

BUITENGEWONE
OFFISIËLE KOERANT
 VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
 EXTRAORDINARY
 OF SOUTH WEST AFRICA

UITGAWE OP GESAG

PUBLISHED BY AUTHORITY

R1,80 Donderdag 27 November 1986 WINDHOEK Thursday 27 November 1986 No 5294

INHOUD:

CONTENTS:

Bladsy

Page

GOEWERMENTSKENNISGEWING

GOVERNMENT NOTICE

No. 231 Afkondiging van Wysigingswet op Natuur-
 bewaring, 1986 (Wet 27 van 1986), van die
 Nasionale Vergadering.

1

No. 231 Promulgation of Nature Conservation
 Amendment Act, 1986 (Act 27 of 1986), of
 the National Assembly.

1

Goewermentskennisgewing

Government Notice

DEPARTEMENT VAN OWERHEIDSAKE

DEPARTMENT OF
 GOVERNMENTAL AFFAIRS

No. 231

1986

No. 231

1986

AFKONDIGING VAN WET VAN
 NASIONALE VERGADERING

PROMULGATION OF ACT OF
 NATIONAL ASSEMBLY

Die volgende Wet, wat ingevolge die Pro-
 klamasie 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 Adminis-
 trateur-generaal onderteken is, word hierby
 afgekondig ingevolge artikel 18 van daardie Pro-
 klamasie: —

The following Act, which has been adopted by
 the National Assembly and signed by the Admi-
 nistrator-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. 27 van 1986: Wysigingswet op Natuur-
 bewaring, 1986.

No. 27 of 1986: Nature Conservation Amend-
 ment Act, 1986.

VERDUIDELIKENDE NOTA:

_____ Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.

[] Woorde in vet druk tussen vierkantige hake dui aan skrappings voorgestel.

WET

Tot wysiging van die Ordonnansie op Natuurbewaring, 1975, ten einde sekere uitdrukkings te omskryf of nader te omskryf; sekere verouderde uitdrukkings en verwysings in genoemde Ordonnansie te vervang; die aantal persone wat as lede van die Natuurbewaringsraad aangestel kan word te verhoog; verdere voorsiening te maak betreffende die betreding van wildduine en natuurreserwes en die inbring of besit daarin van wapens, ontploffingsmiddels en diere; die reg om spesiaal beskermde of beskermde wild ter verdediging van 'n menselewe of ter beskerming van enige vee, pluimvee of huisdiere dood te maak ook aan 'n bewoner van gemeenskaplike grond te verleen; die jag van spesiaal beskermde en beskermde wild verder te reël; die jag van wild of wilde diere op gemeenskaplike grond of ander grond wat aan 'n verteenwoordigende owerheid behoort, te reël; om die onderskeid wat in genoemde Ordonnansie tussen werknemers van 'n eienaar of huurder van grond op grond van ras bestaan, uit die weg te ruim; die jag van wild wat gesaaides of plante op beboude lande verniel of beskadig, verder te reël; die bevoegdheid van die Kabinet om vrystelling van die bepalings betreffende die wyse van doodmaak of vang van wild of wilde diere of die aanhou daarvan te verleen, verder te reël en om die verbod op die vang en aanhou van spesiaal beskermde of beskermde wild deur 'n eienaar of huurder van grond te verwyder; die aanjaag of aanlok van wild of wilde diere vanaf die plaas of stuk grond van 'n ander persoon na enige ander plaas of stuk grond, sonder sodanige persoon se toestemming, en die verwydering of beskadiging van enige wildwerende heining of voldoende omheining met die doel om wild of ander wilde diere aldus aan te jaag of aan te lok of te laat deurgaang of te ontsnap, te verbied; verdere voorsiening te maak betreffende die verkoop van wildsvleis deur 'n gelisensieerde slagter; die invoer of uitvoer, sonder 'n permit, van die rou vleis van wild of wilde diere anders as vir eie verbruik, te verbied; verdere voor-

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

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

ACT

To amend the Nature Conservation Ordinance, 1975, so as to define or further define certain expressions; to replace certain obsolete expressions and references in the said Ordinance; to increase the number of persons which may be appointed as members of the Nature Conservation Board; to make further provision regarding the entry of game parks and nature reserves and the conveyance there into or the possession therein of weapons, explosives and animals; to grant the right to kill specially protected or protected game in defence of a human life or to protect the life of any livestock, poultry or domestic animal also to an occupier of communal land; to further regulate the hunting of specially protected and protected game; to regulate the hunting of game or wild animals on communal land or other land owned by a representative authority; to do away with the differentiation which exists in the said Ordinance between employees of an owner or lessee of land on the ground of race; to further regulate the hunting of game destroying or damaging crops or plants on cultivated lands; to further regulate the power of the Cabinet to grant exemption from the provisions regarding the manner of killing or capturing of game or wild animals or the keeping thereof and to remove the prohibition on the capturing and keeping of specially protected or protected game by an owner or lessee of land; to prohibit the driving or luring of game or other wild animals from the farm or piece of land of any other person, without his consent, to any other farm or piece of land and the removal or damaging of any game-proof fence or adequate fence for the purpose so to drive or lure game or other wild animals or to allow game or other wild animals to pass or escape; to make further provision regarding the sale of game meat by a licensed butcher; to prohibit the import or export, without a permit, of the raw meat of game or wild animals other than for own consumption; to make fur-

siening te maak betreffende hengel in binnelandse waters; die bevoegdheid aan die Kabinet te verleen om maatreëls te tref vir die betaling van geldelike belonings aan persone wat inligting in verband met 'n oortreding van genoemde Ordonnansie verstrek; die bevoegdhede, funksies en pligte van natuurbewaarders en ere-natuurbewaarders verder te reël; voorsiening te maak vir die voorskryf van gelde, voorwaardes, vereistes en beperkings vir permitte of toestemmings vir die jag van wild of wilde diere op gemeenskaplike grond of ander grond wat aan 'n verteenwoordigende owerheid behoort; 'n sekere teksverandering in artikel 89 van genoemde Ordonnansie aan te bring; die strawwe vir sekere oortredings van genoemde Ordonnansie te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Administrateur-generaal
onderteken op 14 November 1986)*

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

1. Artikel 1 van die Ordonnansie op Natuurbewaring, 1975 (hieronder die Ordonnansie genoem), word hierby gewysig —

- (a) deur die omskrywing van "Administrasie" te skrap;
- (b) deur die omskrywing van "bemapte" deur die volgende omskrywing te vervang:

" 'beampte' 'n persoon [in diens van die Administrasie] wat kragtens die Regeringsdienswet, 1980 (Wet 2 van 1980), aangestel is as 'n beampte;";

- (c) deur na die omskrywing van "bevoegdheidsertifikaat" die volgende omskrywing in te voeg:

" 'bevolkingsgroep' 'n bevolkingsgroep genoem in artikel 3 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980);";

Wysiging van artikel 1 van Ordonnansie 4 van 1975, soos gewysig deur artikel 1 van Ordonnansie 4 van 1977.

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

ther provision regarding angling in inland waters; to grant to the Cabinet the power to take measures for the payment of monetary rewards to persons furnishing information in connection with any contravention of the said Ordinance; to further regulate the powers, functions and duties of nature conservators and honorary nature conservators; to provide for the prescribing of fees, conditions, requirements and restrictions for permits or permissions for the hunting of game or wild animals on communal land or other land owned by a representative authority; to effect a certain textual amendment in the Afrikaans text of section 89 of the said Ordinance; to increase the penalties which may be imposed in terms of the said Ordinance for contraventions thereof; and to provide for incidental matters.

—————
*(English text signed by the Administrator-General on
14 November 1986)*
—————

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.

