activity in terms of these regulations; and
- (b) must consider and decide the application in accordance with the Biodiversity Act, including these regulations.

**Risk assessments**

17. If an issuing authority requests that a risk assessment be carried out, the assessment must include the following, as the issuing authority may determine:

- (a) Information regarding the relevant listed threatened or protected species, including –
  - (i) the taxonomy of the species, including the class, order, family, scientific name, scientific synonyms and common names of the species;
  - (ii) the national and provincial conservation status of the species, including IUCN Red Data Status;
  - (iii) the population status and trends of the species, including –
    - (aa) its national population status;
    - (bb) the size of its local population which will be affected by the restricted activity in respect of which application is made; and
    - (cc) its current national and local population trends;
  - (iv) the geographic distribution and trends of the species, including –
    - (aa) the distribution of the natural population;
    - (bb) the distribution of any translocated and introduced populations; and
    - (cc) the geographic distribution trends;
  - (v) the requirements of the species with respect to habitat and climate;
  - (vi) the role of the species in its ecosystem, taking into account –
    - (aa) whether the species is a keystone or indicator species;

- (bb) the species' level in the food chain; and
  - (cc) the functions which the species performs in its ecosystem; and
- (vii) the major threats affecting the species nationally and locally;
- (b) information regarding the restricted activity in respect of which application is made, including –
  - (i) the nature of the restricted activity;
  - (ii) the reason for the restricted activity;
  - (iii) where the restricted activity is to be carried out;
  - (iv) the gender and number of the specimens of the species involved; and
  - (v) the intended destination of the specimens, if they are to be translocated;
- (c) any regulations, policies, prescribed norms and standards or international agreements binding on the Republic which may be applicable to the application;
- (d) the potential risks associated with the restricted activity to the particular listed threatened or protected species or to any other species or ecosystems, including –
  - (i) degradation and fragmentation of a species' habitat;
  - (ii) creation of an imbalance in an ecosystem caused by the removal or addition of keystone species;
  - (iii) over-exploitation of a species; and
  - (iv) hybridisation of species;
- (e) evaluation of the risk identified under paragraph (d) in terms of –
  - (i) the likelihood of the risk being realised; and
  - (ii) the severity of the risk and consequences of the realisation of the risk for the particular species as well as for other species, habitats and ecosystems; and
- (f) options for minimising potential risks;
- (g) management of potential risks; and
- (h) any other information as the issuing authority may determine.

### **Decision of permit applications**

18. (1) When an issuing authority decides a permit application the decision must be consistent with –

- (a) all applicable legal requirements; and
- (b) regulation 63, in the case of an application for a CITES permit.

(2) After having taken a decision on a permit application, the issuing authority must, in writing –

- (a) notify –
  - (i) the applicant of the decision; and
  - (ii) any person who lodged an objection against the application in terms of regulation 10; and
- (b) if the decision is to refuse the application or to grant the permit on conditions –
  - (i) give reasons for the decision to the applicant; and
  - (ii) draw the applicant's attention to the fact that an appeal may be lodged against the decision in terms of Part 2 of Chapter 7 of the Biodiversity Act, if such appeal is available in the circumstances of the decision having regard to regulation 36 (2).

#### ***Part 4: Permits and permit conditions***

##### **Issuing of permits**

19. (1) If an application is approved, the issuing authority must issue a permit in the name of the applicant containing the information referred to in regulation 20.

(2) No permit may be issued with retrospective effect, except as provided for in subregulation (3).

(3) A CITES permit may be issued retrospectively, but only in exceptional circumstances.

##### **Contents of permits**

20. (1) A permit issued in terms of these regulations must, in addition to the matters referred to in section 90(1)(a)(i) and (ii) of the Biodiversity Act, reflect the following information:

- (a) The name and physical address of the person to whom the permit is issued;
- (b) the name of the issuing authority;

- (c) the permit number and date of issue;
- (d) particulars of the specimen in respect of which the permit is issued, including the scientific and common name of the species involved;
- (e) particulars of the restricted activity in respect of which the permit is issued;
- (f) the number of specimens involved, and its gender;
- (g) to the extent applicable –
  - (i) the name and physical address of a person appointed by the applicant as an agent for purposes of obtaining the permit on the applicant's behalf;
  - (ii) the name and physical address of the consignee, in the case of an export permit;
  - (iii) the name and physical address of the seller or supplier, in the case of a permit authorising the purchase or acquisition of a specimen of a listed threatened or protected species;
  - (iv) the name and physical address of the person purchasing or acquiring the specimen of a listed threatened or protected species, in the case of a permit authorising the sale or supply of such a species;
  - (v) the location and other particulars of the place where the restricted activity is to be carried out; and
  - (vi) in the case of a permit authorising the possession of elephant ivory or rhino horn –
    - (aa) the weight of each piece of elephant ivory, or of each rhino horn or piece of rhino horn; and
    - (bb) a description of the markings effected on each piece of elephant ivory, or each rhino horn or piece of rhino horn; and
- (h) the specific conditions subject to which the permit is issued, if the permit is issued conditionally.

(2) If any prescribed norms and standards apply to the restricted activity for which a permit is issued, that permit must be issued subject to a condition that the permit holder is bound by those norms and standards and must act in accordance with those norms and standards when carrying out the restricted activity.

(3) A permit authorising the hunt of a specimen of a listed threatened or protected animal species must specify the instrument and the method by which the animal may be hunted in terms of that permit.

**Compulsory conditions subject to which hunting permits must be issued**

21. (1) All permits authorising the hunting of a specimen of a listed threatened or protected animal species must, in addition to any other conditions the issuing authority may or must impose, be issued subject to the following conditions:

- (a) The animal may not be hunted by means of –
  - (i) poison;
  - (ii) traps;
  - (iii) snares;
  - (iv) dogs, except as provided for in subregulation (2);
  - (v) darting, except as provided for in subregulation (3);
  - (vi) a bow and arrow, except where specifically permitted by provincial legislation;
  - (vii) a firearm other than a rifle or a handgun specifically designed for hunting purposes;
  - (viii) spears;
  - (ix) air guns; or
  - (x) any other device which use would result in injuring or killing an animal in a way which is not humane;
- (b) the animal may not be hunted by luring the animal by means of –
  - (i) bait, except in the case of –
    - (aa) lions and leopards, where dead bait may be used; and
    - (bb) fish or other aquatic species;
  - (ii) sounds;
  - (iii) smell; or
  - (iv) any other induced luring method;
- (c) except as provided for in subregulation (3) or (4), the animal may not be hunted by using –
  - (i) flood or spot lights;
  - (ii) motorised vehicles; or
  - (iii) aircraft; and

- (d) the animal may not be hunted if it is –
  - (i) under the influence of any tranquillising or narcotic immobilising or similar agent; or
  - (ii) trapped against a fence or in a small enclosure where the animal does not have a fair chance of evading the hunter;
- (e) the permit holder must have all relevant documentation authorising the hunt on him or her during the hunt; and
- (f) the permit holder must within 21 days of the hunt furnish the provincial department responsible for biodiversity management in the relevant province with a written return on the hunt stating –
  - (i) the authorisation number and date of issue of the authorisation;
  - (ii) the species, gender and number of animals hunted; and
  - (iii) the location where the hunt took place.

(2) Subregulation (1)(a)(iv) does not prevent the use of dogs for the purpose of –

- (a) tracking a wounded animal; or
- (b) pointing and retrieving in the case of listed threatened or protected bird species.

(3) Subregulation (1)(a)(v) does not prevent the darting of an animal by a veterinarian, whether on foot or from a motorised vehicle or aircraft, to immobilise or tranquillise the animal for the purpose of –

- (a) carrying out a disease control procedure or a scientific experiment;
- (b) veterinary treatment of the animal; or
- (c) translocating or transporting the animal.

(4) Subclause (1) (c) does not prevent the use of a motorised vehicle for the purpose of tracking an animal in an area where the hunt takes place over long ranges, provided that the animal is not shot from the vehicle except in the case of a wounded animal.

**Period of validity of permits**

22. (1) A permit must specify the period for which it remains valid, subject to subregulation (2).

- (2) No permit remains valid for more than two months, except –
- (a) a standing permit which may be issued for a period of not more than twelve months at a time; or
  - (b) a CITES permit authorising the –
    - (i) the import into the Republic of a specimen of a listed threatened or protected species listed in Appendix I, II or III of CITES which may be issued for twelve months; and
    - (ii) the export or re-export from the Republic of a specimen of such a listed species which may be issued for six months.

**Permits may not be transferred**

23. No permit may be transferred to any other person.

**Lost or stolen permits**

24. An issuing authority may on written request by a permit holder issue a duplicate of that permit holder's permit if the original was lost or stolen, provided that such request is accompanied by –

- (a) proof that the original was lost or stolen or an affidavit by that permit holder stating that the permit was lost or stolen; and
- (b) the applicable processing fee specified in Annexure 4.

**Cancelled permits to be returned to issuing authority**

25. (1) The holder of a permit which has been cancelled in terms of section 93 of the Biodiversity Act must return the permit to the issuing authority within 30 days of the date of cancellation.

(2) Any failure by a permit holder to return a cancelled permit in accordance with subregulation (1) may be taken into account by an issuing authority when considering any future application from that person in terms of regulation 7.



***Part 5: Circumstances in which permit applications must be refused***

**Applications for hunting of listed threatened or protected animals if hunting off-take limits are exhausted**

**26.** An issuing authority must refuse an application for a permit to hunt a specimen of a listed threatened or protected animal species for which a hunting off-take limit has been established if the annual off-take limit for that species is exhausted either nationally or for the relevant province.

**Applications for translocating listed threatened or protected animals to extensive wildlife systems**

**27.** An issuing authority must refuse a permit application for the transfer, transport or translocation of a specimen of a listed threatened or protected animal species to an extensive wildlife system –

- (a) if such extensive wildlife system falls outside the natural distribution range of that animal species;
- (b) if there is a risk of –
  - (i) transmitting disease;
  - (ii) genetic mixing with other species in that extensive wildlife system;or
  - (iii) introducing inferior specimens that may affect the genetic traits of the species of that animal in that extensive wildlife system; or
- (c) if, in the case of a specimen of a listed large predator species, the predator is to be transferred, transported or translocated as a put and take animal.

**Applications for captive breeding and keeping of listed large predators**

**28.** (1) An issuing authority must refuse an application for a permit for the captive breeding or keeping of specimens of a listed large predator species except if the purpose of such breeding is for –

- (a) the conservation of the species; or
- (b) rehabilitation of that species in an extensive wildlife system in the natural distribution range of the species.

(2) An issuing authority must refuse an application for a permit for the captive breeding or keeping of specimens of a listed large predator species if the purpose of such breeding is for –

- (a) hunting; or
- (b) the sale or supply of such animals to other persons for hunting purposes.

**Applications for hunting of captive bred or kept listed large predators**

29. (1) An issuing authority must refuse an application for a permit –

- (a) to hunt a specimen of a listed large predator species which was bred or kept at a captive breeding operation, sanctuary or rehabilitation facility;
- (b) for the sale or supply or the purchase or acquisition of a specimen of a listed large predator species bred or kept at a captive breeding operation, sanctuary or rehabilitation facility if the purpose of the sale or supply or the purchase or acquisition is to use the predator in any way for hunting purposes; or
- (c) to supply for export or to export a specimen of a listed large predator species bred or kept at a captive breeding operation, sanctuary or rehabilitation facility if the purpose of the export is to use the predator in any way for hunting purposes in another country.

