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**OFFISIËLE KOERANT**  
VAN SUIDWES-AFRIKA

**OFFICIAL GAZETTE**

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**Goewermentskennisgewing**

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DEPARTEMENT VAN OWERHEIDSAKE

DEPARTMENT OF  
GOVERNMENTAL AFFAIRS

No. 83

1988

No. 83

1988

AFKONDIGING VAN WET VAN  
NASIONALE VERGADERING

PROMULGATION OF ACT OF  
NATIONAL ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 6 van 1988: Wysigingswet op Natuurbewaring, 1988.

No. 6 of 1988: Nature Conservation Amendment Act, 1988.

**NATURE CONSERVATION AMENDMENT ACT,  
1988**

Act No. 6, 1988

**EXPLANATORY NOTE:**

\_\_\_\_\_ Words underlined with solid line indicate insertions proposed.

[ ] Words in bold type in square brackets indicate omissions proposed.

**ACT**

To amend the Nature Conservation Ordinance, 1975, so as to define "big game" and "small game" in relation to huntable game; to require that any person who hunts huntable game under a written authority of the owner or lessee of land shall be the holder of a permit granted by the Cabinet; to limit the number of huntable game which may be hunted under a permit; to render the hunting of huntable game without a permit punishable; to limit the number of huntable game which any person may hunt during a hunting season; to provide that the owner or lessee of certain land may hunt huntable game without a permit; to require that the owner or lessee of land shall annually provide the Director with a return in respect of all huntable game hunted by him or on his behalf; to render the existence of a game-trap in a game-proof fence or adequate fence punishable; to authorise the Cabinet to make regulations in relation to the registration, training and testing of persons as master hunting guides; and to provide for incidental matters.

\_\_\_\_\_  
*(Afrikaans text signed by the Administrator-General  
on 18 April 1988)*

BE IT ENACTED by the National Assembly, as follows:-

1. Section 1 of the Nature Conservation Ordinance, 1975 (hereinafter referred to as the Ordinance), is hereby amended -

Amendment of section 1 of Ordinance 4 of 1975, as amended by section 1 of Ordinance 4 of 1977 and section 1 of Act 27 of 1986.



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- (a) by the insertion after the definition of "artificial lure or spoon" of the following definition:

" 'big game', in relation to huntable game, means the following species of such game, namely, buffalo, eland, oryx and kudu;"; and

- (b) by the insertion after the definition of "skin" of the following definition:

" 'small game', in relation to huntable game, means the following species of such game, namely, bush-pig, springbok and warthog;".

2. Section 30 of the Ordinance is hereby amended -

Amendment of section 30 of Ordinance 4 of 1975, as amended by section 11 of Act 27 of 1986.

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) Save as is otherwise provided in this Ordinance, no person other than the lawful holder of a [written authority] permit granted [in accordance with the provisions of this section] by the Cabinet shall hunt any huntable game.";

- (b) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

"(aA) Subject to the provisions of this Ordinance, a permit for the hunting of huntable game shall be granted -

- (i) only if the person who applies for such a permit produces a written authority granted to him in accordance with the provisions of paragraph (b); and

- (ii) only in respect of the hunting of such species of huntable game, and the number of each such species, mentioned in the written authority referred to in paragraph (b), but in no case in respect of huntable game exceeding the one or the other of the following numbers of such game, namely:

- (aa) three head of big game; or

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(bb) two head of big game and four head of small game; or

(cc) one head of big game and eight head of small game; or

(dd) twelve head of small game:

Provided that the limitations mentioned in subparagraph (ii) (aa), (bb), (cc) and (dd) shall not apply in the case where a permit is granted for the hunting of huntable game on a farm which is enclosed with a game-proof fence.”;

(c) by the substitution for the expression preceding subparagraph (i) of paragraph (b) of subsection (1) of the following expression:

“The written authority referred to in paragraph (aA) -”;

(d) by the insertion after subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:

“(iiA) shall be granted by such owner or lessee only in respect of the hunting of huntable game not exceeding the one or the other of the following numbers of such game, namely:

(aa) three head of big game; or

(bb) two head of big game and four head of small game; or

(cc) one head of big game and eight head of small game; or

(dd) twelve head of small game:

Provided that the provisions of this subparagraph shall not apply to the owner or lessee of a farm which is enclosed with a gameproof fence.”;

(e) by the substitution for subparagraph (iii) of paragraph (b) of subsection (1) of the following subparagraph:

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“(iii) shall be in ink or indelible pencil and shall contain -

- (aa) the name and full residential address of the person by whom such authority is granted;
- (bb) the name and full residential address of the person to whom such authority is granted;
- (cc) the date or dates within the hunting season on which hunting under such authority is authorised;
- (dd) subject to the provisions of subparagraph (iiA), the species of huntable game, **[birds]** and the number of each such species, which may be hunted under such authority; and
- (ee) the name of the farm or a description of the piece of land on which may be hunted under such authority,

and shall be signed by the person granting such authority **[before it is handed by him to the person to whom it is granted].**”;

- (f) by the substitution for subparagraph (iv) of paragraph (b) of subsection (1) of the following paragraph:

“**[(iv)](bA)** The permit referred to in paragraph (a) shall authorise the person to whom it is granted, subject to the conditions, requirements and restrictions prescribed or imposed by or under this Ordinance, to hunt on the date or dates within the hunting season mentioned therein, **[(which date or dates shall not be outside the hunting season)]** the species of huntable game, and the number of each such species mentioned therein, on the farm or farms mentioned therein or the piece of land described therein.”;