(a) by the substitution for the definition of “adequate fence” of the following definition:

“ ‘adequate fence’, in relation to a farm, means —

(a) a boundary fence which along the whole length thereof is at least 1,22 metres high and has been erected —

(i) with straining posts planted in at most 500 metres from each other;

(ii) with middle posts of iron or hardwood which —

(aa) in the case of iron posts, have a mass of at least four kilograms each; or

- (d) deur die omskrywing van "Direkteur" deur die volgende omskrywing te vervang:

" 'Direkteur' die in artikel 2 bedoelde Direkteur van Natuurbewaring en [Toerisme] Ontspanningsoorde;";

- (e) deur na die omskrywing van "Direkteur" die volgende omskrywing in te voeg:

" 'Direktoraat' die in artikel 2 bedoelde Direktoraat van Natuurbewaring en Ontspanningsoorde;";

- (f) deur paragraaf (d) van die omskrywing van "eie-naar" deur die volgende paragraaf te vervang:

"(d) waar sodanige plaas of grond, behalwe 'n plaas of grond wat deel uitmaak van gemeenskaplike grond, aan die [Administrasie] Gowerment van die Gebied behoort, die [Uitvoerende Komitee] Kabinet; of";

- (g) deur na paragraaf (d) van die omskrywing van "eie-naar" die volgende paragraaf in te voeg:

"(dA) waar sodanige plaas of grond deel uitmaak van die gemeenskaplike grond van 'n bevolkingsgroep, of aan die verteenwoordigende owerheid van 'n bevolkingsgroep behoort maar nie gemeenskaplike grond van die betrokke bevolkingsgroep is nie, die uitvoerende owerheid van daardie bevolkingsgroep; of";

- (h) deur na die omskrywing van "gelisensieerde wild-handelaar" die volgende omskrywing in te voeg:

" 'gemeenskaplike grond' grond wat ingevolge die grondwet van die verteenwoordigende owerheid van 'n bevolkingsgroep, of 'n ander wet, gemeenskaplike grond van die betrokke bevolkingsgroep is, maar nie ook 'n opgemete stuk van sodanige grond nie indien die eiendom van daardie stuk grond te eniger tyd deur of op gesag van die uitvoerende owerheid van sodanige verteenwoordigende owerheid of kragtens 'n ordonnansie van daardie verteenwoordigende owerheid of 'n ander wet wat deur of onder die beheer van daardie uitvoerende

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

- (bb) in the case of hardwood posts, are at least 100 millimetres in diameter at the thin end; and
- (cc) are planted in to a depth of at least 600 millimetres and at most 20 metres from the nearest straining post and from each other;
- (iii) with iron droppers, or droppers of hardwood which are at least 35 millimetres in diameter at the thin end;
- (iv) with at least five galvanised steel wire strands or, three galvanised steel wire strands and jackal-proof fencing; and
- (v) with gates which are at least of the same height as the boundary fence and are of such a nature that they do not in any manner impair the efficacy of the boundary fence,

but does not include such a boundary fence in which a game-trap has been constructed or of which any portion has been removed, damaged, cut, flattened or raised or is in such a bad state of repair that the efficacy of such boundary fence is impaired;
- (b) in the case of a dividing line between two farms along which, in the opinion of the Cabinet, 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 has, after agreement by the owners of the farms concerned, with the approval of the Cabinet, certified that it indicates the boundary line in all respects;"
- (b) by the deletion of the definition of "Administration";
- (c) by the insertion after the definition of "children" of the following definition:

" 'communal land' means land which, in terms of the constitution of the representative authority of a population group, or any other law, is communal

owerheid uitgevoer word, aan enige persoon oorge-
dra is by wyse van die registrasie van 'n titelbewys
in 'n aktekantoor, hetsy die tydperk wat, ingevolge
die grondwet of 'n ordonnansie van daardie ver-
teenwoordigende owerheid, na die datum van sodanige
registrasie moet verloop voordat sodanige stuk
grond ophou om gemeenskaplike grond te wees,
verstryk het al dan nie;”;

- (i) deur die omskrywing van “huurder” deur die vol-
gende omskrywing te vervang:

“ ‘huurder’ met betrekking tot 'n plaas of grond of
grond waarop waters geleë is, die persoon wat sodanige
plaas of grond huur kragtens 'n skriftelike
kontrak met die eienaar daarvan, en wat werklik op
sodanige plaas of grond woon, maar nie ook die
huurder van 'n stuk grond wat deel uitmaak van ge-
meenskaplike grond nie, tensy sodanige stuk grond
'n opgemete stuk grond is wat voorgestel word op
'n kaart wat deur die landmeter-generaal ingevolge
die Opmetingswet, 1927 (Wet 9 van 1927), goed-
gekeur is;”;

- (j) deur die omskrywing van “natuurbewaarder” deur
die volgende omskrywing te vervang:

“ ‘natuurbewaarder’ —

(a) 'n natuurbewaarder ingevolge artikel 79(1) aan-
gestel; en

(b) enige lid van die **[Suid-Afrikaanse Polisie]**
veiligheidsmagte;”;

- (k) deur die omskrywing van “Sekretaris” deur die vol-
gende omskrywing te vervang:

“ ‘Sekretaris’ die Sekretaris van **[Suidwes-Afrika]**
Landbou en Natuurbewaring;”;

- (l) deur na die omskrywing van “vang” die volgende
omskrywing in te voeg:

“ ‘veiligheidsmagte’ die Suidwes-Afrikaanse Poli-
sie of die Suid-Afrikaanse Weermag;”;

- (m) deur na die omskrywing van “verkoop” die volgen-
de omskrywing in te voeg:

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

land of the population group concerned, but does not include any surveyed piece of such land if the ownership of such piece of land has at any time been transferred to any person by or under the authority of the executive authority of such representative authority, or under any ordinance of that representative authority or any other law administered by or under the control of that executive authority, by means of the registration of a title deed in any deeds office, whether the period which, in terms of the constitution or an ordinance of that representative authority, is to elapse after the date of such registration before such piece of land ceases to be communal land, has transpired or not;”;

- (d) by the substitution for the definition of “Director” of the following definition:

“ ‘Director’ means the Director of Nature Conservation and **[Tourism]** Recreation Resorts referred to in section 2;”;

- (e) by the insertion after the definition of “Director” of the following definition:

“ ‘Directorate’ means the Directorate of Nature Conservation and Recreation Resorts referred to in section 2;”;

- (f) by the substitution for the definition of “game-proof fence” of the following definition:

“ ‘game-proof fence’ in relation to any species of game means a fence which complies with the standard prescribed for a game-proof fence in relation to that species of game, but does not include any such fence in which a game-trap has been constructed or of which any portion has been removed, damaged, cut, flattened or raised or is in such a bad state of repair that the efficacy of such fence is impaired;”;

- (g) by the insertion after the definition of “game-proof fence” of the following definition:

“ ‘game-trap’ means any corridor-shaped or funnel-shaped passage in a fence or any other construction in a fence along which any game or other wild animals can pass spontaneously through such

“ ‘verteenwoordigende owerheid’ ’n verteenwoordigende owerheid wat as sodanig by wet vir ’n bevolkingsgroep ingestel is en wat uit die wetgewende owerheid en uitvoerende owerheid van daardie bevolkingsgroep bestaan;”;

- (n) deur die omskrywing van “voldoende omheining” deur die volgende omskrywing te vervang:

“ ‘voldoende omheining’ met betrekking tot ’n plaas —

- (a) ’n grensheining wat oor die hele lengte daarvan minstens 1,22 meter hoog is en opgerig is —

(i) met trekpale wat hoogstens 500 meter van mekaar ingeplant is;

(ii) met middelpale van yster of hardhout wat —

(aa) in die geval van ysterpale, ’n massa van minstens vier kilogram elk het; of

(bb) in die geval van hardhoutpale, op die dunste punt minstens 100 millimeter in deursnee is; en

(cc) minstens 600 millimeter diep en hoogstens 20 meter van die naaste trekpaal en van mekaar ingeplant is;

(iii) met ystersparre, of sparre van hardhout wat op die dunste punt ’n dikte van minstens 35 millimeter het;

(iv) met minstens vyf gegalvaniseerde staaldrade of, drie gegalvaniseerde staaldrade en jakkalsdraad; en