(2) Subregulation (1) (a), (b) or (c) does not apply in respect of a specimen of a listed large predator species bred or kept at a captive breeding operation, sanctuary or rehabilitation facility which –

- (a) has been rehabilitated in a extensive wildlife system; and
- (b) has been fending for itself in the wild for at least two years.

**Applications for transferring, transporting or translocating put and take animals**

30. An issuing authority must refuse an application for a permit to transfer, transport or translocate a specimen of a listed large predator species if that predator is to be used as a put and take animal.

***Part 6: Cancellation or renewal of permits***

**Cancellation of permits**

31. (1) An issuing authority considering the cancellation of a permit in terms of section 93 of the Biodiversity Act, must–

- (a) notify the holder of that permit that cancellation of the permit is being considered, together with the reasons for the proposed cancellation; and
- (b) afford the holder of the permit a reasonable opportunity to submit representations regarding the proposed cancellation.

(2) After having reached a decision on the cancellation of the permit, the issuing authority must –

- (a) notify the permit holder of the decision, in writing; and
- (b) if the decision is to cancel the permit –
  - (i) instruct the permit holder to return the permit immediately; and
  - (ii) draw the attention of the permit holder to the fact that an appeal may be lodged against the decision in terms of Part 2 of Chapter 7 of the Biodiversity Act, if such appeal is available in the circumstances of the decision having regard to regulation 36 (2).

#### **Renewal of permits**

32. (1) The holder of a permit, other than a CITES permit, may before the expiry of the period for which the permit was issued apply in writing to the issuing authority which issued the permit for the renewal of the permit.

(2) An application referred to in subregulation (1) must be accompanied by –

- (a) a motivation of the reasons for the application; and
- (b) the applicable processing fee as set out in Annexure 4,

#### **Consideration and decision of renewal applications**

33. (1) On receipt of an application in terms of regulation 32, an issuing authority –

- (a) must consider the application; and
- (b) may require the applicant to furnish additional information.

(2) After having reached a decision on an application for renewal, the issuing authority must –

- (a) notify the applicant of the decision, in writing;

- (b) if the application was approved, issue a new permit in the name of the applicant; and
- (c) if the application was refused –
  - (i) give reasons for the refusal; and
  - (ii) draw the applicant's attention to the fact that an appeal may be lodged against the decision in terms of Part 2 of Chapter 7 of the Biodiversity Act, if such appeal is available in the circumstances of the decision having regard to regulation 36 (2).

### ***Part 7: Register and reporting***

#### **Register of applications and decisions**

**34.** An issuing authority must keep a register of all applications received and permits issued by that issuing authority containing –

- (a) the name and physical address of each applicant;
- (b) a record of permits, including standing and CITES permits issued, indicating the conditions, if any, subject to which each permit was issued; and
- (c) a record of all permits cancelled or renewed.

#### **Reporting to SANBI**

**35.** (1) Every issuing authority must submit to SANBI –

- (a) within three months after the end of each year, a return on all permits issued, cancelled and renewed during that year; and
- (b) within one week of the end of each month, a return indicating the number of specimens of each listed threatened or protected animal species as may be determined by the Minister –
  - (i) for which hunting permits were issued by that issuing authority during that month; and
  - (ii) that were actually hunted during that year, up to the end of that month, under permits issued by that issuing authority.

(2) A return in terms of subregulation (1) must be in a format and contain the information as may be determined by SANBI.

### ***Part 8: Appeals***

#### **Application of this Part**

**36.** (1) This Part applies to decisions that are subject to an appeal to the Minister in terms of section 94(1) of the Biodiversity Act.

(2) No appeal lies against decisions taken by the Minister personally in his or her capacity as an issuing authority.

#### **Lodging of appeal**

**37.** (1) A person aggrieved by a decision referred to in regulation 36 who wishes to appeal against that decision, must within 30 days of being notified of that decision, lodge an appeal with the Minister by submitting that appeal to the issuing authority that took the decision.

(2) An appeal must—

- (a) set out the grounds for the appeal; and
- (b) be accompanied by —
  - (i) supporting documentation which is referred to in the appeal and which is not already in the possession of that issuing authority; and
  - (ii) the applicable processing fee as set out in Annexure 4.

#### **Processing of appeals**

**38.** The relevant issuing authority must —

- (a) acknowledge receipt of the appeal; and
- (b) submit the appeal to the Minister together with —
  - (i) the reasons for the decision against which the appeal is lodged; and
  - (ii) all relevant documentation in possession of the issuing authority which were taken into account when the decision was taken.

#### **Appeal panels**

**39.** (1) If the Minister decides to appoint an appeal panel in terms of section 94 of the Biodiversity Act to consider the appeal, the appeal and all the documentation in connection with the appeal must be submitted to that appeal panel.

- (2) If the appeal panel consists of –
  - (a) two members, a decision of the panel must be unanimous; or
  - (b) more than two members, a decision is taken by the majority of the members of the panel.
- (3) The presiding member of the panel appointed in terms of section 95(1)(b) of the Biodiversity Act presides at meetings of the panel.
- (4) An appeal panel must –
  - (a) consider an appeal within 30 days of its designation for the relevant appeal in terms of section 94(2)(c) of the Biodiversity Act; and
  - (b) inform the Director-General of its decision, together with reasons.

#### **Decisions**

40. When an appeal has been decided in terms of section 96, the appellant must be notified in writing of such decision and reasons must be provided if the appeal had been refused.

### **CHAPTER 3**

#### **REGISTRATION OF CAPTIVE BREEDING OPERATIONS, NURSERIES, SCIENTIFIC INSTITUTIONS, SANCTUARIES AND REHABILITATION FACILITIES**

##### ***Part 1: Authority responsible for registration***

##### **Captive breeding operations, nurseries, scientific institutions, sanctuaries and rehabilitation facilities to be registered**

41. (1) No person may conduct a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility involving specimens of any listed large predator species or other species listed in CITES Appendix I, unless that breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is registered in terms of this Chapter with the Department of Environmental Affairs and Tourism.

(2) The Director-General of the Department is the authority responsible for the registration of captive breeding operations, nurseries, scientific institutions, sanctuaries and rehabilitation facilities referred to in subregulation (1).

**Factors to be taken into account by Director-General**

42. When considering a registration application, the Director-General must take into account –

- (a) all applicable legal requirements in order to ensure that any decision with respect to the registration is consistent with those requirements;
- (b) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species;
- (c) the purpose for which the captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility will be conducted;
- (d) all other relevant factors, including –
  - (i) all relevant documentation and information submitted to it by the applicant;
  - (ii) any CITES guidelines or requirements relating to the registration of captive breeding operations, nurseries, scientific institutions, sanctuary or rehabilitation facilities involving species listed in Appendix I, II or III to CITES; and
  - (iii) any recommendation made by the provincial department responsible for the conservation of biodiversity in the relevant province in terms of regulation 45 (1)(b); and
- (e) in the case of an application for the registration of a captive breeding operation, sanctuary or rehabilitation facility, whether the applicant is prepared to micro-chip each specimen bred or kept at the captive breeding operation, sanctuary or rehabilitation facility.

***Part 2: New registrations***

**Applications for registration**

43. (1) A person intending to conduct a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility that requires registration in terms of regulation 41 (1), must –

- (a) submit an application for the registration of that operation, nursery, institution, sanctuary or facility on the form set out in Annexure 2 to the head of the provincial department responsible for the conservation of biodiversity in the relevant province; and
- (b) give notice to the Director-General, in writing, that an application has been submitted to the provincial department responsible for the conservation of biodiversity in the relevant province.

(2) An application referred to in subregulation (1) must be accompanied by –

- (a) any documentation or information in support of the application; and
- (b) the applicable processing fee set out in Annexure 4.

#### **Applications affecting the rights of other persons**

44. (1) If approval of a registration application is likely to affect the rights of a specific person, the applicant must give notice of the application to that person.

(2) A person notified of an application in terms of subregulation (1) may within 14 days of having been notified submit to the Director-General, in writing, any objections that person may have against the application.

#### **Consideration and decision of applications**

45. (1) On receipt of an application in terms of regulation 43, the head of the provincial department responsible for the conservation of biodiversity in the relevant province must –

- (a) instruct an official in that department to inspect the premises in respect of which the application has been lodged;
- (b) make a written recommendation to the Director-General as to –
  - (i) whether the application should be granted or refused; and
  - (ii) if the recommendation is to grant the application, any conditions on which the application should be granted; and
- (c) submit the application together with the recommendation to the Director-General.



(2) After receiving an application in terms of subregulation (1)(c), the Director-General –

- (a) must consider the application, taking into account the recommendation of the provincial department as well as any objections received in terms of regulation 44 (2); and
- (b) may require the applicant to furnish additional information.

(3) The Director-General may –

- (a) grant the application conditionally or unconditionally; or
- (b) refuse the application.

(4) After having reached a decision on an application, the Director-General must, in writing –

- (a) notify –
  - (i) the applicant of the decision;
  - (ii) any person who lodged an objection against the application; and
  - (iii) the head of the provincial department responsible for the conservation of biodiversity in the relevant province; and
- (b) if the decision is to refuse the application or to grant the registration on conditions –
  - (i) give reasons for the decision to the applicant; and
  - (ii) draw the applicant's attention to the fact that an appeal may be lodged against the decision in terms of Part 5 of this Chapter.

#### **Issuing of registration certificates**

**46.** If the Director-General decides to grant an application for registration of a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility, the Director-General must –

- (a) issue a registration certificate to the applicant; and
- (b) inform the head of the provincial department responsible for the conservation of biodiversity in the province where such captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is to be situated, of its registration

**Contents of registration certificates**

47. (1) A registration issued in terms of these regulations must reflect the following information:

- (a) The name and physical address of the person to whom the registration is granted;
- (b) the physical address of the premises where the captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility may be conducted;
- (c) particulars of the species in respect of which the registration is granted, including the scientific and common name of the species involved;
- (d) particulars of the activities to be conducted at that captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility; and
- (e) the specific conditions subject to which the registration is issued, if the registration is issued conditionally.

(2) If any prescribed norms and standards apply to the captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility for which registration is granted, that registration must be issued subject to a condition that the registration holder is bound by those norms and standards and must act in accordance with those norms and standards in conducting that captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility.

