

Namibia

Nature Conservation Ordinance, 1975

Regulations for Large Carnivores in Captivity, 2012

Government Notice 85 of 2012

Legislation as at 15 November 2017

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Regulations for Large Carnivores in Captivity, 2012

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Republic of Namibia
Annotated Statutes

Nature Conservation Ordinance, 1975

Regulations for Large Carnivores in Captivity, 2012
Government Notice 85 of 2012

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1. Definitions

In these regulations a word or expression defined in the Act has that meaning, and unless the context indicates otherwise—

“**captivity**” means the restriction or confinement of an animal causing such animal to become partially or fully dependent on being fed;

“**euthanasia**” means the induction of death with minimal pain, stress or anxiety;

“**large carnivores**” means lions, cheetahs, leopards, spotted hyenas, brown hyenas and wild dogs;

[\[The word “hyaenas” is misspelt in both its uses in this definition, as reproduced above.\]](#)

“**Minister**” means the Minister of Environment and Tourism;

“**rehabilitation centre**” means a facility which complies with the requirements set out in regulation 5;

“**sterilised**” in the case of a male animal refers to vasectomy or castration, and in the case of a female animal refers to the double ligation of the fallopian tube to prevent pregnancy; and

“**wildlife rehabilitation**” means a process of adapting a captive animal’s behavior and condition such that it is suitable for reintroduction to the wild.

2. Keeping large carnivore in captivity

A person who keeps a large carnivore in captivity in terms of a permit must ensure that such carnivore is—

- (a) not captured from the wild population, unless it forms part of a conservation practice by a rehabilitation center, subject to specific approval by the Minister;
- (b) not released into the wild without permission from the Minister, and must not be released, if such animal tests positive for the antigen of Feline Immunodeficiency Virus (FIV) or any other disease which the Minister may, from time to time, consider to be detrimental to the wild population, domestic animals and human;
- (c) not transferred from the facility without obtaining the prior permission of the Minister;
- (d) vaccinated against rabies annually;
- (e) examined annually by a veterinarian registered with the Namibian veterinary council;
- (f) not allowed to breed in captivity;
- (g) sterilized, in the case of a female animal;
- (h) kept in captivity at the owner's risk, and the Ministry is not liable for any cost, loss or damage resulting from keeping such carnivores in accordance with these regulations.
- (i) kept in accordance with the conditions of a permit, which must be renewed annually, subject to an inspection by the responsible officer of the Ministry, and satisfactory veterinary report, refer to in (e);
- (j) not hunted, shot or otherwise killed in captivity, unless permission to do so is granted by the Minister;
- (k) not fed live animals in captivity;
- (l) not operated on so as to:
 - (i) permanently remove claws;
 - (ii) remove canine teeth;
 - (iii) in any way de-voice such animal;
 - (iv) mutilate the animal in any way,unless required for veterinary reasons.
- (m) No contact with carnivores in captivity, except for veterinary purposes or subject to specific approval by the Minister.

3. Permit conditions

A person who keeps large carnivores in captivity in terms of a permit must—

- (a) mark all the animals individually with an implantable transponder bearing an identity number for proper identification purposes;
- (b) keep a register and must record the following information for each animal:
 - (i) the animal's sex;
 - (ii) age;
 - (iii) the identification number with which such animal is marked, in terms of paragraph (a);
 - (iv) date on which such animal is acquired;

- (v) source or origin;
 - (vi) date, dose and type of medication administered, if any;
 - (vii) personal details of the person administering medication or performing veterinary procedures, if any; and
 - (viii) date, cause of death and details of carcass disposal if the animal is dead.
- (c) ensure that the identity number of each animal allocated in terms of paragraph (a), accompanies any subsequent permit application concerning such animal;
 - (d) within 10 working days report to the Ministry any death, birth, escape, recapture of such animal or change of location, locality or facility in which the animal is kept;
 - (e) ensure that all lions kept in captivity are tested for the feline immunodeficiency virus (FIV).

4. Capturing of large carnivores

A person who captures large carnivores must either—

- (a) release the carnivore immediately;
- (b) destroy the carnivore immediately; or
- (c) inform a registered rehabilitation centre and request such centre to remove the animal within three (3) days.

5. Rehabilitation centre

- (1) A rehabilitation centre must include a clinic, which clinic is fitted with a tiled floor area, running hot and cold water, a table, and build in cupboards.
- (2) A rehabilitation centre must make use of a registered veterinarian, in order to give emergency and intensive veterinary care.
- (3) A rehabilitation centre must be situated in a rural area, and must have camps of sufficient size to allow for the undisturbed rehabilitation of animals kept at such centre.
- (4) Large carnivores in the rehabilitation centre must not be exposed to public viewing, or be allowed to breed, or have direct contact with humans, except for the administration of treatment or medical procedure.
- (5) For rehabilitation purposes, an adult animal may only stay for a maximum of three months in the rehabilitation centre after being captured from the wild or in the case of a juvenile, such juvenile may remain in a rehabilitation centre for a period of 18 months.
- (6) All animals kept after the periods referred to in subregulation (5) are considered to be permanently captive animals.