(v) met hekke wat minstens van dieselfde hoogte as die grensheining is en van so ’n aard is dat dit nie die doelmatigheid van die grensheining enigsins verminder nie,

maar sluit nie so ’n grensheining in nie waarin ’n wildfuiik aangebring is of waarvan enige gedeelte verwyder, beskadig, geknip, platgelê of

NATURE CONSERVATION AMENDMENT ACT,
1986

Act No. 27, 1986

a fence or can be lured to pass through such a fence, but not any such passage approved by the Director”;

- (h) by the substitution for the definition of “lessee” of the following definition:

“ ‘lessee’ in relation to a farm or land or land on which waters are situated, means the person leasing such farm or land under a written contract with the owner thereof, and who actually resides on such farm or land, but does not include the lessee of a piece of land forming part of communal land, unless such piece of land is a surveyed piece of land which is represented on a diagram approved by the surveyor-general in terms of the Land Survey Act, 1927 (Act 9 of 1927)”;

- (i) by the substitution for the definition of “nature conservator” of the following definition:

“ ‘nature conservator’ means —

- (a) a nature conservator appointed in terms of section 79(1); and
- (b) any member of the **[South African Police]** security forces”;

- (j) by the substitution for the definition of “officer” of the following definition:

“ ‘officer’ means any person **[in the service of the Administration]** appointed as an officer under the Government Service Act, 1980 (Act 2 of 1980)”;

- (k) by the substitution for paragraph (d) of the definition of “owner” of the following paragraph:

“(d) where such farm or land, except a farm or land forming part of communal land, is owned by the **[Administration]** Government of the Territory, the **[Executive Committee]** Cabinet; or”;

- (l) by the insertion after paragraph (d) of the definition of “owner” of the following paragraph:

opgelig is of in so 'n vervalte toestand is dat dit die doelmatigheid van sodanige grensheining verminder;

(b) in die geval van 'n skeiding tussen twee plase waarlangs dit na die mening van die Kabinet ondoenlik of ondienstig is om 'n heining op te rig, enige aanduiding van die grens tussen bedoelde plase ten opsigte waarvan die Direkteur, nadat die eienaars van die betrokke plase daartrent ooreengekom het, met die goedkeuring van die Kabinet, gesertifiseer het dat dit die bedoelde grens in alle opsigte aandui;"

(o) deur na die omskrywing van "wilde dier" die volgende omskrywing in te voeg:

" 'wildfuik' enige gangvormige of tregtervormige deurgang in 'n heining of 'n ander konstruksie in 'n heining waarlangs enige wild of ander wilde diere spontaan deur so 'n heining kan beweeg of gelok kan word om deur so 'n heining te beweeg, maar nie so 'n deurgang wat deur die Direkteur goedgekeur is nie;" en

(p) deur die omskrywing van "wildwerende heining" deur die volgende omskrywing te vervang:

" 'wildwerende heining' met betrekking tot enige soort wild, 'n heining wat voldoen aan die standaard wat met betrekking tot daardie soort wild vir 'n wildwerende heining voorgeskryf is, naar sluit nie so 'n heining in nie waarin 'n wildfuik aangebring is of waarvan enige gedeelte verwyder, beskadig, geknip, platgelê of opgelig is of in so 'n vervalte toestand is dat dit die doelmatigheid van sodanige heining verminder."

Vervanging van artikel 2 van Ordonnansie 4 van 1975.

2. Artikel 2 van die Ordonnansie word hierby deur die volgende artikel vervang:

"Direktoraat van Natuurbe-
waring en Ont-
spanningsoorde.

2. 'n Afdeling van die [Administrasie] Departement van Landbou en Natuurbe-
waring, wat heet die [Afdeling] Direktoraat
van Natuurbe-
waring en [Toerisme] Ont-
spanningsoorde, is verantwoordelik vir die regulering, uitvoering en administrasie van

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

“(dA) where such farm or land forms part of the communal land of a population group, or is owned by the representative authority of a population group but is not communal land of the population group concerned, the executive authority of that population group; or”;

(m) by the insertion after the definition of “pick” of the following definition:

“ ‘population group’ means a population group mentioned in section 3 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980);”;

(n) by the insertion after the definition of “regulation” of the following definition:

“ ‘representative authority’ means a representative authority established as such by law for a population group and consisting of the legislative authority and executive authority of that population group;”;

(o) by the substitution for the definition of “Secretary” of the following definition:

“ ‘Secretary’ means the Secretary **[for South West Africa]** of Agriculture and Nature Conservation;”;
and

(p) by the insertion after the definition of “Secretary” of the following definition:

“ ‘security forces’ means the South West African Police or the South African Defence Force;”.

2. The following section is hereby substituted for section 2 of the Ordinance:

Substitution of section 2 of Ordinance 4 of 1975.

“Directorate of Nature Conservation and Recreation Resorts.

2. A division of the **[Administration]** Department of Agriculture and Nature Conservation, to be known as the Directorate of Nature Conservation and [Tourism Division] Recreation Resorts, shall be responsible for the regulation, execution and administrati-

sake betreffende die bewaring van die natuur en **[toerisme] ontspanningsoorde** en die hoof van sodanige afdeling is 'n beampete met die ampstitel Direkteur van Natuurbewaring en **[Toerisme] Ontspanningsoorde** deur die **[Uitvoerende Komitee] Kabinet** aangestel onderworpe aan die bepalings van die **[Staatsdienswet, 1957 (Wet 54 van 1957)] Regeringsdienswet, 1980 (Wet 2 van 1980).**”.

Wysiging van artikel 4 van Ordonnansie 4 van 1975.

3. Artikel 4 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die raad bestaan uit minstens vyf en hoogstens tien lede wat deur die **[Uitvoerende Komitee] Kabinet** aangestel word.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die Sekretaris kan, behoudens die bepalings van die **[Staatsdienswet, 1957 (Wet 54 van 1957), en die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957)] Regeringsdienswet, 1980 (Wet 2 van 1980)**, 'n beampete in die **[Administrasie] Direktoraat** opdrag gee om as sekretaris van die raad op te tree.”.

Vervanging van artikel 12 van Ordonnansie 4 van 1975.

4. Artikel 12 van die Ordonnansie word hierby deur die volgende artikel vervang:

“Besoldiging, toelaes en gelde.

12. 'n Lid van die raad ontvang geen besoldiging nie, maar aan dié lede van die raad wat nie beamptes in, **[die staatsdiens of beamptes]** of werknemers **[in diens]** van, die **[Administrasie] regeringsdiens** is nie, word die toelaes en gelde betaal wat die **[Uitvoerende Komitee] Kabinet** van tyd tot tyd bepaal.”.

Wysiging van artikel 18 van Ordonnansie 4 van 1975.

5. Artikel 18 van die Ordonnansie word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

on of matters concerning the conservation of nature and **[tourism] recreation resorts**, and the head of such division shall be an officer having the official title of Director of Nature Conservation and **[Tourism] Recreation Resorts** appointed by the **[Executive Committee] Cabinet** subject to the provisions of the **[Public Service Act, 1957 (Act 54 of 1957)] Government Service Act, 1980 (Act 2 of 1980)**.”.

3. Section 4 of the Ordinance is hereby amended —

Amendment of section 4
of Ordinance 4 of 1975.

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

“(1) The board shall consist of at least five and not more than ten members appointed by the **[Executive Committee] Cabinet**.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The Secretary may, subject to the provisions of the **[Public Service Act, 1957 (Act 54 of 1957), and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957)] Government Service Act, 1980 (Act 2 of 1980)**, instruct an officer in the **[Administration] Directorate** to act as secretary of the board.”.

4. The following section is hereby substituted for section 12 of the Ordinance:

Substitution of section
12 of Ordinance 4 of
1975.

“Remuneration,
allowances and
fees.

12. A member of the board shall receive no remuneration, but to those members of the board who are not officers in, **[the public service or officers]** or employees **[in the service]** of, the **[Administration] government service**, shall be paid such allowances and fees as may be determined by the **[Executive Committee] Cabinet** from time to time.”.