**Compulsory conditions for registrations of captive breeding operations, sanctuaries and rehabilitation facilities involving specimens of listed large predators**

48. A registration issued in respect of a captive breeding operation, sanctuary or rehabilitation facility involving specimens of listed large predator species must, in addition to any other conditions the issuing authority may impose, be issued subject to a condition that the person to whom the registration is granted –

- (a) may not sell or supply any large predator bred or kept at that captive breeding operation, sanctuary or rehabilitation facility –
  - (i) for hunting purposes;

- (ii) to the owner of a property, or the agent of such an owner, if that owner allows the hunting of listed large predator species of the kind in question on that property;
  - (iii) to a person who trades in or exports listed large predators for hunting purposes; or
  - (iv) for rehabilitation in an extensive wildlife system outside the natural distribution range of the species to which that animal belongs;
- (b) must micro-chip each specimen of a listed large predator species bred or kept at that captive breeding operation, sanctuary or rehabilitation facility;
  - (c) must keep breeding records of all specimens of listed large predator species bred or kept in terms of that registration; and
  - (d) provide details of each specimen of a listed large predator species bred or kept at that captive breeding operation, sanctuary or rehabilitation facility, including its micro-chip number, to the issuing authority who granted the registration.

### ***Part 3: Amendment of registration certificates***

#### **Amendment of registrations**

- 49.** (1) The Director-General may amend a registration certificate –
- (a) on application by the holder of the registration in accordance with regulation 50; or
  - (b) on the Director-General's own initiative in accordance with regulation 52.
- (2) A registration certificate may be amended by –
- (a) removing a condition;
  - (b) changing a condition;
  - (c) adding a condition;
  - (d) updating or changing any detail on the registration certificate; or
  - (e) correcting a technical or editorial error on the registration certificate.

#### **Applications for amendment by holder of registration certificate**

- 50.** (1) The holder of a registration certificate may at any time apply to the Director-General for an amendment of the certificate.

- (2) An application in terms of subregulation (1) must be –
- (a) on an official application form set out in Annexure 3 and obtainable from the Department; and
  - (b) accompanied by the applicable processing fee set out in Annexure 4.

**Consideration and decision of applications for amendment**

**51.** (1) On receipt of an application in terms of regulation 50, the Director-General –

- (a) must consider the application;
- (b) may refer the application to the head of the provincial department responsible for the conservation of biodiversity in the province in which the relevant captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is situated, for a recommendation; and
- (c) may require the applicant to furnish additional information.

(2) After having reached a decision on an application, the Director-General must –

- (a) notify the applicant of the decision, in writing;
- (b) if the application was approved, issue an amended registration certificate to the applicant;
- (c) if the application was refused –
  - (i) give reasons for the refusal to the applicant; and
  - (ii) draw the applicant's attention to the fact that an appeal may be lodged against the decision in terms of Part 5 of this Chapter; and
- (d) notify the head of the provincial department responsible for the conservation of biodiversity in the relevant province of the decision.

**Amendment on initiative of Director-General**

**52.** The Director-General may on own initiative amend a registration certificate if it is necessary –

- (a) for the more effective protection of the listed threatened or protected species to which the registration relates;
- (b) for the more effective enforcement of the Biodiversity Act or these regulations;

- (c) to give effect to any prescribed norms and standards that apply to the relevant captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility; or
- (d) to correct technical or editorial errors on the registration certificate.

### **Process**

#### **53. The Director-General—**

- (a) must notify the holder of the relevant registration certificate, in writing, of –
  - (i) the proposed amendment; and
  - (ii) the reasons for the proposed amendment;
- (b) must afford the holder of the registration certificate a reasonable opportunity to submit representations regarding the proposed amendment; and
- (c) may refer the proposed amendment to the head of the provincial department responsible for the conservation of biodiversity in the province in which the relevant captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is situated, for a recommendation.

### **Decision**

#### **54. After having reached a decision whether or not to amend the registration certificate, the Director-General must—**

- (a) notify the holder of the registration certificate, in writing;
- (b) if the decision is to amend the registration certificate –
  - (i) give reasons for the decision to the holder of the registration;
  - (ii) issue an amended registration certificate to the holder; and
  - (iii) draw the attention of the holder of the registration to the fact that an appeal may be lodged against the decision in terms of Part 5 of this Chapter; and
- (c) notify the head of the provincial department responsible for the conservation of biodiversity in the relevant province of the decision.

**Part 4: Cancellation of registrations****Circumstances in which registrations may be cancelled**

**55.** The Director-General may cancel the registration of a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility in accordance with regulation **56** if –

- (a) the registration holder has breached a condition subject to which the registration was registered;
- (b) the operation, nursery, scientific institution, sanctuary or rehabilitation facility is managed in a manner which is –
  - (i) contrary to any applicable legal requirements or CITES requirements;
  - (ii) detrimental to the specimens being bred, reared, propagated, or kept at such facility;
  - (iii) not in accordance with any information provided to the head of the provincial department responsible for the conservation of biodiversity in terms of regulation **43**; or
- (c) there is a change in the conservation status of the relevant species being bred, propagated or kept at such facility that affects the continuation of the registration.

**Process**

**56.** (1) If the Director-General intends cancelling the registration of a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility the Director-General –

- (a) must notify the holder of the registration in writing of –
  - (i) the proposed cancellation; and
  - (ii) the reasons for the proposed cancellation ;
- (b) must give the holder of the registration an opportunity to submit representations on the proposed cancellation; and
- (c) may refer the proposed cancellation to the head of the provincial department responsible for the conservation of biodiversity in the province in which the relevant captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is situated, for a recommendation.

(2) The Director-General must, before deciding to cancel a registration, consider any representations submitted in terms of subregulation (1)(b).

- (3) If a registration is cancelled, the Director-General must –
- (a) notify the holder of the registration certificate, in writing;
  - (b) give reasons for the decision to the holder of the registration;
  - (c) draw the attention of the holder of the registration to the fact that an appeal may be lodged against the decision in terms of Part 5 of this Chapter; and
  - (d) notify the head of the provincial department responsible for the conservation of biodiversity in the relevant province of the decision.

#### **Certificates of registration to be returned after cancellation of registration**

57. The holder of a registration must immediately return the registration certificate to the Director-General if the registration is cancelled.

### ***Part 5: Appeals***

#### **Appeals to be lodged with Minister**

58. (1) An applicant or holder of a registration who feels aggrieved by a decision taken by the Director-General in terms of regulation 56 may appeal to the Minister within 30 days of being notified of such decision.

- (2) An appeal must be submitted to the Director-General and must –
- (a) set out the grounds for the appeal; and
  - (b) be accompanied by –
    - (i) supporting documentation which is referred to in the appeal; and
    - (ii) the applicable processing fee as set out in Annexure 4.
- (3) The Director-General must –
- (a) acknowledge receipt of the appeal; and
  - (b) submit the appeal to the Minister, together with –
    - (i) the reasons for the decision; and
    - (ii) all relevant documentation in possession of the Director-General which was taken into account to arrive at the decision.

**Decisions**

59. (1) If the Minister upholds the appeal, the Director-General must give effect to the Minister's decision and as may be specified by the Minister.

- (2) When an appeal has been decided, the Director-General must notify –
- (a) the appellant in writing of the decision and the reasons if the appeal is refused; and
  - (b) the head of the provincial department responsible for the conservation of biodiversity in the relevant province of the decision, if the appeal has been upheld.

**CHAPTER 4****IMPLEMENTATION OF CITES*****Part 1: CITES Management Authority*****Establishment**

60. (1) There is a CITES Management Authority consisting of –
- (a) the Director-General; and
  - (b) the component within the Department responsible for the management of CITES in the Republic.

(2) All the decisions of the CITES Management Authority is taken by the Director-General who may delegate to an official within the Department any power or duty exercised by the Director-General in terms of this Chapter.

**Functions**

61. The CITES Management Authority is responsible for ensuring that CITES is implemented in the Republic, and must –

- (a) make recommendations to the Minister regarding the development of policy, procedures, guidelines and legislation concerning the implementation and enforcement of CITES;
- (b) establish and maintain data bases in connection with specimens of CITES listed species;



- (c) monitor the mortality rates of live specimens during the transport, conveyance, movement, import, introduction from the sea, export or re-export of those specimens;
- (d) prepare and submit annual and other reports and documents to the CITES Secretariat;
- (e) publish information relating to the seizure and forfeiture of any specimens biannually;
- (f) publish updated CITES Appendices after every regular meeting of the Conference of the Parties to CITES where amendments to the Appendices were approved, specifying –
  - (i) the scientific name of the species; and
  - (ii) the common name of the species, where possible, or, if there is no common name, the common name of the nearest higher taxon;
- (g) disseminate information and documentation relating to CITES;
- (h) consult with the Scientific Authority when appropriate or as required by CITES;
- (i) liaise with stakeholders;
- (j) assist the Minister in performing the functions referred to in section 59 of the Biodiversity Act; and
- (k) assist the Minister if the Minister decides to intervene in the exercise of powers and duties by a province in terms of these regulations.

***Part 2: Functions of issuing authorities in relation to implementation of CITES***

**Functions of issuing authorities in relation to implementation of CITES**

**62.** Issuing authorities have the following functions relating to the implementation of CITES in their respective jurisdictional areas:

- (a) Considering and deciding applications for permits authorising restricted activities involving specimens of listed threatened or protected species which are also listed in Appendix I, II or III to CITES;
- (b) issuing of permits in respect of applications referred to in paragraph (a);
- (c) inspecting captive breeding operations, nurseries, scientific institutions, sanctuaries and rehabilitation facilities and making recommendations to the Director-General regarding applications for registration;
- (d) certifying the legal acquisition and origin of specimens;

- (e) ensuring that the requirements of CITES in respect to the marking of specimens are complied with;
- (f) evaluating the authenticity and validity of permits, documentation, stamps and signatures;
- (g) consulting with the Scientific Authority as required by CITES or any appropriate CITES decisions or resolutions;
- (h) liaising with stakeholders;
- (i) reporting annually to the CITES Management Authority regarding permits issued to authorise restricted activities involving specimens of listed threatened or protected species which are also listed in Appendix I, II or III to CITES;
- (j) assisting the Minister in performing any of the functions referred to in section 59 of the Biodiversity Act, when required to do so; and
- (k) assisting the Minister if the Minister decides to intervene in the exercise of powers and duties by a province in terms of these regulations.

**When issuing authority may not issue CITES permits**

**63.** An issuing authority may not issue a CITES permit –

- (a) if the provisions of Articles III, IV and V of CITES have not been complied with;
- (b) if the relevant specimen has been obtained, imported, introduced from the sea, exported or re-exported in violation of any legislation applicable in the country where such specimen has been obtained or through which it has been imported, introduced from the sea, exported or re-exported;
- (c) if any permit or other documentation required for the import, introduction from the sea, export or re-export is not valid or authentic, and if such permit, in the case of a country which is –
  - (i) a party to CITES, has not been issued by that country's Management Authority; or
  - (ii) not a party to CITES, does not substantially conform with the requirements of CITES;
- (d) if the correct identity of the specimen has not been established; or
- (e) in respect of more than one consignment of a specimen.

## **CHAPTER 5**

### **SCIENTIFIC AUTHORITY**

#### *Part 1: Establishment, composition and operating procedures*

##### **Establishment**

**64.** A Scientific Authority is hereby established.

##### **Composition**

**65.** (1) The Scientific Authority consists of –

- (a) two members to represent the Department;
- (b) one member to represent each provincial department responsible for the conservation of biodiversity;
- (c) one member to represent South African National Parks;
- (d) one member to represent SANBI;
- (e) one member to represent the natural history museums; and
- (f) one member to represent the National Zoological Gardens.

(2) The Minister appoints the members of the Scientific Authority.