- (g) by the substitution for paragraph (c) of subsection (1) of the following paragraph:



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“(c) Any person who contravenes or fails to comply with any provision of **[this subsection] paragraph (a) or (bA)** or any condition, requirement or restriction of any **[written authority] permit** granted in terms of this subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”;

(h) by the substitution for subsection (2) of the following subsection:

“(2) Any person who hunts huntable game under any **[written authority] permit** granted in terms of this section shall at all times have such **[written authority] permit** in his possession while he is so hunting **[Provided that any person who is so hunting need not at all times have such written authority in his possession while he is so hunting if the person who has granted him such written authority accompanies him at all times while he is so hunting].**”;

(i) by the substitution for subsection (3) of the following subsection:

“(3) Any person who has hunted any huntable game under a **[written authority] permit** granted in terms of this section, shall endorse -

(a) the species of huntable game, and the number of each such species, which he has hunted under such **[authority] permit**;

(b) the date on which he has so hunted it; and

(c) the name of the farm or a description of the land on which he has so hunted it,

on such **[authority] permit** in ink or indelible pencil and shall sign it before he leaves the farm or piece of land on which he has hunted such huntable game.”; and

(j) by the addition of the following subsection:

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“ (6) Subject to the provisions of the proviso to subparagraph (aA) of subsection (1), no permit or permits shall be granted to any person in terms of that subsection which would result in such person being authorised to hunt in any given hunting season in total more than the one or the other of the following numbers of huntable game, namely:

- (a) three head of big game; or
- (b) two head of big game and four head of small game; or
- (c) one head of big game and eight head of small game; or
- (d) twelve head of small game.”

3. Section 31 of the Ordinance is hereby amended -

- (a) by the substitution for subsection (1) of the following subsection:

“ (1) Notwithstanding anything to the contrary in this Ordinance contained, the owner or lessee of a farm which is enclosed with a game-proof fence or an adequate fence or of a piece of land which is not less than one thousand hectares in extent and enclosed with a game-proof fence may hunt any huntable game on such farm or piece of land throughout the year without a permit referred to in section 30(1)(a).”; and

- (b) by the insertion after subsection (2) of the following subsection:

“(2A)(a) The owner or lessee of a farm or piece of land referred to in subsection (1), shall not later than the last day of November of every year provide the Director with a return stating the species of huntable game, and the number of each such species, which have been hunted by him personally, or for and on his behalf, on such farm or piece of land during the preceding period of twelve months in terms of the provisions of this section.

Amendment of section 31 of Ordinance 4 of 1975, as amended by section 12 of Act 27 of 1986.



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(b) Any person who fails or neglects to comply with the provisions of paragraph (a) shall be guilty of an offence."

4. Section 40A of the Ordinance is hereby amended by the substitution for paragraph (b) of the following paragraph:

Amendment of section 40A of Ordinance 4 of 1975 as inserted by section 18 of Act 27 of 1986.

" (b) removes, damages, cuts, flattens or raises any game-proof fence or adequate fence or constructs a game-trap in such a fence or allows a game-trap to exist therein, with intent to drive or lure any game or other wild animals from any farm or piece of land, without the consent of the owner or lessee of such farm or piece of land, to any other farm or piece of land or to allow game or other wild animals to pass or escape from such first-mentioned farm or piece of land to such other farm or piece of land,"

5. Section 84 of the Ordinance is hereby amended-

Amendment of section 84 of Ordinance 4 of 1975, as amended by section 7 of Ordinance 4 of 1977.

(a) by the insertion after subparagraph (vi) of paragraph (w) of subsection (1) of the following subparagraph:

"(viA) the registration of master hunting guides, including the requirements which shall be satisfied by any person in order to be registered as a master hunting guide, the conditions and restrictions to which such registration shall be subject, the fees to be paid at such registration and the withdrawal of any such registration;"

(b) by the substitution for subparagraph (viii) of paragraph (w) of subsection (1) of the following subparagraph:

"(viii) the training of persons as professional hunters, master hunting guides and hunting guides;"; and

(c) by the substitution for subparagraph (ix) of paragraph (w) of subsection (1) of the following subparagraph:



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“(ix) the testing of any person in order to determine whether he satisfies the requirements for registration as a professional hunter, master hunting guide or hunting guide;”.

6. Section 85 of the Ordinance is hereby amended by the substitution for subsection (3A) of the following subsection:

Amendment of section 85 of Ordinance 4 of 1975 as amended by section 31 of Act 27 of 1986.

“(3A) Whenever in any prosecution for an offence in terms of the provisions of section 40A it is proved that a person has removed, damaged, cut, flattened or raised any game-proof fence or adequate fence between any farm or piece of land and any other farm or piece of land of which he is not the owner or lessee or that he has constructed a game-trap in such a fence or allowed a game-trap to exist therein, it shall be deemed, unless the contrary is proved, that such person has removed, damaged, cut, flattened or raised such game-proof fence or adequate fence or that he has constructed or retained the said game-trap therein with intent to drive or lure game or other wild animals from such other farm or piece of land onto the first-mentioned farm or piece of land or to allow game or other wild animals to pass or escape from such other farm or piece of land to such first-mentioned farm or piece of land.”.

7. This Act shall be called the Nature Conservation Amendment Act, 1988.

Short title.