5. Section 18 of the Ordinance is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

Amendment of section
18 of Ordinance 4 of
1975.

“Met dien verstande dat —

- (i) 'n Lid van die [**Suid-Afrikaanse Polisie**] veiligheids-
magte wat ampshalwe optree en wie se optrede in direkte verband met die uitvoering van sy ampspligte staan, vrygestel word van die bepalings van paragrafe (a), [**en**] (b) en (e), behalwe daardie bepalings van paragraaf (b) met betrekking tot die inbring of besit in 'n wildtuin of natuurreserwe van 'n val of gif; en
- (ii) 'n beampte van die [**Afdeling Natuurbewaring en Toerisme**] Direktoraat of 'n lid van die raad wat ampshalwe optree en wie se optrede in direkte verband staan met die uitvoering van sy ampspligte of met die uitoefening van die bevoegdhede ingevolge hierdie Ordonnansie aan hom verleen, vrygestel word van al die bepalings van hierdie subartikel.”.

Wysiging van artikel 20 van Ordonnansie 4 van 1975.

6. Artikel 20 van die Ordonnansie word hierby gewysig deur paragrafe (a) en (b) van subartikel (2) deur die volgende paragrafe te vervang:

- “(a) met 'n boete van [**minstens duisend eenhonderd en vyftig rand en**] hoogstens [**twee duisend vyfhonderd rand**] R6 000 of met gevangenisstraf vir 'n tydperk van [**minstens twee jaar en**] hoogstens ses jaar of met sowel sodanige boete as sodanige gevangenisstraf indien sodanige misdryf betrekking het op die jag van spesiaal beskermde wild; of
- (b) met 'n boete van [**minstens sewehonderd en vyftig rand en**] hoogstens [**duisend vyfhonderd rand**] R4 000 of met gevangenisstraf vir 'n tydperk van [**minstens twaalf maande en**] hoogstens [**drie**] vier jaar of met sowel sodanige boete as sodanige gevangenisstraf indien sodanige misdryf betrekking het op die jag van enige ander dier.”.

Vervanging van artikel 21 van Ordonnansie 4 van 1975.

7. Artikel 21 van die Ordonnansie word hierby deur die volgende artikel vervang:

**Doodmaak van diere wat in wildtuine of natuurreserwes oortree.

21. 'n Natuurbewaarder kan te eniger tyd —

- (a) enige hond wat in 'n wildtuin of natuurreserwe aangetref word, behalwe enige sodanige hond wat in die wetti-

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

“Provided that —

- (i) a member of the **[South African Police]** security forces acting officially and whose action is directly connected with the exercise of his official duties shall be exempted from the provisions of paragraphs (a), ~~and~~ (b) and (e), except those provisions of paragraph (b) relating to the conveyance into or possession in a game park or nature reserve of any trap or poison; and
- (ii) an officer of the **[Nature Conservation and Tourism Division]** Directorate, or a member of the board acting officially and whose action is directly connected with the exercise of his official duties or with the execution of the powers vested in him in terms of this Ordinance shall be exempted from all the provisions of this subsection.”.

6. Section 20 of the Ordinance is hereby amended by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs:

Amendment of section 20 of Ordinance 4 of 1975.

- “(a) to a fine **[not less than one thousand one hundred and fifty rand and]** not exceeding **[two thousand five hundred rand]** R6 000 or to imprisonment for a period **[of not less than two years and]** not exceeding six years or to both such fine and such imprisonment if such offence relates to the hunting of specially protected game; or
- (b) to a fine **[not less than seven hundred and fifty rand and]** not exceeding **[one thousand five hundred rand]** R4 000 or to imprisonment for a period **[of not less than twelve months and]** not exceeding **[three]** four years or to both such fine and such imprisonment if such offence relates to the hunting of any other animal.”.

7. The following section is hereby substituted for section 21 of the Ordinance:

Substitution of section 21 of Ordinance 4 of 1975.

“Killing of animals trespassing in game parks or nature reserves.

21. A nature conservator may at any time —

- (a) kill any dog found in a game park or a nature reserve, other than any such dog which is in the lawful possession

ge besit of bewaring van 'n beampte of 'n lid van die veiligheidsmagte is of wat ooreenkomstig die bepalings van artikel 18 deur sodanige wildduin of natuurreserwe vervoer word, doodmaak;

(b) enige donkie, perd of ander ry- of pakkier wat in 'n wildduin of natuurreserwe aangetref word, behalwe enige sodanige donkie, perd of ander ry- of pakkier wat in die wettige besit of bewaring van 'n beampte of 'n lid van die veiligheidsmagte is of wat ooreenkomstig die bepalings van artikel 18 deur sodanige wildduin of natuurreserwe vervoer word, doodmaak en op die saals en tooms daarvan, as daar is, beslag lê;

(c) met die toestemming van die **[Uitvoerende Komitee]** Kabinet enige vee of huisdier wat in 'n wildduin of natuurreserwe aangetref word, behalwe enige sodanige vee of huisdier wat in die wettige besit of bewaring van 'n beampte is of wat ooreenkomstig die bepalings van artikel 18 deur sodanige wildduin of natuurreserwe vervoer word, doodmaak?.

Wysiging van artikel 26 van Ordonnansie 4 van 1975.

8. Artikel 26 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Iemand wat 'n bepaling van **[hierdie artikel]** subartikel (1) of 'n voorwaarde, vereiste of beperking van 'n permit ingevolge hierdie artikel verleen, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van **[minstens duisend een-honderd en vyftig rand en]** hoogstens **[twee duisend vyfhonderd rand]** R6 000 of met gevangenisstraf vir 'n tydperk van **[minstens twee jaar en]** hoogstens ses jaar of met sowel sodanige boete as sodanige gevangenisstraf.”;

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

or under the lawful charge of an officer or a member of the security forces or which is being conveyed through such game park or nature reserve in accordance with the provisions of section 18;

(b) kill any donkey, horse or other riding or pack-animal found in a game park or a nature reserve, other than any such donkey, horse or other riding or pack-animal which is in the lawful possession or under the lawful charge of an officer or a member of the security forces or which is being conveyed through such game park or nature reserve in accordance with the provisions of section 18, and may seize the saddles and bridles thereof, of any;

(c) with the consent of the **[Executive Committee]** Cabinet, kill any livestock or domestic animal found in a game park or a nature reserve, other than any such livestock or domestic animal which is in the lawful possession or under the lawful charge of an officer or which is being conveyed through such game park or nature reserve in accordance with the provisions of section 18.”.

8. Section 26 of the Ordinance is hereby amended —

Amendment of section
26 of Ordinance 4 of
1975.

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

“(3) Any person who contravenes or fails to comply with any provision of **[this section]** subsection (1) or any condition, requirement or restriction of a permit granted in terms of this section, shall be guilty of an offence and liable on conviction to a fine **[not less than one thousand one hundred and fifty rand and]** not exceeding **[two thousand five hundred rand]** R6 000 or to imprisonment for a period **[of not less than two years and]** not exceeding six years, or to both such fine and such imprisonment.”;

(b) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Geen bepaling in hierdie artikel vervat, verbied die eienaar of huurder van grond of die bewoner van gemeenskaplike grond om spesiaal beskermde wild op daardie grond dood te maak ter verdediging van ’n menselewe of om die besering van ’n mens te voorkom of ter beskerming van die lewe van enige vee, pluimvee of huisdier van sodanige eienaar, [of] huurder of bewoner, terwyl die lewe van sodanige vee, pluimvee of huisdier werklik bedreig word nie.”; en

(c) deur die volgende subartikels by te voeg:

“(5) Iemand wat enige spesiaal beskermde wild kragtens ’n permit ingevolge hierdie artikel verleen, jag, moet sodanige permit te alle tye in sy besit hê terwyl hy besig is om aldus te jag.