(3) Whenever necessary, the Director General must request each provincial department responsible for the conservation of biodiversity in the province, South African National Parks, the SANBI, the natural history museums or the National Zoological Gardens, as the case may be, to nominate persons for appointment to the Scientific Authority in accordance with subregulation (1).

##### **Chairperson and deputy chairperson**

**66.** (1) Whenever necessary, the Minister must appoint one of the members of the Scientific Authority as the Chairperson and another of the members as the Deputy Chairperson of the Scientific Authority.

(2) The Deputy Chairperson acts as chairperson if –

- (a) the Chairperson is absent or unable to perform the functions of chairperson; or
- (b) the office of chairperson is vacant.

**Term of office**

67. The term of office for a member of the Scientific Authority is four years.

**Removal from office**

68. The Minister may remove a member of the Scientific Authority from office, but only on the ground of –

- (a) misconduct, incapacity or incompetence;
- (b) insolvency; or
- (c) conviction of a criminal offence without the option of a fine.

**Filling of vacancies**

69. Whenever a vacancy arises in the membership of the Scientific Authority, the Minister must fill the vacancy in accordance with regulation 65(3).

**Meetings**

70. (1) The Scientific Authority must meet at least once a year for the determination of annual non-detriment findings referred to in section 62 of the Biodiversity Act, which must be published before the end of November of each year.

(2) The Chairperson may convene additional meetings as and when necessary.

**Expert advisors**

71. The Scientific Authority may co-opt expert advisors from within or outside the public service to be present and speak at meetings.

**Participation in meetings by way of electronic or other media**

72. A member of the Scientific Authority or another person co-opted to participate in a meeting who is not present at the meeting, may participate in the meeting by telephone, radio, closed-circuit television, the internet or any other medium of instantaneous communication, provided that –

- (a) a facility for such communication is available; and
- (b) the person who is not present at the meeting and the persons present at the meeting are all –

- (i) audible to one another, if participation is by telephone, radio or the internet; or
- (ii) audible and visible to one another, if participation is by closed-circuit television.

### **Procedures**

73. The Scientific Authority determines its own internal procedures.

### **Quorum and decisions**

74. (1) A majority of the persons serving as members of the Scientific Authority at the time a meeting is held, constitutes a quorum for a meeting of the Scientific Authority.

(2) A matter before a meeting of the Scientific Authority is decided by a supporting vote of a majority of the members present at the meeting.

(3) A member of the Scientific Authority who participates in a meeting in accordance with regulation 72 must for the purpose of subregulation (2) be regarded as being present at the meeting.

## **CHAPTER 6 MISCELLANEOUS**

### **Marking of elephant ivory and rhino horn**

75. (1) Any person who is in possession of elephant ivory or rhino horn must within three months of commencement of these regulations apply in writing to the department responsible for the conservation of biodiversity in the relevant province to have such elephant ivory or rhino horn –

- (a) marked in accordance with subregulation (2); and
- (b) registered on the national database for rhino horn and elephant ivory.

(2) The department responsible for the conservation of biodiversity in the relevant province, if satisfied that the possession of the elephant ivory or rhino horn is lawful, must, at the expense of the person applying for marking –

- (a) mark the elephant ivory by means of punch-die, or if not practicable, with indelible ink, using the following formula:
  - (i) the country-of-origin two letter ISO code and the last two digits of the particular year, followed by a forward slash;
  - (ii) the serial number for the particular year, followed by a forward slash; and
  - (iii) the weight of the ivory in kilograms; or
- (b) mark the rhino horn by means of.....

#### **Setting of annual hunting off-take limits**

76. (1) SANBI must each year before the end of September determine for the following year annual hunting off-take limits for the country as a whole and per province in respect of a listed threatened or protected animal species determined by the Minister.

(2) Hunting off-take limits must be determined only after an appropriate consultation process has been conducted involving –

- (a) the Department;
- (b) provincial departments responsible for biodiversity management;
- (c) the organised hunting industry; and
- (d) other relevant role players.

(3) Hunting off-take limits set in terms of this regulation do not apply to listed threatened or protected animal species culled in protected areas in accordance with the management plans of the respective areas.

#### **Transitional provision in respect of existing captive breeding operations, nurseries, scientific institutions, sanctuaries or rehabilitation facilities**

77. (1) Any person who, immediately before the commencement of these regulations, conducts a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility involving specimens of a threatened or protected

species referred to in regulation 41(1) must, within three months of such commencement, apply for registration of that captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility in terms of regulation 43.

(2) If an application referred to in subregulation (1) is refused in terms of regulation 45(3)(b) because the applicant does not meet the requirements for captive breeding operations, nurseries, scientific institutions, sanctuaries or rehabilitation facilities, the Director-General must, after notifying the applicant of the refusal, afford the applicant a reasonable opportunity to comply with such requirements and to reapply for registration within a period determined by the Director-General.

### **Offences**

78. (1) A person is guilty of an offence if that person –

- (a) contravenes a provision of regulation 41 (1);
- (b) fabricates or forges any document for the purpose of passing it as a certificate of registration;
- (c) knowingly makes any false statement or report for the purpose of obtaining a certificate of registration; or
- (d) alters, erases or in any way tampers with the markings made on elephant ivory or rhino horn in terms of regulation 75.

(2) A person registered to conduct a captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility is guilty of an offence if that person –

- (a) conducts such captive breeding operation, nursery, scientific institution, sanctuary or rehabilitation facility otherwise than in accordance with any condition subject to which registration was granted; or
- (b) fraudulently alters any certificate of registration issued in terms of regulation 46.

### **Penalties**

79. (1) A person convicted of an offence in terms of regulation 78 is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

(2) A fine in terms of subregulation (1) may not exceed an amount prescribed in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).

**Short title and commencement**

**80.** These regulations are called the Threatened and Protected Species Regulations, 2006, and take effect on a date determined by the Minister by notice in the Government Gazette.



## ANNEXURE 1

## APPLICATION FOR PERMIT AUTHORIZING RESTRICTED ACTIVITY WITH LISTED THREATENED OR PROTECTED SPECIES

**A. APPLICANT DETAILS:**

|                 |                   |
|-----------------|-------------------|
| NAME:           |                   |
| ID NO:          |                   |
| TEL NO:         |                   |
| POSTAL ADDRESS: | PHYSICAL ADDRESS: |
|                 |                   |
|                 |                   |
|                 |                   |
|                 |                   |
|                 |                   |

**B. KIND OF PERMIT APPLIED FOR (Tick off):**

|                  |                  |               |
|------------------|------------------|---------------|
| <b>ORDINARY:</b> | <b>STANDING:</b> | <b>CITES:</b> |
|------------------|------------------|---------------|

**C. KIND OF RESTRICTED ACTIVITY APPLIED FOR (see section F in the case of a professional hunt):**

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**D. PROPERTY WHERE RESTRICTED ACTIVITY IS TO TAKE PLACE**

| LOCATION: | NAME AND ADDRESS OF OWNER: |
|-----------|----------------------------|
|           |                            |
|           |                            |
|           |                            |
|           |                            |
|           |                            |

**E. SPECIES INVOLVED:**

[illegible]

**F. ADDITIONAL INFORMATION FOR PROFESSIONAL HUNT:****(i) CLIENT AND APPLICANT DETAILS:**

| CLIENT NAME AND ADDRESS: | APPLICANT NAME AND ADDRESS: |
|--------------------------|-----------------------------|
|                          |                             |
|                          |                             |
|                          |                             |
|                          |                             |
|                          |                             |

**(ii) HUNTING OUTFITTER AND PROFESSIONAL HUNTER DETAILS:**

| HUNTING OUTFITTER | PROFESSIONAL HUNTER |
|-------------------|---------------------|
| NAME:             | NAME:               |
| TEL NO:           | TEL NO:             |

**(iii) DURATION OF HUNTING TRIP:**

| ARRIVAL DATE: | DEPARTURE DATE: |
|---------------|-----------------|
|               |                 |

**G. ADDITIONAL INFORMATION FOR IMPORT OR EXPORT OF SPECIMEN:**

| KIND OF SPECIMEN | DATE OF EXPORT/IMPORT | PLACE OF EXIT/ENTRY | DESTINATION/PLACE OF ORIGIN |
|------------------|-----------------------|---------------------|-----------------------------|
|                  |                       |                     |                             |
|                  |                       |                     |                             |

**ANNEXURE 2**

**APPLICATION FOR REGISTRATION OF CAPTIVE BREEDING  
OPERATIONS, NURSERIES, SCIENTIFIC INSTITUTIONS, SANCTUARIES  
AND REHABILITATION FACILITIES**

**A. APPLICANT DETAILS:**

|                        |                          |
|------------------------|--------------------------|
| <b>NAME:</b>           |                          |
| <b>ID NO:</b>          |                          |
| <b>TEL NO:</b>         | <b>CELL NO:</b>          |
| <b>FAX NO:</b>         | <b>E-MAIL:</b>           |
| <b>POSTAL ADDRESS:</b> | <b>PHYSICAL ADDRESS:</b> |
|                        |                          |
|                        |                          |
|                        |                          |
|                        |                          |

**B. FACILITY DETAILS:**

|  |
|--|
| <b>NAME OF FACILITY:</b>                                     |
| <b>KIND OF FACILITY:</b>                                     |
| <b>ADDRESS OF PREMISES WHERE FACILITY WILL BE CONDUCTED:</b> |
|  |
|  |
| <b>DATE OF ESTABLISHMENT:</b>                                |

**C. LISTED THREATENED OR PROTECTED SPECIES INVOLVED**

(Attach list if space is insufficient)

| COMMON NAME | SCIENTIFIC NAME | QUANTITY |
|-------------|-----------------|----------|
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |
|             |                 |          |

**D. RESTRICTED ACTIVITIES TO BE UNDERTAKEN AT FACILITY:**

|  |
|--|
|  |
|  |
|  |
|  |

**E. INFORMATION TO BE SUBMITTED IN CASE OF APPLICATION FOR REGISTRATION OF CAPTIVE BREEDING OPERATION (Attach as an annex to form)**

- (a) Details of the number and age (if known or appropriate) of males and females that comprise the parental breeding stock.
  - (b) Evidence of legal acquisition.
  - (c) Current stock (numbers, by sex and age of progeny held in addition to parental breeding stock above).
  - (d) Information on the percentage mortalities and, where possible, on the percentage mortalities in the different age groups and between males and females.
  - (e) Past, current and expected annual production of offspring and, where possible, information on the number of females producing offspring each year.
  - (f) An assessment of the anticipated need for, and source of, additional specimens to augment the breeding stock to increase the genetic pool of the captive population in order to avoid deleterious inbreeding.
  - (g) Detailed description of the marking methods used for the breeding stock and offspring.
  - (h) Description of the strategies used by the breeding operation, or other activities, that contribute to improving the conservation status of wild populations of the species.
- 

**F. INFORMATION TO BE SUBMITTED IN CASE OF APPLICATION FOR REGISTRATION OF CAPTIVE BREEDING OPERATION, SANCTUARY AND REHABILITATION FACILITY (Attach as an annex to the form):**

- (a) Description and schematic diagram of the facilities to house the current and expected stock.
- (b) Security measures to prevent escapes and/or thefts.
- (c) Number and size of breeding, rearing enclosures and egg incubation (as appropriate).