6. Requirement of owner or permit holder

- (1) The owner or permit holder of a rehabilitation centre must have sound knowledge of animal biology and of the environment.
- (2) The owner or permit holder of a rehabilitation centre must keep an additional register, in addition to the register referred to in regulation (3) or a record of the following information, for a period of three years:
 - (a) the type of specie being rehabilitated;
 - (b) the identity number, allocated in terms of regulation 3(b), of the animal being rehabilitated;

- (c) date on which the animal was admitted to the center;
- (d) when and where the animal was found;
- (e) the initial weight of the animal upon admission;
- (f) the health conditions of the animal at the time of admission to the rehabilitation facility;
- (g) full particulars of the person who found the animal;
- (h) full particulars of the recipient, and the purpose of transfer or placement;
- (i) information regarding the treatment given to the animal, if any;
- (j) the weight of the animal at the time of discharge or release; and
- (k) place of release.

7. Requirements of capture cages and temporary holding facilities

- (1) A large carnivore may only be kept in a cage during capturing, transportation, veterinary treatment or quarantine.
- (2) For the purpose of capturing or transporting large carnivores, the length of the cage must not be less than 2.3 meters for a lion, or less than 1.8 meters for a leopard, cheetah, wild dog, brown or spotted hyaena.
- (3) The cage must be secured to prevent an animal from escaping, and it must be constructed of material that cannot injure the animal.
- (4) An animal must not be kept for more than ten (10) days in a capture cage.
- (5) Large carnivores may be kept in a temporary facility for three months only, and such facility must provide a minimum of 10 square meters per animal.

8. Permanent holding facility

- (1) Any person who keeps a large carnivore in captivity in terms of a permit, must ensure that such holding facility is constructed from wire mesh, and that the fence is not lower than 2.4 meters and is cemented into the ground, except where the fence is electrified.
- (2) A permanent holding facility must be of a minimum size of one hectare per animal, with an additional one hectare for every additional animal.
- (3) A holding facility made from or containing barbed or razor wire fences are prohibited.
- (4) A holding facility must have an overhang of 1 meter at an angle of 45 degrees from the perpendicular facing inward and outward at the upper end of the fence, except where the fence is electrified at the top.
- (5) Additionally, the fence of a permanent holding must be electrified, except for the upper and lower wires when an overhang or cement base is used or follows;
 - (a) for the holding of cheetah, all strands must be 300mm away from the existing fence, except the top strands which must be placed 150mm away from the existing fence, inside and outside the enclosure and of height of 2.4 meter from the ground. The bottom wire must be 250mm above the ground outside the enclosure followed by a strand at 600mm above the ground outside the enclosure.
 - (b) for the holding of leopard, all the strands must be 300mm away from the existing fence except the top strand. The bottom strand must be 250mm from the ground inside and outside the enclosure, followed by a strand at 600mm above the ground inside and outside

the enclosure, and a strand at 2.4 meter which is 150mm and 300mm away from the existing fence respectively on both sides of the fence.

- (c) for the holding of lion, all strands must be 300mm away from the existing fence, except the top strands. The second strand must be at a height of 800mm above the ground inside and outside. The top strand must be 2.4 meter on both the inside and outside of the fence, which are 150mm and 300mm away from the existing fence respectively, and the bottom strand must be 250mm above the ground inside and outside of the enclosure.
- (d) for the holding of spotted and brown hyaenas, all strand must be 300mm away from the existing fence, except the top strands. The bottom strand must be placed at a height of 250mm above the ground inside and outside the enclosure. The second strand at a height of 600mm above the ground inside and outside and the third strand must be at a height of 900mm above the ground inside and outside. The top strand must be placed 150mm away from the existing fence, inside and outside the enclosure and of a height of 2.4 meters from the ground.

[The word “strand” in the phrase “all strand” should be plural.]

- (e) for the holding of wild dog, all strand must be 300mm away from the existing fence except the top strands. The bottom strand must be placed at a height of 250mm above the ground inside and outside. The second strand at a height of 600mm above the ground inside and outside. The top strand must be placed 150mm away from the existing fence, inside and outside the enclosure and of a height of 2.4 meters from the ground.

[The word “meter” in the phrase “2.4 meter” should be plural throughout this subregulation. The singular and plural forms have been used inconsistently.]

- (2) Large carnivore enclosures, which are accessible to the public, must have a buffer fence measuring 1.2 meters in height and 1.5 meters away from such enclosure.

[Please note: numbering as in original.]

9. Carcass and parts of captive animal

- (1) Any person who intends to keep the skull, skin or bones from the carcass of a captive animal must obtain a holding permit from the Ministry.

[Regulation 9 contains only one subregulation.]