(6) Iemand wat enige spesiaal beskermde wild kragtens ’n permit ingevolge hierdie artikel verleen, gejag het, moet —

(a) die soort of soorte spesiaal beskermde wild, en die hoeveelheid van elke sodanige soort, wat hy kragtens sodanige permit gejag het;

(b) die datum waarop hy dit aldus gejag het; en

(c) die naam van die plaas of ’n beskrywing van die grond waarop hy dit aldus gejag het, in ink of inkpotlood op sodanige magtiging endosseer en dit onderteken voordat hy die plaas of die stuk grond waarop hy sodanige spesiaal beskermde wild gejag het, verlaat.

(7) Iemand wat ’n bepaling van subartikel (5) of (6) oortree of versuim om daaraan te voldoen, is aan ’n misdryf skuldig.”.

9. Artikel 27 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (3) deur die volgende subartikel te vervang:

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

- (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) No provision contained in this section shall prohibit the owner or lessee of land or the occupier of communal land from killing specially protected game on such land in defence of a human life or to prevent a human being from being injured or to protect the life of any livestock, poultry or domestic animal of such owner, [or] lessee or occupier whilst the life of such livestock, poultry or domestic animal is actually being threatened.”; and

- (c) by the addition of the following subsections:

“(5) Any person who hunts specially protected game under a permit granted in terms of this section, shall at all times have such permit in his possession while he is so hunting.

(6) Any person who has hunted any specially protected game under a permit granted in terms of this section, shall endorse —

(a) the species of specially protected game and the number of each of such species which he has hunted under such 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 permit in ink or indelible pencil and shall sign it before he leaves the farm or land on which he has hunted such specially protected game.

(7) Any person who contravenes or fails to comply with any provision of subsection (5) or (6), shall be guilty of an offence.”.

9. Section 27 of the Ordinance is hereby amended —

- (a) by the substitution for subsection (3) of the following subsection:

Amendment of section 27 of Ordinance 4 of 1975.

“(3) Iemand wat ’n bepaling van [**hierdie artikel**] subartikel (1) of enige voorwaarde, vereiste of beperking van ’n permit ingevolge hierdie artikel verleen, oortree of versuim om daaraan te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van [**minstens sewehonderd en vyftig rand en**] hoogstens [**duisend vyfhonderd rand**] R4 000 of met gevangenisstraf vir ’n tydperk van [**minstens twaalf maande en**] hoogstens [**drie**] vier jaar of met sowel sodanige boete as sodanige gevangenisstraf.”;

(b) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

“(a) Geen bepaling in hierdie artikel vervat verbied die eenaar of huurder van grond of die bewoner van gemeenskaplike grond om beskermde wild op daardie grond dood te maak ter verdediging van ’n menselewe of om die besering van ’n mens te voorkom of ter beskerming van die lewe van enige vee, pluimvee of huisdier van sondanige eenaar, [**of**] huurder of bewoner, terwyl die lewe van sodanige vee, pluimvee of huisdier werklik bedreig word nie.”; en

(c) deur die volgende subartikels by te voeg:

“(6) Iemand wat enige beskermde wild kragtens ’n permit ingevolge hierdie artikel verleen, jag, moet sodanige permit te alle tye in sy besit hê terwyl hy besig is om aldus te jag.

(7) Iemand wat enige beskermde wild kragtens ’n permit ingevolge hierdie artikel verleen, gejaag het, moet —

(a) die soort of soorte beskermde wild, en die hoeveelheid van elke sodanige soort, wat hy kragtens sodanige permit gejaag het;

(b) die datum waarop hy dit aldus gejaag het;

(c) die naam van die plaas of ’n beskrywing van die grond waarop hy dit aldus gejaag het,

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

“(3) Any person who contravenes or fails to comply with any provision of **[this section] subsection (1)** or any condition, requirement or restriction of a permit granted in terms of this section, shall be guilty of an offence, and liable on conviction to a fine **[not less than seven hundred and fifty rand and]** not exceeding **[one thousand five hundred rand]** R4 000 or to imprisonment for a period **[of not less than twelve months and]** not exceeding **[three] four** years or to both such fine and such imprisonment.”;

- (b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) No provision contained in this section shall prohibit the owner or lessee of land or the occupier of communal land from killing protected game on such land in defence of a human life or to prevent a human being from being injured or to protect the life of any livestock, poultry or domestic animal of such owner, **[or] lessee or occupier** whilst the life of such livestock, poultry or domestic animal is actually being threatened.”; and

- (c) by the addition of the following subsections:

“(6) Any person who hunts protected game under a permit granted in terms of this section, shall at all times have such permit in his possession while he is so hunting.

(7) Any person who has hunted any protected game under a permit granted in terms of this section, shall endorse —

- (a) the species of protected game and the number of each of such species which he has hunted under such 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,

in ink of inkpotlood op sodanige magtiging endosseer en dit onderteken voordat hy die plaas of die stuk grond waarop hy sodanige beskermde wild gejag het, verlaat.

(8) Iemand wat 'n bepaling van subartikel (6) of (7) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig."

Vervanging van artikel 28 van Ordonnansie 4 van 1975.

10. Artikel 28 van die Ordonnansie word hierby deur die volgende artikel vervang:

"Jag op Staats-eiendom.

28. (1) (a) Behoudens die bepalings van Hoofstuk IV mag niemand sonder die skriftelike toestemming van die **[Uitvoerende Komitee] Kabinet** enige jagbare wild, jagbare wildvoël of uitheemse wild of enige ander wilde dier op enige grond, met inbegrip van gemeenskaplike grond, waarvan die **[Administrasie] Goewerment van die Gebied of 'n verteenwoordigende owerheid** die eenaar is, jag nie.

(b) By die toepassing van paragraaf (a) word grond wat deur die **[Administrasie] Goewerment van die Gebied of 'n verteenwoordigende owerheid** verhuur is, tensy 'n teenoorgestelde bedoeling uit die huurkontrak blyk, en tensy, in die geval van gemeenskaplike grond, die grond wat verhuur is 'n onopgemete stuk grond is, geag nie grond te wees waarvan die **[Administrasie] Goewerment van die Gebied of 'n verteenwoordigende owerheid** die eenaar is nie.

(c) Iemand wat 'n bepaling van paragraaf (a) of enige voorwaarde, vereiste of beperking van enige skriftelike toestemming daarkragtens verleen, oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van [minstens sewehonderd en vyftig rand en] hoogstens [duisend vyfhonderd rand] R4 000 of met gevangenisstraf vir

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

on such permit in ink or indelible pencil and shall sign it before he leaves the farm or land on which he has hunted such protected game.

(8) Any person who contravenes or fails to comply with any provision of subsection (6) or (7), shall be guilty of an offence."

10. The following section is hereby substituted for section 28 of the Ordinance:

Substitution of section 28 of Ordinance 4 of 1975.

"Hunting on State land.

28. (1) (a) Subject to the provisions of Chapter IV no person shall, without the written permission of the ~~[Executive Committee]~~ Cabinet, hunt any huntable game, huntable game bird or exotic game or any other wild animal on any land, including communal land, owned by the ~~[Administration]~~ Government of the Territory or a representative authority.

(b) For the purpose of paragraph (a) land leased by the ~~[Administration]~~ Government of the Territory or a representative authority shall, unless an intention to the contrary appears from the lease, and unless, in the case of communal land, the land leased is an unsurveyed piece of land, be deemed not to be land owned by the ~~[Administration]~~ Government of the Territory or a representative authority.

(c) Any person who contravenes or fails to comply with any provision of paragraph (a) or any condition, requirement or restriction of any written permission granted thereunder, shall be guilty of an offence and liable on conviction to a fine ~~[not less than seven hundred and fifty rand and] not exceeding [one thousand five hundred rand]~~ R4 000 or to imprisonment for a period ~~[of not less~~

'n tydperk van **[minstens twaalf maande en]** hoogstens **[drie]** vier jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(2) (a) Iemand wat enige jagbare wild, jagbare wildvoël of uitheemse wild of enige ander wilde dier kragtens die skriftelike toestemming van die **[Uitvoerende Komitee] Kabinet**, verleen ingevolge hierdie artikel, jag op grond, met inbegrip van gemeenskaplike grond, waarvan die **[Administrasie] Goewerment van die Gebied** of 'n verteenwoordigende owerheid die eienaar is, moet sodanige skriftelike toestemming te alle tye in sy besit hê terwyl hy besig is om aldus te jag.