- (d) Food production or supply.
- (e) Removal of waste.
- (f) Availability of veterinary services.

---

**G. INFORMATION TO BE SUBMITTED IN CASE OF APPLICATION  
FOR REGISTRATION OF SANCTUARY AND REHABILITATION  
FACILITY (Attach as an annex to form):**

- (a) Measures taken to prevent breeding.

---

**H. INFORMATION TO BE SUBMITTED IN CASE OF APPLICATION  
FOR REGISTRATION OF NURSERY (attach as an annex to form):**

- (a) Description of the facilities and the propagation techniques.
- (b) Description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past.
- (c) Taxa currently in propagation (only relevant listed threatened or protected species).
- (d) Description of the (listed threatened or protected species) parental stock of wild origin, including quantities and evidence of legal acquisition.

**APPLICATIONS FOR AMENDMENT OF REGISTRATION OF CAPTIVE BREEDING OPERATIONS, NURSERIES, SCIENTIFIC INSTITUTIONS, SANCTUARIES AND REHABILITATION FACILITIES**

|                 |                   |
|-----------------|-------------------|
| NAME:           |                   |
| ID NO:          |                   |
| TEL NO:         | CELL NO:          |
| FAX NO:         | E-MAIL:           |
| POSTAL ADDRESS: | PHYSICAL ADDRESS: |
|                 |                   |
|                 |                   |
|                 |                   |
|                 |                   |

|   |
|---|
| <b>KIND OF FACILITY:</b>                                |
| <b>NAME OF FACILITY:</b>                                |
| <b>ADDRESS OF PREMISES WHERE FACILITY IS CONDUCTED:</b> |
|   |
|   |
|   |
| <b>REGISTRATION CERTIFICATE NO:</b>                     |
| <b>DATE ISSUED:</b>                                     |

[illegible]

## ANNEXURE 4

### PROCESSING FEES

| Regulation   | Fee   |
|--------------|---|
| 7(3)(c)      | <p>International import/export/re-export permit application – R200.00</p> <p>Hunting/catching/killing – R100.00</p> <p>Gathering/plucking/collecting – R50.00</p> <p>Conveying/moving/translocation – R50.00</p> <p>Growing/breeding/propagating(registration) – R100.00</p> <p>Selling/buying/receiving/giving/donating – R50.00</p> |
| 24(b)        | R50.00  |
| 32(2)(b)     | R50.00  |
| 37(2)(b)(ii) | R100.00   |
| 43(2)(b)     | R300.00   |
| 50(2)(b)     | R200.00   |
| 58(2)(b)(ii) | R100.00   |

**FOR INFORMATION ONLY****LISTS OF THREATENED AND PROTECTED SPECIES ISSUED IN TERMS OF SECTION 56(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004****SCHEDULE**

**SCHEDULE A: Threatened Species** – Species threatened by one or more restricted activity (ies) as defined in the National Environmental Management: Biodiversity Act, 2004

**CATEGORY: Critically Endangered Species** – Indigenous species facing an extremely high risk of extinction in the wild in the immediate future

| Scientific Name                      | Common Name              |
|--------------------------------------|--------------------------|
| <b>PISCES</b>                        |                          |
| <i>Labeo seeberi</i>                 | Clanwilliam Sandfish     |
| <b>REPTILIA</b>                      |                          |
| <i>Caretta caretta</i>               | Loggerhead Sea Turtle    |
| <i>Dermochelys coriacea</i>          | Leatherback Sea Turtle   |
| <i>Eretmochelys imbricate</i>        | Hawksbill Sea Turtle     |
| <b>AVES</b>                          |                          |
| <i>Grus carunculatus</i>             | Wattled Crane            |
| <i>Hirundo atrocaerulea</i>          | Blue Swallow             |
| <i>Neophron percnopterus</i>         | Egyptian Vulture         |
| <i>Poicephalus robustus</i>          | Cape Parrot              |
| <b>MAMMALIA</b>                      |                          |
| <i>Bunolagus monticularis</i>        | Riverine Rabbit          |
| <i>Chrysospalax villosus</i>         | Rough-haired Golden Mole |
| <b>FLORA</b>                         |                          |
| <i>Adenium swazicum</i>              | Swaziland Impala Lily    |
| <i>Aloe pillansii</i>                | False Quiver Tree        |
| <i>Diaphanranthe millarii</i>        | Tree Orchid              |
| <i>Dioscorea ebutsiniorum</i>        | Wild Yam                 |
| <i>Encephalartos aemulans</i>        | Ngotshe Cycad            |
| <i>Encephalartos brevifoliolatus</i> | Escarpment Cycad         |
| <i>Encephalartos cerinus</i>         | Waxen Cycad              |
| <i>Encephalartos dolomiticus</i>     | Wolkberg Cycad           |
| <i>Encephalartos heenanii</i>        | Woolly Cycad             |
| <i>Encephalartos hirsutus</i>        | Venda Cycad              |
| <i>Encephalartos inopinus</i>        | Lydenburg Cycad          |



|                                      |                  |
|--------------------------------------|------------------|
| <i>Encephalartos latifrons</i>       | Albany Cycad     |
| <i>Encephalartos middelburgensis</i> | Middelburg Cycad |
| <i>Encephalartos nubimontanus</i>    | Blue Cycad       |
| <i>Encephalartos woodii</i>          | Wood's Cycad     |

**CATEGORY: Endangered Species** – Indigenous species facing a high risk of extinction in the wild in the near future, although they are not a critically endangered species

| Scientific Name                      | Common Name              |
|--------------------------------------|--------------------------|
| <b>INVERTEBRATA</b>                  |                          |
| <i>Colophon spp</i> – All species    | Stag Beetles             |
| <b>PISCES</b>                        |                          |
| <i>Barbus andrewi</i>                | Whitefish                |
| <i>Barbus serra</i>                  | Sawfin                   |
| <i>Pristis microdon</i>              | Large-tooth Sawfish      |
| <b>REPTILIA</b>                      |                          |
| <i>Chelonia mydas</i>                | Green Turtle             |
| <i>Cordylus giganteus</i>            | Giant Girdled Lizard     |
| <i>Lepidochelys olivacea</i>         | Olive Ridley Turtle      |
| <i>Psammobates geometricus</i>       | Geometric Tortoise       |
| <b>AVES</b>                          |                          |
| <i>Anthropoides paradiseus</i>       | Blue Crane               |
| <i>Balearica regulorum</i>           | Grey Crowned Crane       |
| <i>Ephippiorhynchus senegalensis</i> | Saddle-billed Stork      |
| <i>Gypaetus barbatus</i>             | Bearded Vulture          |
| <i>Gyps africanus</i>                | White-backed Vulture     |
| <i>Gyps coprotheres</i>              | Cape Vulture             |
| <i>Necrosyrtes monachus</i>          | Hooded Vulture           |
| <i>Pelecanus rufescens</i>           | Pink-backed Pelican      |
| <i>Scotopel pelia</i>                | Pel's Fishing Owl        |
| <i>Torgos tracheliotus</i>           | Lappet-faced Vulture     |
| <b>MAMMALIA</b>                      |                          |
| <i>Amblysomus robustus</i>           | Robust Golden Mole       |
| <i>Damaliscus lunatus</i>            | Tsessebe                 |
| <i>Diceros bicornis</i>              | Black Rhinoceros         |
| <i>Equus zebra</i>                   | Mountain Zebra           |
| <i>Lycaon pictus</i>                 | African Wild Dog         |
| <i>Neamblysomus gunningi</i>         | Gunning's Golden Mole    |
| <i>Ourebia ourebi</i>                | Oribi                    |
| <i>Paraxerus palliatus</i>           | Red Squirrel             |
| <i>Petrodromus tetradactylus</i>     | Four-toed Elephant-shrew |

| <b>FLORA</b>                      |                         |
|-----------------------------------|-------------------------|
| <i>Angraecum stella</i>           | Tree Orchid             |
| <i>Encephalartos arenarius</i>    | Dune Cycad              |
| <i>Encephalartos cupidus</i>      | Blyde River Cycad       |
| <i>Encephalartos horridus</i>     | Eastern Cape Blue Cycad |
| <i>Encephalartos laevifolius</i>  | Kaapsehoop Cycad        |
| <i>Encephalartos lebomboensis</i> | Lebombo Cycad           |
| <i>Encephalartos msinganus</i>    | Msinga Cycad            |
| <i>Jubaeopsis caffra</i>          | Pondoland Coconut       |
| <i>Siphonochilus aethiopicus</i>  | Wild Ginger             |
| <i>Warburgia salutaris</i>        | Pepper-bark Tree        |
| <i>Newtonia hilderbrandi</i>      | Lebombo Wattle          |

**CATEGORY: Vulnerable Species** - Indigenous species facing a high risk of extinction in the wild in the medium-term future, although they are not a critically endangered species or an endangered species

| <b>Scientific Name</b>            | <b>Common Name</b>                |
|-----------------------------------|-----------------------------------|
| <b>INVERTEBRATA</b>               |                                   |
| <i>Peripatopsis alba</i>          | White Cave Velvet Worm            |
| <b>PISCES</b>                     |                                   |
| <i>Epinephelus andersoni</i>      | Catface Rockcod                   |
| <i>Labeobarbus capensis</i>       | Clanwilliam Yellowfish            |
| <i>Labeobarbus kimberleyensis</i> | Vaal-Orange Largemouth Yellowfish |
| <i>Myxus capensis</i>             | Freshwater Mullet                 |
| <i>Oreochromis placidus</i>       | Black Tilapia                     |
| <i>Serranochromis meridianus</i>  | Lowveld Largemouth                |
| <b>AVES</b>                       |                                   |
| <i>Aegypius occipitalis</i>       | White-headed Vulture              |
| <i>Aquila rapax</i>               | Tawny Eagle                       |
| <i>Ardeotis kori</i>              | Kori Bustard                      |
| <i>Ciconia nigra</i>              | Black Stork                       |
| <i>Circaetus fasciolatus</i>      | Southern Banded Snake Eagle       |
| <i>Eupodotis caerulescens</i>     | Blue Korhaan                      |
| <i>Falco fasciinucha</i>          | Taita Falcon                      |
| <i>Falco naumanni</i>             | Lesser Kestrel                    |
| <i>Falco peregrinus</i>           | Peregrine Falcon                  |
| <i>Geronticus calvus</i>          | Bald Ibis                         |
| <i>Neotis ludwigii</i>            | Ludwig's Bustard                  |
| <i>Polemaetus bellicosus</i>      | Martial Eagle                     |
| <i>Terathopius ecaudatus</i>      | Bateleur                          |
| <i>Tyto capensis</i>              | Grass Owl                         |

|                                      |                             |
|--------------------------------------|-----------------------------|
| <b>MAMMALIA</b>                      |                             |
| <i>Acinonix jubatus</i>              | Cheetah                     |
| <i>Cercopithecus mitis</i>           | Samango Monkey              |
| <i>Chrysospalax trevelyani</i>       | Giant Golden Mole           |
| <i>Cricetomys gambianus</i>          | Giant Rat                   |
| <i>Damaliscus pygargus pygargus</i>  | Bontebok                    |
| <i>Dendrohyrax arboreus</i>          | Tree Hyrax                  |
| <i>Hippotragus equinus</i>           | Roan Antelope               |
| <i>Manis temminckii</i>              | Pangolin                    |
| <i>Neamblysomus julianae</i>         | Juliana's Golden Mole       |
| <i>Neotragus moschatus</i>           | Suni                        |
| <i>Otomops martiensseni</i>          | Large-eared Free-tailed Bat |
| <i>Panthera leo</i>                  | Lion                        |
| <i>Panthera pardus</i>               | Leopard                     |
| <i>Philantomba monticola</i>         | Blue Duiker                 |
| <b>FLORA</b>                         |                             |
| <i>Aloe albida</i>                   | Grass Aloe                  |
| <i>Encephalartos eugene-maraisii</i> | Waterberg Cycad             |
| <i>Encephalartos ngoyanus</i>        | Ngoye Dwarf Cycad           |
| <i>Scilla natalensis</i>             | Blue Squill                 |
| <i>Zantedeschia jucunda</i>          | Yellow Arum Lily            |

