

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



PUBLISHED BY AUTHORITY

UITGAWE OP GESAG

10c

Monday 28 March 1977

WINDHOEK

Maandag 28 Maart 1977

No. 3603

Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

H. P. F. GOUS,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 116]

28 March 1977

ORDINANCE, 1977: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act:

No. 4 of 1977 Nature Conservation Amendment Ordinance, 1977.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 116]

[28 Maart 1977

ORDONNANSIE, 1977: UITVAARDIGING VAN

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet:

No. 4 van 1977 Wysigingsordonnansie op Natuur-bewaring, 1977.

No. 4 of 1977

NATURE CONSERVATION AMENDMENT
ORDINANCE, 1977

(Assented to 23 March 1977)
(English text signed by the Administrator)
(Date of commencement 28 March 1977)

ORDINANCE

To amend the Nature Conservation Ordinance, 1975, in regard to definitions; to regulate the possession of the skins of specially protected and protected game; to provide for the licensing of nurseries and to grant certain rights to the owners of licensed nurseries; to provide for the disposal of articles seized by nature conservators; to provide for the levying of certain royalties and monies; to extend the jurisdiction of magistrates' courts in respect of punishments; and to provide for matters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President, in so far as such consent is necessary, previously obtained and communicated to the Assembly by message from the Administrator, as follows:-

Amendment of section
1 of Ordinance 4 of
1975.

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

(a) by the substitution for paragraph (a) of the definition of "owner" of the following paragraph:

"(a) the person who is registered in a deeds registry as the owner of such farm or land, and includes every director of a company registered in a deeds registry as the owner of such farm or land; or"; and

(b) by the substitution for the definition of "adequate fence" of the following definition:

"(i) "adequate fence" means a boundary fence complying with the provisions of the Fencing Proclamation 1921 (Proclamation 57 of 1921), and in the case of a dividing line between two farms along which, in the opinion of the Executive Committee, it is impracticable or inexpedient to erect a fence, any indication of the boundary line between the said farms in respect of which the Director

No. 4 of 1977

NATURE CONSERVATION AMENDMENT
ORDINANCE, 1977

has, after agreement by the owners of the farms concerned, with the approval of the Executive Committee, certified that it indicates the boundary line in all respects; (xlix)”

Insertion of section 50A
in Ordinance 4 of 1975.

2. The following section is hereby inserted in the principal Ordinance after section 50:

“Possession of skins of specially protected and protected game.

50A. No person shall be in possession of any raw skin of specially protected or protected game unless he is the lawful holder of -

- (a) a permit granted by the Executive Committee under section 26, 27 or 36 authorising him to hunt such specially protected or protected game; or
- (b) a permit granted by the Executive Committee authorising him to be in possession of such skin.”.

Amendment of section
73 of Ordinance 4 of
1975.

3. Section 73 of the principal Ordinance is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

“Provided that -

- (a) the owner of a nursery licensed under section 75 may without such permit pick and transport any protected plant cultivated on the premises of such nursery and cause any such protected plant to be picked and transported;
- (b) the owner or lessee of land may on that land without such permit pick the flower of a protected plant for use as a decoration in his home;
- (c) the owner or lessee of land may without such permit pick a protected plant on that portion of such land -
 - (i) which he needs for cultivated lands, the erection of a building, the construction of a road or airfield or any other development which necessitates the removal of vegetation; or
 - (ii) on which such protected plant has been specially cultivated.”.

No. 4 of 1977

NATURE CONSERVATION AMENDMENT
ORDINANCE, 1977

Amendment of section
74 of Ordinance 4 of
1975.

4. Section 74 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No person other than the lawful holder of a permit granted by the Executive Committee shall sell, donate or export or remove from the Territory, any protected plant: Provided that the owner of a nursery licensed under section 75 may without such permit sell or donate and export and remove from the Territory any protected plant cultivated on the premises of such nursery.”.

Substitution of section
75 of Ordinance 4 of
1975.

5. The following section is hereby substituted for section 75 of the principal Ordinance:

“Nursery licences.

75. (1) Any person desiring to obtain a nursery licence shall apply therefor in writing to the Executive Committee.

(2) A nursery licence -

(a) shall be valid for the period from the first day of April in any year or, if it is issued after that day, from the day of issue, up to and including the thirty-first day of March following that day;

(b) may be renewed annually by applying to the Director in writing for such renewal not less than six months before the expiry of the period of validity of the licence concerned; and

(c) shall not be transferable.

(3) An amount of fifty rand shall be payable at the issue and every renewal of a nursery licence.”.

Insertion of section 81A
in Ordinance 4 of 1975.

6. The following section is hereby inserted in the principal Ordinance after section 81:

“Disposal of article seized in terms of this Ordinance.

81A. (1) A nature conservator who seizes anything (hereinafter referred to as an article) under this Ordinance -

NATURE CONSERVATION AMENDMENT
ORDINANCE, 1977

(a) may, if the article is a perishable, with due regard to the interests of the persons concerned, dispose of the article in such manner as the circumstances may require; or

(b) shall, if the article is not disposed of in terms of the provisions of paragraph (a), give it a distinctive identification mark and deliver it to a policeman, who shall retain it in police custody or make such other arrangements with regard to the custody thereof as the circumstances may require, whereupon the provisions of sections 50D, 50E, 50F and 50G of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), shall apply *mutatis mutandis* with reference to any such article and such article shall for the purposes of the said sections be deemed to be an article referred to in section 50C(c) of the said Ordinance: Provided that any such article which may be forfeited in terms of any of the said sections, shall be forfeited to the Administration.

(2) Any article so forfeited to the Administration may be disposed of by the Executive Committee and the proceeds obtained therefrom shall be paid into the Territory Revenue Fund.”.

Amendment of section
84 of Ordinance 4 of
1975.

7. Section 84 of the principal Ordinance is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

No. 4 of 1977

**NATURE CONSERVATION AMENDMENT
ORDINANCE, 1977**

“(f) the removal, disturbance or destruction of the eggs of any species of bird which is a wild animal or of any product or offal derived or obtained from any species of bird which is a wild animal and the levying of any royalties and monies in connection therewith;”.

Insertion of section 89A.
in Ordinance 4 of 1975.

8. The following section is hereby inserted in the principal Ordinance after section 89:

“Jurisdiction of magistrates’ courts in respect of punishments.

89A. Notwithstanding anything to the contrary contained in any other law, a magistrate’s court shall have jurisdiction to impose any punishment prescribed by this Ordinance.”.

Short title.

9. This Ordinance shall be called the Nature Conservation Amendment Ordinance, 1977.