(b) Iemand wat 'n bepaling van paragraaf (a) oortree of versuim **[of] om** daaraan te voldoen, is aan 'n misdryf skuldig.”.

Wysiging van artikel 30 van Ordonnansie 4 van 1975.

11. Artikel 30 van die Ordonnansie word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) Iemand wat 'n bepaling van hierdie subartikel of enige voorwaarde, vereiste of beperking van 'n skriftelike magtiging ingevolge hierdie subartikel verleen, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van **[minstens vyfhonderd rand en]** hoogstens **[sewe honderd en vyftig rand]** R2 000 of met gevangenisstraf vir 'n tydperk van **[minstens ses maande en]** hoogstens **[twaalf maande]** twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.”.

Wysiging van artikel 31 van Ordonnansie 4 van 1975.

12. Artikel 31 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die eienaar of huurder van 'n plaas of stuk grond bedoel in subartikel (1) kan die regte by genoemde subartikel aan hom verleen persoonlik uit-

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

**than twelve months and] not exceeding
[three] four years, or to both such fine
and such imprisonment.**

- (2) (a) Any person who hunts any hunt-able game, huntable game bird or exotic game or any other wild animal under the written permission of the **[Executive Committee] Cabinet** granted in terms of this section, on land, **including communal land**, owned by the **[Administration] Government of the Territory or a representative authority**, shall at all times have such written permission in his possession while he is so hunting.
- (b) Any person who contravenes or fails to comply with any provision of paragraph (a) shall be guilty of an offence.”.

11. Section 30 of the Ordinance is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

Amendment of section
30 of Ordinance 4 of
1975.

“(c) Any person who contravenes or fails to comply with any provision of this subsection or any condition, requirement or restriction of any written authority granted in terms of this subsection, shall be guilty of an offence and liable on conviction to a fine **[not less than five hundred rand and] not exceeding [seven hundred and fifty rand] R2 000** or to imprisonment for a period **[of not less than six months and] not exceeding [twelve months] two years**, or to both such fine and such imprisonment.”.

12. Section 31 of the Ordinance is hereby amended —

Amendment of section
31 of Ordinance 4 of
1975.

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The owner or lessee of a farm or piece of land referred to in subsection (1) may exercise the rights granted to him by the said subsection per-

oefen en ook deur sy eggenote of een of meer van sy kinders en sy ouers, asook deur enige [blanke] werknemer wat in sy vaste diens is en op sodanige plaas of stuk grond woon mits sodanige [blanke] werknemer sy skriftelike toestemming het: Met dien verstande dat, indien sodanige eienaar of huurder weens fisiese ongeskiktheid nie in staat is om sodanige regte uit te oefen nie, en nog sy eggenote, nog sy kinders, ouers of [blanke] werknemers hierbo genoem beskikbaar is om dit te doen, die [Uitvoerende Komitee] Kabinet op aansoek van sodanige eienaar of huurder enige beampte of ander persoon wat hy bevoeg ag skriftelik kan magtig om sodanige regte namens en ten behoeve van sodanige eienaar of huurder uit te oefen.”; en

- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) sluit “eienaar” nie die stadsklerk of die sekretaris van ’n plaaslike bestuur of die uitvoerende owerheid van ’n verteenwoordigende owerheid of ’n lid van so ’n uitvoerende owerheid in nie.”.

Wysiging van artikel 33 van Ordonnansie 4 van 1975.

13. Artikel 33 van die Ordonnansie word hierby gewysig —

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die eienaar of huurder van grond bedoel in subartikel (1) kan die regte by genoemde subartikel aan hom verleen persoonlik uitoefen en ook deur sy eggenote of een of meer van sy kinders en sy ouers, asook deur enige [blanke] werknemer wat in sy vaste diens is en op sodanige grond woon, mits sodanige [blanke] werknemer sy skriftelike toestemming het: Met dien verstande dat, indien sodanige eienaar of huurder weens fisiese ongeskiktheid nie in staat is om sodanige regte uit te oefen nie en nog sy eggenote, nog sy kinders, ouers of [blanke] werknemers hierbo genoem beskikbaar is om dit te doen, die [Uitvoerende Komitee] Kabinet op aansoek van sodanige eienaar of huurder enige beampte of ander persoon wat hy bevoeg ag, skriftelik kan magtig om sodanige regte namens en ten behoeve van sodanige eienaar of huurder uit te oefen.”; en

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

sonally and also through his wife or one or more of his children and his parents as well as through any **[white]** employee permanently employed by him and resident on such farm or piece of land, provided such **[white]** employee has his written permission: Provided that if such owner or lessee is by reason of physical disability unable to exercise such rights and neither his wife, nor his children, parents or **[white]** employees as mentioned above are available to do so, the **[Executive Committee] Cabinet** may, on application by such owner or lessee, authorise any officer or other person whom it considers competent in writing to exercise such rights for and on behalf of such owner or lessee.”; and

- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) “owner” shall not include the town clerk or the secretary of a local authority or the executive authority of a representative authority or any member of such an executive authority;”.

13. Section 33 of the Ordinance is hereby amended —

Amendment of section
33 of Ordinance 4 of
1975.

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The owner or lessee of land referred to in subsection (1) may exercise the rights granted to him by the said subsection personally and also through his wife or one or more of his children or his parents as well as through any **[white]** employee permanently employed by him and resident on such land provided such **[white]** employee has his written permission: Provided that, if such owner or lessee is by reason of physical disability unable to exercise such rights and neither his wife, nor his children, parents or **[white]** employees as mentioned above are available to do so, the **[Executive Committee] Cabinet** may on application by such owner or lessee authorise any officer or other person whom it considers competent in writing to exercise such rights for and on behalf of such owner or lessee.”; and

- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) sluit “eenaar” nie die stadsklerk of die sekretaris van ’n plaaslike bestuur of die uitvoerende owerheid van ’n verteenwoordigende owerheid of ’n lid van so ’n uitvoerende owerheid in nie;”.

Wysiging van artikel 36 van Ordonnansie 4 van 1975, soos gewysig deur artikel 2 van Ordonnansie 16 van 1980.

14. Artikel 36 van die Ordonnansie word hierby gewysig —

- (a) deur die voorbehoudsbepaling by paragraaf (a) van subartikel (1) te skrap; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Enige olifant tand of renosterhoring wat as *res nullius* in die Gebied aangetref word, is die eienendom van die [Administrasie] Staat en daarvoor word beskik soos die [Uitvoerende Komitee] Kabinet van tyd tot tyd bepaal.”.

Wysiging van artikel 37 van Ordonnansie 4 van 1975.

15. Artikel 37 van die Ordonnansie word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Ondanks enige andersluidende bepalings in hierdie Ordonnansie vervat, kan —

- (i) die eenaar of huurder van grond of enige [persoon] werknemer in die vaste diens van sodanige eenaar of huurder, skriftelik deur sodanige eenaar of huurder daartoe gemagtig, [te eniger tyd] enige wild, uitgesonderd olifante, seekoeie en renosters, wat gesaaides of plante op ’n beboude land [of in tuine] op sodanige grond verniel of beskadig, jag [mits sodanige beboude land of tuine met ’n voldoende omheining omhein is]: Met dien verstande dat geen wild ooreenkomstig die bepalings van hierdie subparagraaf gedurende die tydperk van ’n halfuur na sonder op enige dag tot ’n halfuur voor sonop op die volgende dag gejaag mag word nie, tensy sodanige beboude land minstens eenhonderd hektaar groot en met ’n wildwerende heining wat ten opsigte van koe-does voorgeskryf is, omhein is;

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) “owner” shall not include the town clerk or the secretary of a local authority or the executive authority of a representative authority or any member of such an executive authority;”.

14. Section 36 of the Ordinance is hereby amended —

Amendment of section 36 of Ordinance 4 of 1975, as amended by section 2 of Ordinance 16 of 1980.