**SCHEDULE B1: Protected Species** – Indigenous species of high conservation value or national importance that require national protection

| Scientific Name                      | Common Name            |
|--------------------------------------|------------------------|
| <b>INVERTEBRATA</b>                  |                        |
| <i>Aloeides clarki</i>               | Coega Copper Butterfly |
| <i>Ceratogyrus spp</i> – All species | Horned Baboon Spiders  |
| <i>Echinodiscus bisperforatus</i>    | Pansy Shell            |
| <i>Dromica spp</i> – All species     | Tiger Beetles          |
| <i>Graphipterus assimilis</i>        | Velvet Ground Beetle   |
| <i>Hadogenes spp</i> – All species   | Flat Rock Scorpions    |
| <i>Haliotis midae</i>                | South African Abalone  |
| <i>Harpactira spp</i> – All species  | Common Baboon Spiders  |
| <i>Ichneustoma spp</i> – All species | Fruit Chafer Beetles   |
| <i>Jasus lalandii</i>                | Rock Lobster           |
| <i>Manticora spp</i> – All species   | Monster Tiger Beetles  |
| <i>Megacephala asperata</i>          | Tiger Beetle           |
| <i>Megacephala regalis</i>           | Tiger Beetle           |
| <i>Nigidius auriculatus</i>          | Stag Beetle            |
| <i>Oonotus adspersus</i>             | Stag Beetle            |
| <i>Oonotus interioris</i>            | Stag Beetle            |

|   |                          |
|---|--------------------------|
| <i>Oonotus rex</i>                        | Stag Beetle              |
| <i>Oonotus sericeus</i>                   | Stag Beetle              |
| <i>Opisthacanthus spp</i> - All species   | Creeping Scorpions       |
| <i>Opisthophthalmus spp</i> - All species | Burrowing Scorpions      |
| <i>Platychile pallida</i>                 | Tiger Beetle             |
| <i>Prosopocoilus petiti-clerci</i>        | Stag Beetle              |
| <i>Prothyma guttipennis</i>               | Tiger Beetle             |
| <i>Pterinochilus spp</i> - All species    | Golden Baboon Spiders    |
| <b>AMPHIBIA</b>                           |                          |
| <i>Pyxicephalus adspersus</i>             | Giant Bullfrog           |
| <i>Pyxicephalus edulis</i>                | African Bullfrog         |
| <b>PISCES</b>                             |                          |
| <i>Anchichoerops natalensis</i>           | Natal Wrasse             |
| <i>Argyrosomus japonicus</i>              | Dusky Kob                |
| <i>Brycinus lateralis</i>                 | Striped Robber           |
| <i>Carcharodon carcharius</i>             | Great White Shark        |
| <i>Chrysoblephus cristiceps</i>           | Dageraad                 |
| <i>Cymatoceps nasutus</i>                 | Black Musselcracker      |
| <i>Dichistius capensis</i>                | Galjoen                  |
| <i>Epinephelus albomarginatus</i>         | White-edged Rockcod      |
| <i>Epinephelus lanceolatus</i>            | Brindle Bass             |
| <i>Epinephelus tukula</i>                 | Potato Bass              |
| <i>Hydrocynus vittatus</i>                | Tigerfish                |
| <i>Latimeria chalumnae</i>                | Coelacanth               |
| <i>Lithognathus lithognathus</i>          | White Steenbras          |
| <i>Nothobranchius orthonotus</i>          | Spotted Killifish        |
| <i>Nothobranchius rachovii</i>            | Rainbow Killifish        |
| <i>Petrus rupestris</i>                   | Red Steenbras            |
| <i>Polysteganus undulosus</i>             | Seventy-four Seabream    |
| <i>Pristis zijsron</i>                    | Longcomb Sawfish         |
| <i>Varicorhinus nelspruitensis</i>        | Incomati Chiselmouth     |
| <b>REPTILIA</b>                           |                          |
| <i>Bitis gabonica</i>                     | Gaboon Adder             |
| <b>AVES</b>                               |                          |
| <i>Bucorvus leadbeateri</i>               | Southern Ground-Hornbill |
| <b>MAMMALIA</b>                           |                          |
| <i>Aonyx capensis</i>                     | Cape Clawless Otter      |
| <i>Atelerix frontalis</i>                 | South African Hedgehog   |
| <i>Canis mesomelas</i>                    | Black-backed Jackal      |
| <i>Caracal caracal</i>                    | Caracal                  |
| <i>Ceratotherium simum</i>                | White Rhinoceros         |
| <i>Connochaetes gnou</i>                  | Black Wildebeest         |
| <i>Crocuta crocuta</i>                    | Spotted Hyaena           |

|                                 |                          |
|---------------------------------|--------------------------|
| <i>Felis nigripes</i>           | Black-footed Cat         |
| <i>Hyaena brunnea</i>           | Brown Hyaena             |
| <i>Hystrix africaeustralis</i>  | Porcupine                |
| <i>Leptailurus serval</i>       | Serval                   |
| <i>Lutra maculicollis</i>       | Spotted-necked Otter     |
| <i>Mellivora capensis</i>       | Honey Badger             |
| <i>Raphicerus sharpei</i>       | Sharpe's Grysbok         |
| <i>Redunca arundinum</i>        | Reedbuck                 |
| <i>Sylvicapra grimmia</i>       | Common Duiker            |
| <i>Vulpes chama</i>             | Cape Fox                 |
| <b>FLORA</b>                    |                          |
| <i>Clivia mirabilis</i>         | "Oorlogskloof" Bush Lily |
| <i>Harpagophytum procumbens</i> | Devil's Claw             |
| <i>Harpagophytum zeyherii</i>   | Devil's Claw             |
| <i>Hoodia gordonii</i>          | Ghaap                    |
| <i>Hoodia currorii</i>          | Ghaap                    |

**SCHEDULE B2: Other Protected Species** – All species listed in the Appendices of CITES

No. 598

5 May 2006

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 of 2004)**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of section 100 of the Act, publish for public information and comments the following:

**DRAFT NATIONAL NORMS AND STANDARDS FOR THE REGULATION OF THE HUNTING INDUSTRY IN SOUTH AFRICA**

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 Pieter Botha

Enquiries should be directed to Dr Pieter Botha Tel. (012) 310 3575; e-mail: [pbotha@deat.gov.za](mailto:pbotha@deat.gov.za); or Mrs Thea Carroll Tel. (012) 310 3799; [tcarroll@deat.gov.za](mailto:tcarroll@deat.gov.za), or fax number (012) 320 7026.

**Closing date: 19 June 2006**

**M C J VAN SCHALKWYK  
MINISTER**

## **NATIONAL NORMS AND STANDARDS FOR THE REGULATION OF THE HUNTING INDUSTRY IN SOUTH AFRICA**

**I, Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby issue national norms and standards for the regulation of the hunting industry in South Africa and related matters in terms of section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), and section 11 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule.**

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**CHAPTER 1**

**INTERPRETATION, PURPOSE AND APPLICATION OF THIS SCHEDULE**

**Definitions**

1. (1) In this Schedule, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act or Protected Areas Act has the same meaning, and –



**“adjacent land”**, in relation to a protected area, means land which adjoins a protected area or of which its border at any point is within .....kilometres of the border of a protected area;

**“alien animal species”** means an animal species which is an alien species as defined in section 1 of the Biodiversity Act;

**“amateur hunter”** means a person who hunts or intends to hunt a listed animal, but excludes –

- (a) a professional hunter; and
- (b) a hunting client;

**“Biodiversity Act”** means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), and includes any subordinate legislation as defined in section 1 of that Act;

**“culling”**

- (a) in relation to an animal in a protected area, means an operation executed by an official of, or other person designated by, the management authority of the protected area to kill a specific number of animals of that species within the area in order to manage that species in the area in accordance with the management plan of the area; or
- (b) in relation to a listed animal which has escaped from a protected area and has become a damage causing animal, means an operation executed by an official of, or other person designated by, the management authority of the protected area to kill the animal as a matter of last resort;

**“damage causing animal”** means a listed animal that –

- (a) causes losses to livestock;
- (b) damage to cultivated trees or crops or other property;
- (c) presents a threat to human life; or
- (d) is present in such numbers that agricultural grazing is materially depleted;

**“darting”**, in relation to a listed animal, means to shoot the animal with a projectile loaded with a tranquillising or narcotic immobilising or similar agent;

**“humane”**, in relation to the hunting of a listed animal, means that the way in which an animal is hunted –

- (a) is reconcilable with the prevailing norms of society against cruelty to animals; and
- (b) causes no or minimum –
  - (i) suffering for the hunted animal; and
  - (ii) distress to other animals in the vicinity of the hunted animal;

**“hunt”**, in relation to an animal, includes –

- (a) to kill the animal by any means, method or device whatsoever;
- (b) to capture the animal by any means, method or device whatsoever with the intent to kill the animal;
- (c) to search for, lie in wait for, pursue, pin down against a fence or barrier or in an enclosure, shoot at, or tranquillise or immobilise, the animal with the intent to kill the animal; or
- (d) to lure by any means, method or device whatsoever, or to set a snare or trap for, the animal with the intent to kill the animal,

but excludes the culling of an animal in a protected area or which has escaped from a protected area and has become a damage causing animal;

**“hunting client”** means a natural person who –

- (a) is not resident in the Republic; and
- (b) pays or rewards any other person for or in connection with the hunting of a listed animal;

**“hunting off-take limit”** means an off-take limit for hunting purposes established for a nationally listed threatened or protected species in terms of the Threatened and Protected Species Regulations, 2006;

**“hunting organisation”** means an organisation, association or other body of –

- (i) professional hunters;

- (ii) hunting outfitters;
- (iii) amateur hunters;
- (iv) other persons having interests in the hunting industry; or
- (v) any combination of persons referred to in subparagraphs (i), (ii), (iii) and (iv);

**“hunting outfitter”** means a person who is registered or recognised as a hunting outfitter in terms of provincial legislation;

**“indigenous animal species”** means an animal species which is an indigenous species as defined in section 1 of the Biodiversity Act;