- (a) by the deletion of the proviso to paragraph (a) of subsection (1); and
- (b) by the substitution for subsection (4) of the following subsection:

“(4) Any elephant tusk or rhinoceros horn found in the Territory as *res nullius* shall be the property of the **[Administration]** State and shall be disposed of as the **[Executive Committee]** Cabinet may determine from time to time.”.

15. Section 37 of the Ordinance is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 37 of Ordinance 4 of 1975.

- “(a) Notwithstanding anything to the contrary in this Ordinance contained —

- (i) the owner or lessee of land or any **[person]** employee in the permanent service of such owner or lessee, authorised thereto in writing by such owner or lessee, may [at any time] hunt any game, excluding elephant, hippopotami and rhinoceros, destroying or damaging crops or plants on any cultivated [lands or in gardens] land on such land [provided such cultivated lands or gardens are enclosed with an adequate fence]: Provided that no game shall be hunted in accordance with the provisions of this subparagraph during the period from half an hour after sunset on any day to half an hour before sunrise on the following day, unless such cultivated land is not less than one hundred hectares in extent and enclosed with a game-proof fence prescribed in respect of kudu;

(ii) 'n bewoner van gemeenskaplike grond enige wild, uitgesonderd olifante, seekoeie en renosters wat gesaaides of plante op 'n beboude land op sodanige gemeenskaplike grond wat deur sodanige bewoner aangelê is en bewerk word, verniel of beskadig, jag, mits sodanige beboude land met 'n heining wat deur die Direkteur goedgekeur is, omhein is."

Wysiging van artikel 39 van Ordonnansie 4 van 1975.

16. Artikel 39 van die Ordonnansie word hierby gewysig ---

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) die bewoner van grond waarvan die **[Administrasie]** Goewerment van die Gebied die eienaar is of”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die bewoner van enige grond waarvan die **[Administrasie]** Goewerment van die Gebied die eienaar is en die eienaar of huurder van enige ander grond kan enige hond wat wild of enige ander wilde dier op sodanige grond aanjaag (behalwe 'n hond wat sodanige wild of ander wilde dier ooreenkomstig die bepalings van Hoofstuk IV aanjaag) en enige hond wat op sodanige plaas of grond aangetref word en wat nie onder die behoorlike beheer van 'n volwasse persoon is nie onmiddellik vernietig of laat vernietig”.

Wysiging van artikel 40 van Ordonnansie 4 van 1975.

17. Artikel 40 van die Ordonnansie word hierby gewysig ---

(a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) Die **[Uitvoerende Komitee]** Kabinet kan na goeddunke vrystelling van enige of al die bepalings van hierdie subartikel verleen aan die eienaar of huurder van 'n plaas wat met 'n wildwerende heining omhein is of van 'n stuk grond wat minstens eenduisend hektaar groot

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

(ii) any occupier of communal land may hunt any game, excluding elephant, hipopotami and rhinoceros, destroying or damaging crops or plants on any cultivated land on such communal land which has been laid out and is being cultivated by such occupier, provided such cultivated land is enclosed with a fence approved by the Director.”;

16. Section 39 of the Ordinance is hereby amended —

Amendment of section
39 of Ordinance 4 of
1975.

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) the occupier of land owned by the **[Administration]** Government of the Territory; or”;
and

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

“(3) The occupier of land owned by the **[Administration]** Government of the Territory and the owner or lessee of any other land may immediately destroy any dog chasing game or any other wild animal on such land (except a dog chasing such game or wild animal in accordance with the provisions of Chapter IV) as well as any dog which is found on such farm or land and which is not under the proper control of an adult, or cause any such dog to be destroyed.”.

17. Section 40 of the Ordinance is hereby amended —

Amendment of section
40 of Ordinance 4 of
1975.

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

“(d) The **[Executive Committee]** Cabinet may, in its discretion grant exemption from any or all the provisions of this subsection to the owner or lessee of a farm which is enclosed with a game-proof fence or of a piece of land which is not less than one thousand hectares in ex-

en met 'n wildwerende heining omhein is of aan 'n gelisensieerde wildhandelaar of aan 'n lid of die lede van 'n bepaalde bevolkingsgroep wat op die gemeenskaplike grond van die betrokke bevolkingsgroep woon.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Ondanks enige andersluidende bepalings van subartikel (1) en van artikel 41, maar origens onderworpe aan al die bepalings van hierdie Ordonnansie en enige ander wet betreffende die versorging, aanhou, vervoer, verkoop en uitvoer van wild geldend in die Gebied, kan die eienaar of huurder van 'n plaas of enige stuk grond wat minstens eenduisend hektaar groot is met behulp van helpers onder sy persoonlike toesig wild **[uitgesonderd spesiaal beskermde en beskermde wild]** vir enige doel hoegenaamd op sodanige plaas of stuk grond vang en aanhou, mits sodanige plaas met 'n wildwerende heining of 'n voldoende omheining omhein is of sodanige stuk grond met 'n wildwerende heining omhein is en die Direkteur die metode waarvolgens en die toerusting waarmee sodanige eienaar of huurder sodanige wild wil vang vooraf skriftelik goedgekeur het: Met dien verstande dat —

- (i) die **[Uitvoerende Komitee] Kabinet** te eniger tyd na goeddunke kan gelas dat enige sodanige eienaar of huurder sodanige wild slegs onder toesig van 'n beampte van die **[Afdeling Natuurbe-waring en Toerisme] Direktoraat** aldus mag vang;
- (ii) sodanige eienaar of huurder enigiemand wat deur die **[Uitvoerende Komitee] Kabinet** goedgekeur is (hetsy in die algemeen of vir daardie besondere geval) in diens kan neem om sodanige wild aldus te vang.”.

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

tent and which is enclosed with a game-proof fence, or to a licensed game dealer or to any member or the members of any particular population group residing on the communal land of the population group concerned.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Notwithstanding anything to the contrary contained in subsection (1) and section 41, but otherwise subject to all the provisions of this Ordinance and any other law in force in the Territory relating to the care for and the keeping, transport, sale and export of game, the owner or lessee of a farm or any piece of land not being less than one thousand hectares in extent may with the aid of helpers under his personal supervision, for any purpose whatsoever capture and keep game [excluding specially protected and protected game] on such farm or piece of land, provided such farm is enclosed with a game-proof fence or an adequate fence or such piece of land is enclosed with a game-proof fence and the Director has previously in writing approved the method whereby and the equipment with which such owner or lessee intends to capture such game: Provided that —

- (i) the [Executive Committee] Cabinet may at any time in its discretion direct that any such owner or lessee shall only capture such game under the supervision of an officer of the [Nature Conservation and Tourism Division] Directorate;
- (ii) such owner or lessee may engage any person approved by the [Executive Committee] Cabinet (whether in general or for that specific case) to capture such game in such manner.”.

18. The following section is hereby inserted in the Ordinance after section 40:

Insertion of section 40A
in Ordinance 4 of 1975.

"Aanjaag of aanlokking van wild vanaf ander persoon se grond, of verwydering of beskadiging van 'n heining om wild te laat deurgaan, is 'n misdryf.

40A. 'n Persoon wat, hetsy self of deur 'n ander persoon —

(a) sonder die toestemming van die eenaar of huurder van 'n plaas of stuk grond enige wild of ander wilde diere vanaf sodanige plaas of stuk grond aanjaag of op enige ander wyse dwing of aanlok om na enige ander plaas of stuk grond te trek;

(b) enige wildwerende heining of voldoende omheining verwyder, beskadig, knip, platlê of oplik of 'n wildfuik in sodanige heining of omheining aanbring, met die doel om wild of ander wilde diere vanaf 'n plaas of stuk grond, sonder die toestemming van die eenaar of huurder van sodanige plaas of stuk grond, na enige ander plaas of stuk grond aan te jaag of aan te lok of om wild of ander wilde diere vanaf sodanige eersgenoemde plaas of stuk grond na sodanige ander plaas of stuk grond te laat deurgaan of ontsnap,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar of met sowel sodanige boete as sodanige gevangenisstraf."