**“issuing authority”** –

- (a) in relation to a national hunting permit to hunt a nationally listed threatened or protected animal, has the meaning assigned to it in section 1 of the Biodiversity Act; or
- (b) in relation to a provincial authorisation to hunt a provincially listed animal, means an authority empowered in terms of provincial legislation to issue or grant provincial authorisations;

**“listed animal”** means –

- (a) a nationally listed threatened or protected animal; or
- (b) a provincially listed animal;

**“local community”** has the meaning assigned to it in section 1 of the Protected Areas Act;

**“management authority”**, in relation to a protected area, has the meaning assigned to it in section 1 of the Protected Areas Act;

**“management plan”**, in relation to a protected area, has the meaning assigned to it in section 1 of the Protected Areas Act;

**“national hunting permit”** means a permit issued in terms of the Biodiversity Act authorising a person to hunt a nationally listed threatened or protected animal;

**“nationally listed threatened or protected animal”** means an animal belonging to an indigenous or alien animal species listed in terms of section 56 (1) of the Biodiversity Act as a critically endangered species, endangered species, vulnerable species or protected species, but excludes a marine animal species listed as such;

**“national park”** has the meaning assigned to it in section 1 of the Protected Areas Act;

**“nature reserve”** has the meaning assigned to it in section 1 of the Protected Areas Act, and includes a provincial park;

**“professional hunter”** means a person who is registered or recognised as a professional hunter in terms of provincial legislation;

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

**“protected area”** has the meaning assigned to it in section 1 of the Protected Areas Act;

**“provincial hunting authorisation”**, in relation to a provincially listed animal, means –

- (a) a permit, permission, consent, license, registration or other document issued in terms of provincial legislation authorising a person to hunt a provincially listed animal; or
- (b) an exemption or exclusion from a provision of provincial legislation regulating or prohibiting the hunting of a provincially listed animal;

**“provincially listed animal”** means an animal belonging to an indigenous or alien animal species which in terms of provincial legislation may not without a provincial hunting authorisation be hunted in the province;

**“recognised hunting organisation”** means a hunting organisation recognised in terms of clause 16;

**“SANBI”** has the meaning assigned to it in section 1 of the Biodiversity Act;

**“special nature reserve”** has the meaning assigned to it in section 1 of the Protected Areas Act;

**“wingshooting”** means the hunting of game-birds that are listed animals;

**“wilderness area”** has the meaning assigned to it in section 1 of the Protected Areas Act;

**“world heritage site”** has the meaning assigned to it in section 1 of the Protected Areas Act.

(2) In this Schedule, a word or expression which is a derivative or other grammatical form of a word or expression defined in subclause (1) or in the Biodiversity Act or Protected Areas Act, has a corresponding meaning unless the context indicates that another meaning is intended.

### **Purpose of this Schedule**

2. The purpose of this Schedule is to set national norms and standards aimed at ensuring –

- (a) that the various listed animal species that are hunted in the Republic are hunted in a way and at a rate that –
  - (i) would not lead to the long term decline of those species;
  - (ii) would not disrupt the ecological integrity of the ecosystems in which those species occurs; and
  - (iii) would ensure the continued use of those species to meet the needs and aspirations of present and future generations of people; and
- (b) that the hunting industry is regulated as far as possible –
  - (i) in a uniform way across the country;

- (ii) in accordance with national policies on biodiversity management and sustainable development; and
- (iii) in a way that takes into account the Republic's international obligations in terms of international agreements on biodiversity management binding on the Republic.

### **Application of this Schedule**

3. (1) The norms and standards contained in this Schedule must be complied with by –

- (a) all issuing authorities when implementing –
  - (i) the Biodiversity Act to the extent to which that Act applies to the hunting of nationally listed threatened or protected animals; and
  - (ii) provincial legislation relating to the hunting of provincially listed animals; and
- (b) all management authorities of protected areas in the management of biodiversity in protected areas.

(2) In the event of any conflict between a provision of this Schedule and a provision of provincial legislation, the conflict must be resolved in terms of section 146 of the Constitution.

## **CHAPTER 2**

### **PROVINCIAL HUNTING AUTHORISATIONS**

#### **Applications relating to animals which are both provincially listed animals and nationally listed threatened or protected animals**

4. An application for a provincial hunting authorisation to hunt a provincially listed animal which is also a nationally listed threatened or protected animal must be considered in terms of both the applicable provincial legislation and the Biodiversity Act, but issuing authorities must as far as possible deal with such applications in accordance with section 92 of the Biodiversity Act.

**Factors to be taken into account when considering applications for provincial hunting authorisations**

5. When considering an application for a provincial hunting authorisation to hunt a listed animal, an issuing authority must, to the extent applicable, take into account –
- (a) all applicable legal requirements, in order to ensure that any decision with respect to the authorisation is consistent with those requirements;
  - (b) whether the authorisation applied for is not prohibited, restricted or affected in terms of Chapter 3 of this Schedule;
  - (c) whether the animal to which the application relates is also a nationally listed threatened or protected animal, and if so, also take into account –
    - (i) whether the animal is a critically endangered species, an endangered species, a vulnerable species or a protected species;
    - (ii) any applicable recommendations of the Scientific Authority in terms of section 61(1)(d) of the Biodiversity Act;
    - (iii) any risk assessment obtained by the issuing authority in terms of section 89 of the Biodiversity Act;
    - (iv) any annual hunting off-take limits set in respect of that species for –
      - (aa) the country as a whole; and
      - (bb) the province in which the hunt is to take place; and
    - (v) SANBI's latest statistics on the number of national hunting permits and provincial hunting authorisations already issued during the year concerned in respect of a species referred to in subparagraph (iv) for –
      - (aa) the country as a whole; and
      - (bb) the province in which the hunt is to take place;
  - (d) the impact of the hunt on the conservation status of the relevant species;
  - (e) the area where the hunt is to take place, and whether the land on which the hunt is to take place is –
    - (i) a protected area, and if so, the category in which that protected area falls with reference to section 9 of the Protected Areas Act;
    - (ii) adjacent to a protected area, and if so, whether it is adjacent to a national or provincial protected area;
    - (iii) private property ;
    - (iv) communal land; or
    - (v) state-owned land;

- (f) whether the hunt to which the application relates is to be –
  - (i) a trophy hunt;
  - (ii) a recreational hunt;
  - (iii) a biltong or meat hunt;
  - (iv) wingshooting;
  - (v) a traditional hunt; or
  - (vi) a hunt for any other purpose;
- (g) the manner in which, and the hunting instrument by which, the hunt is to be carried out;
- (h) whether the applicant is a professional or amateur hunter, or a hunting client, and if a hunting client, whether the applicant will be assisted by a professional hunter;
- (i) if the applicant is a professional or amateur hunter, whether the applicant is a member of a recognised hunting organisation;
- (j) whether a hunting outfitter is involved in the arrangements for the hunt; and
- (k) all other relevant factors, including –
  - (i) information, motivations and other documentation submitted by the applicant to the issuing authority in connection with the application;
  - (ii) any additional information required by the issuing authority in terms of the legislation applicable to the application;
  - (iii) any objections to the application submitted by an interested person; and
  - (iv) any relevant information on the database that SANBI is required to keep in terms of section 11 (1) (j) of the Biodiversity Act.

#### **Contents of provincial hunting authorisations**

- 6.** A provincial hunting authorisation must reflect the following information:
- (a) The name and physical address of the person to whom the authorisation is issued;
  - (b) the name and physical address of a person appointed by the applicant as an agent for purposes of obtaining the authorisation on the applicant's behalf, if applicable;
  - (c) the name of the issuing authority;
  - (d) the authorisation number and date of issue;



- (e) the scientific and common name of the species in respect of which the authorisation is issued;
- (f) the number of specimens involved, and its gender if applicable;
- (g) the location and other particulars of the place where the hunt is to be carried out;
- (h) the instrument and the method by which the animal may be hunted in terms of the authorisation; and
- (i) the conditions subject to which the authorisation is issued, including the compulsory conditions referred to in clause 12.

### CHAPTER 3

#### HUNTING RESTRICTIONS

##### *Part 1: Restrictions relating to protected areas and land adjacent to protected areas*

##### **Hunting in special nature reserves, world heritage sites and wilderness areas**

7. (1) No hunting of any animal may take place in—

- (a) a special nature reserve;
- (b) a world heritage site; or
- (c) a wilderness area.

(2) An issuing authority may not issue a national hunting permit or a provincial hunting authorisation to hunt a listed animal in a protected area referred to in subclause (1).

##### **Hunting in national protected areas other than those referred to in clause 7 (1)**

8. (1) The management authority of a national protected area, other than an area referred to in clause 7 (1), may, to the extent provided for in subclause (3) or (4), allow hunting in the protected area, or part of the protected area, if that protected area or part was proclaimed on —

- (a) land which is privately owned; or
- (b) state-owned land in respect of which a local community claims historical hunting rights.

(2) An issuing authority may, to the extent provided for in subclause (3) or (4), issue a national hunting permit to hunt a nationally listed threatened or protected animal in a national protected area or part of an area referred to in subclause (1).

(3) Hunting of specific species of animals on private land referred to in subclause (1) (a) is permissible only if –

- (a) in the case of a national park or national nature reserve, the agreement contemplated in section 20 (3) or 23 (3) of the Protected Areas Act in terms of which the private land was declared as a national park or nature reserve, or as part of a national park or nature reserve, confers on the owner of the land the right to hunt or allow hunting of that specific animal species on that land;
- (b) the management plan of the protected area in which the hunt is to take place provides for the hunting of that specific animal species on that land;
- (c) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (d) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 86 of the Protected Areas Act.

(4) Hunting of specific species of animals on state-owned land referred to in subclause (1) (b) is permissible only if –

- (a) the management authority of the relevant protected area has entered into an agreement with the local community claiming hunting rights on that state owned land, which confers on that community rights to hunt that specific species of animals on that land in accordance with the management plan of that protected area;
- (b) that agreement, in the case of a national park, is an agreement contemplated in paragraph (a) of the definition of “national park” in the Protected Areas Act;
- (c) the agreement has been approved by the Minister;
- (d) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and

- (e) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 86 of the Protected Areas Act.

#### **Hunting in provincial protected areas**

9. (1) The management authority of a provincial protected area may, to the extent provided for in subclause (3) or (4), allow hunting in the protected area, or part of the protected area, if that area or part was proclaimed on –

- (a) land which is privately owned; or
- (b) state owned land in respect of which a local community claims historical hunting rights.

(2) An issuing authority may, to the extent provided for in subclause (3) or (4), issue a provincial hunting authorisation or a national hunting permit to hunt a listed animal in a provincial protected area or part of an area referred to in subclause (1).

(3) Hunting of specific species of animals on private land referred to in subclause (1) (a) is permissible only if –

- (a) in the case of a provincial nature reserve, the agreement contemplated in section 23 (3) of the Protected Areas Act in terms of which the private land was declared as a provincial nature reserve, or as part of a nature reserve, confers on the owner of the land the right to hunt or allow hunting of that specific animal species on that land;
- (b) the management plan of the protected area in which the hunt is to take place provides for the hunting of that specific animal species on that land;
- (c) hunting of that specific animal species takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (d) hunting, or hunting of that specific provincially listed animal species, in that protected area is not prohibited in terms of regulations issued in terms of section 87 of the Protected Areas Act.

(4) Hunting of specific species of animals on state-owned land referred to in subclause (1) (b) is permissible only if –

- (a) the management authority of the relevant protected area has entered into an agreement with the local community claiming hunting rights on that state owned land, which confers on that community rights to hunt that specific species animals on that land in accordance with the management plan of that protected area;
- (b) the agreement has been approved by the MEC of the relevant province;
- (c) hunting of that specific animal species on that land takes place in accordance with scientifically based off-take limits for that protected area as set out in the management plan of the area; and
- (d) hunting in that protected area of that specific animal species is not prohibited in terms of regulations issued in terms of section 87 of the Protected Areas Act.

**Hunting in protected areas to be consistent with biodiversity legislation and other management instruments**

10. Any provincial hunting authorisation or national hunting permit issued to hunt a listed animal in a protected area must be consistent with the requirements of any legislation and other instruments regulating such authorisations or permits, including –

- (a) the terms and conditions of any applicable agreement referred to in clause 8(3) (a) or (4) (a) or 9 (3) (a) or (4) (a);
- (b) the provisions of the management plan of the area;
- (c) any regulations issued in terms of section 86 or, in the case of provincial protected areas, section 87, of the Protected Areas Act; and
- (d) the internal rules determined for the area in terms of section 52 of the Protected Areas Act.

**Hunting on private land adjacent to protected areas**

11. (1) An issuing authority may issue a provincial hunting authorisation or a national hunting permit to hunt a listed animal on private land adjacent to a protected area, but if there is no fence between the adjacent land and the protected area such

authorisation may be issued only in accordance with a written agreement between the private landowner and the management authority of the protected area.

- (2) An agreement in terms of subclause (1) must –
- (a) specify the listed animal species that may be hunted on the adjacent private land;
  - (b) specify the number of each species that may be hunted;
  - (c) provide for sharing between the parties of benefits arising from such hunting; and
  - (d) regularly be reviewed, taking into account annual off-take limits for the species that may be hunted on that land in terms of the agreement.

- (3) An agreement in terms of subclause (1) may only be implemented if approved by –
- (a) the Minister, if the private land is adjacent to a national protected area; and
  - (b) the MEC for environmental affairs in the province concerned, if the private land is adjacent to a provincial protected area.

### ***Part 2: Other restrictions***

#### **Damage causing animals**

12. (1) An issuing authority may not issue a national hunting permit or provincial hunting authorisation to hunt a damage causing animal.

(2) If a damage causing animal has escaped from a protected area, the management authority of that protected area is responsible for retrieving the animal, or if this is not possible, for culling the animal.

(3) (a) If a damage causing animal is an animal that naturally occurs in the area where it causes the damage, the owner of the property, person or local community suffering the damage must notify the provincial department responsible for biodiversity management in the province.

(b) If the animal is a nationally listed threatened or protected animal, that provincial department must endeavour to translocate the animal to a

suitable area, and may for this purpose make use of the assistance of any conservation agency.

(4) This clause does not prevent a person from killing a damage causing animal in self-defence where human life is threatened or where the killing of the animal is permitted in terms of legislation.

**Persons restricted from obtaining hunting authorisations and permits**

13. (1) An issuing authority may issue a provincial hunting authorisation or national hunting permit to hunt a listed animal only to –

- (a) a natural person; and
- (b) who is a member of a recognised hunting organisation.

(2) Subclause (1) (b) does not apply to a hunting client, if the hunting client is to be accompanied on the hunt by a professional hunter.

**Compulsory conditions subject which hunting authorisations and permits must be issued**

14. (1) All provincial hunting authorisations and national hunting permits must be issued subject to conditions that the holder of the authorisation or permit –

- (a) is bound by the norms and standards set out in this Schedule;
- (b) must act in accordance with these norms and standards when hunting in terms of the authorisation or permit;
- (c) may not use the authorisation or permit for a purpose for which an issuing authority may not issue an authorisation or permit in terms of this Schedule; and
- (d) must act in accordance with the code of ethical conduct and good practice of the hunting organisation of which that person is a member, to the extent that such code applies to hunting.

(2) All provincial hunting authorisations and national hunting permits authorising the hunting of a listed animal must, in addition to any other conditions the issuing authority may or must impose, be issued subject to the following conditions:

- (a) The animal may not be hunted by means of –

- (i) poison;
- (ii) traps;
- (iii) snares;
- (iv) dogs, except as provided for in subclause (3);
- (v) darting, except as provided for in subclause (4);
- (vi) a bow and arrow, except where specifically permitted by provincial legislation;
- (vii) a firearm other than a rifle or a handgun specifically designed for hunting purposes;
- (viii) spears;
- (ix) air guns; or
- (x) any other device which use would result in injuring or killing an animal in a way which is not humane;
- (b) the animal may not be hunted by luring the animal by means of –
  - (i) bait, except in the case of –
    - (aa) lions and leopards, if the use of dead bait is specifically permitted by provincial legislation; and
    - (bb) fish or other aquatic species;
  - (ii) sounds;
  - (iii) smell; or
  - (iv) any other induced luring method;
- (c) except as provided for in subclauses (4) and (5), the animal may not be hunted by using –
  - (i) flood or spot lights;
  - (ii) motorised vehicles; or
  - (iii) aircraft; and
- (d) the animal may not be hunted if it is –
  - (i) under the influence of any tranquillising or narcotic immobilising or similar agent; or
  - (ii) trapped against a fence or in a small enclosure where the animal does not have a fair chance of evading the hunter;
- (e) the hunter, or if that person is a hunting client, the professional hunter assisting the client, must have all relevant documentation authorising the hunt on him or her during the hunt; and

(f) the hunter, or if that person is a hunting client, the professional hunter assisting the client, must within 21 days of the hunt furnish the provincial department responsible for biodiversity management in the relevant province with a written return on the hunt stating –

- (i) the number of the provincial hunting authorisation or national hunting permit and date of issue of the authorisation or permit;
- (ii) the species, gender and number of animals hunted; and
- (iii) the location where the hunt took place.

(2) Subregulation (2)(a)(iv) does not prevent the use of dogs for the purpose of –

- (a) tracking a wounded animal; or
- (b) pointing and retrieving in the case of listed threatened or protected bird species.

(4) Subclause (2) (a) (v) does not prevent the darting of a listed animal by a veterinarian, whether on foot or from a motorised vehicle or aircraft, to immobilise or tranquillise the animal for the purpose of –

- (a) carrying out a disease control procedure or a scientific experiment;
- (b) veterinary treatment of the animal; or
- (c) translocating or transporting the animal.

(5) Subclause (2) (c) does not prevent the use of a motorised vehicle for the purpose of tracking an animal in an area where the hunt takes place over long ranges, provided that the animal is not shot from the vehicle except in the case of a wounded animal.

## **CHAPTER 4**

### **SELFREGULATION OF HUNTING INDUSTRY**

#### **National association of hunting organisations**

15. (1) An association of hunting organisations claiming to represent all recognised hunting organisations in the Republic may apply to the Minister for recognition as the national association of hunting organisations.



- (2) The purpose of recognising a national association of hunting organisations is –
- (a) to have an organisation to represent the interests of its member organisations nationally;
  - (b) to ensure that its member organisations establish and maintain codes of ethical conduct for their members;
  - (c) to oversee the training of professional hunters and hunting outfitters by any its member organisations, including the training of professional hunters and hunting outfitters from disadvantaged communities;
  - (d) to maintain an accreditation system for its member organisations to ensure enforcement by those member organisations of their codes of ethical conduct and good practice;
  - (e) to act as the official body representing the hunting industry in its relations with organs of state; and
  - (f) to act as a forum for stakeholder involvement in the hunting industry.

(3) The recognised national association of hunting organisations may establish –

- (a) a uniform curriculum for the training of professional hunters and hunting outfitters; and
- (b) a uniform code of ethical conduct and good practice for members of its member organisations.

### **Recognition of hunting organisations**

**16.** (1) Any hunting organisation may apply in writing to the MEC responsible for biodiversity management in a province for recognition as a hunting organisation in that province.

(2) An application in terms of subclause (1) must be approved if the applicant –

- (a) has adopted a code of ethical conduct and good practices which –
  - (i) complies with the minimum requirements set out in clause 17; and
  - (ii) is ascribed to by its members;

- (b) gives a written undertaking to the MEC that it will –
  - (i) enforce its code of ethical conduct and good practices against members who breach the code;
  - (ii) report to the MEC or the South African Police Service any case of alleged criminal conduct by any of its members involving the hunting of a listed animal or a breach of any conditions subject to which any provincial hunting authorisation or national hunting permit was granted to such member; and
- (c) has a clear policy on Black Economic Empowerment to include persons from disadvantage communities as members.

#### **Norms and standards for codes of ethical conduct and good practice**

**17.** The code of ethical conduct and good practices of a hunting organisation must –

- (a) require its members to act in strict compliance with –
  - (i) legislation regulating the hunting industry; and
  - (ii) any conditions subject to which any provincial hunting authorisation or national hunting permit is granted to a member;
- (b) define criteria for the hunting of listed animals in accordance with –
  - (i) the fair chase principle; and
  - (ii) humane methods;
- (c) require its members to act in strict compliance with those criteria when hunting a listed animal; and
- (d) provide for disciplinary steps against any member who breaches a provision of the code, which should include steps for the suspension or expulsion of such a member from the organisation.

#### **Withdrawal of recognition of hunting organisations**

**18.** (1) An MEC responsible for biodiversity management in a province may by written notice to a recognised hunting organisation withdraw the recognition of that organisation in the province if it fails to honour its written undertaking given to the MEC in terms of clause 16 (2) (b).

- (2) An MEC considering the withdrawal of the recognition of a hunting organisation in terms of subclause (1) must—
- (a) notify the organisation that withdrawal of its recognition is being considered, together with the reasons for the proposed withdrawal; and
  - (b) afford the organisation a reasonable opportunity to submit written representations regarding the proposed withdrawal of its recognition.

## CHAPTER 5

### MISCELLANEOUS MATTERS

#### National Hunting Register

19. (1) SANBI must as part of its database established in terms of section 11(1)(j) of the Biodiversity Act, keep and maintain a National Hunting Register in which the following information must be recorded:
- (a) the number of animals of each species for which national hunting permits and provincial hunting authorisations are issued annually in —
    - (i) each province;
    - (ii) each national protected area; and
    - (iii) each provincial protected area;
  - (b) the number of animals of each species annually culled in each protected area;
  - (c) the number of animals of each species hunted for —
    - (i) trophy purposes;
    - (ii) recreational and biltong purposes; and
    - (iii) subsistence purposes;
  - (d) statistics on the different methods of hunting; and
  - (e) any other statistics SANBI may require for the Register.

(2) All issuing authorities and all recognised hunting organisations must for the purposes of subregulation (1) at least annually submit to SANBI returns on forms provided by SANBI.

**Short title and commencement**

**20.** These norms and standards are called the National Norms and Standards for the Hunting Industry, 2006, and take effect on a date determined by the Minister in the Government Gazette.

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