Wysiging van artikel 47 van Ordonnansie 4 van 1975.

19. Artikel 47 van die Ordonnansie word hierby gewysig deur paragraaf (iii) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:

"(iii) enige gelisensieerde slagter wildsvleis wat hy ingevolge die bepalings van paragraaf (i) of (ii) van hierdie voorbehoudsbepaling van die eenaar of huurder van 'n plaas of grond verkry het, met die skriftelike toestemming van die Kabinet, mag verkoop;"

Wysiging van artikel 48 van Ordonnansie 4 van 1975.

20. Artikel 48 van die Ordonnansie word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

"(c) die [blanke] werknemer van enige eenaar of huurder van 'n plaas of grond wat die wildsvleis van enige wild wat sodanige werknemer wettiglik ooreen-

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

“Driving or luring of game from another person’s land or removal or damaging of a fence to allow game to pass is an offence.

40A. Any person who, whether personally or through any other person —

(a) without the consent of the owner or lessee of a farm or piece of land, drives or in any other manner forces or lures any game or other wild animals to trek from such farm or piece of land to any other farm or piece of land;

(b) removes, damages, cuts, flattens or raises any game-proof fence or adequate fence or constructs a game-trap in such a fence, 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,

shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment.”.

19. Section 47 of the Ordinance is hereby amended by the substitution for paragraph (iii) of the proviso to subsection (1) of the following paragraph:

Amendment of section 47 of Ordinance 4 of 1975.

“(iii) any licensed butcher may, with the written permission of the Cabinet, sell any game meat which he has acquired from the owner or lessee of a farm or land in terms of the provisions of paragraph (i) or (ii) of this proviso;”.

20. Section 48 of the Ordinance is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

Amendment of section 48 of Ordinance 4 of 1975.

“(c) the [white] employee of any owner or lessee of a farm or land who transports the game meat of any game which such employee has lawfully hunted on

komstig die bepalings van hierdie Ordonnansie op sodanige plaas of grond gejaag het, vervoer, mits sodanige werknemer die skriftelike toestemming bedoel in artikel 31(2) ten tyde van sodanige vervoer by hom het indien hy dit op enige ander plek as die plaas of grond van sy werkgever vervoer;”.

Wysiging van artikel 49 van Ordonnansie 4 van 1975.

21. Artikel 49 van die Ordonnansie word hierby gewysig —

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Niemand mag enige wild of wilde dier of die rou vel of rou vleis van enige wild of wilde dier in die Gebied invoer of uit die Gebied uitvoer nie, behalwe kragtens ’n permit verleen deur die **[Uitvoerende Komitee] Kabinet**: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van —

- (a) die rou vel van enige wild of wilde dier wat van die Republiek van Suid-Afrika in die Gebied ingevoer word;

- (b) die rou vel aan enige wildkarkas wat **[wettiglik ooreenkomstig die bepalings van hierdie Ordonnansie gekoop is deur of geskenk is aan die persoon wat dit aldus uitvoer]** kragtens ’n permit verleen ingevolge hierdie subartikele of ooreenkomstig die bepalings van paragraaf (c) in die Gebied ingevoer of uit die Gebied uitvoer word;

- (c) die rou vleis van enige wild of wilde dier wat deur ’n persoon vir sy eie verbruik in die Gebied ingevoer word of wat wettiglik ooreenkomstig die bepalings van hierdie Ordonnansie vir sy eie verbruik gejaag of gekoop is deur of geskenk is aan die persoon wat dit aldus uitvoer.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Permit bedoel in subartikel (1) word verleen teen betaling van die gelde (indien enige) deur die **[Uitvoerende Komitee] Kabinet** bepaal: Met dien verstande dat die **[Uitvoerende Komitee] Kabinet**, indien hy oortuig is dat die wild, wilde dier, **[of] rou**

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

such farm or land in accordance with the provisions of this Ordinance, provided such employee shall have the written permission referred to in section 31(2) on his person at the time of such transport if he transports it on any place other than the farm or land of his employer;”.

21. Section 49 of the Ordinance is hereby amended —

Amendment of section
49 of Ordinance 4 of
1975.

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

“(1) No person shall import into the Territory or export from the Territory any game or wild animal or the raw skin or raw meat of any game or wild animal except under a permit granted by the **[Executive Committee] Cabinet**: Provided that the provisions of this subsection shall not apply in respect of —

(a) the raw skin of any game or wild animal imported into the Territory from the Republic of South Africa;

(b) the raw skin on any game carcass which **[has in accordance with the provisions of this Ordinance been lawfully purchased by or donated to the person so exporting it]** is imported into the Territory or exported from the Territory under a permit granted in terms of this subsection or in accordance with the provisions of paragraph (c);

(c) the raw meat of any game or wild animal imported into the Territory by any person for his own consumption or which has in accordance with the provisions of this Ordinance been lawfully hunted or purchased by or donated to the person so exporting it for his own consumption.”;

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

“(3) A permit referred to in subsection (1) shall be granted upon payment of the fees (if any) determined by the **[Executive Committee] Cabinet**: Provided that the **[Executive Committee] Cabinet** may, if it is satisfied that the game, wild animal, **[or]** raw

vel of rou vleis waarop sodanige permit betrekking het bestem is of benodig word vir 'n openbare museum, dieretuin of wetenskaplike inrigting of vir wetenskaplike doeleindes en dat geen wins daaruit gemaak sal word nie, na goeë dunde, sodanige gelde kan verminder of die persoon aan wie die permit verleen word, van die betaling van sodanige gelde kan vrystel.”.

Wysiging van artikel 55 van Ordonnansie 4 van 1975.

22. Artikel 55 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die eienaar of huurder van enige grond waarop rooijakkalse ingevolge die bepalings van subartikel (3) doodgemaak word, moet —

(a) indien die grond waarop die rooijakkalse aldus doodgemaak word, geleë is binne 'n kring ten opsigte waarvan bydraes tot die koste van jakkalsdraadomheining ingevolge die Wysigingsordonnansie op die Omheiningproklamasie 1957 (Ordonnansie 6 van 1957), as verpligtend verklaar is, 'n bedrag van tweehonderd rand; of

(b) indien die grond waarop die rooijakkalse aldus doodgemaak word, nie geleë is binne 'n kring ten opsigte waarvan bydraes tot die koste van jakkalsdraadomheining ingevolge die Wysigingsordonnansie op die Omheiningproklamasie 1957 (Ordonnansie 6 van 1957), as verpligtend verklaar is nie, 'n bedrag van vyftig rand,

aan die [Administrasie] Staat betaal ten opsigte van elke rooijakkals wat ingevolge die bepalings van subartikel (3) op sodanige grond doodgemaak word.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) 'n Bedrag betaalbaar aan die [Administrasie] Staat ingevolge subartikel (4) word geag 'n skuld verksuldig aan die [Administrasie] Staat te wees en kan in enige regsbevoegde hof op die persoon deur wie dit ingevolge genoemde subartikel betaal moet word, verhaal word.”.

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

skin or raw meat to which such permit has a bearing, is destined for or required by a public museum, zoological garden, or scientific institution, or for scientific purposes and that no profit will be derived therefrom, in his discretion, reduce such fees or exempt the person to whom the permit is granted from the payment of such fees.”.

22. Section 55 of the Ordinance is hereby amended —

Amendment of section
55 of Ordinance 4 of
1975.

(a) by the substitution for subsection (4) of the following subsection:

“(4) The owner or lessee of any land on which black-backed jackal are killed in terms of the provisions of subsection (3) shall —

(a) if the land on which the black-backed jackal are so killed is situated within an area in respect of which contributions towards the cost of jackal-proof fencing have been declared obligatory in terms of the Fencing Proclamation Amendment Ordinance 1957 (Ordinance 6 of 1957), pay an amount of two hundred rand; or

(b) if the land on which the black-backed jackal are so killed is not situated within an area in respect of which contributions towards the cost of jackal-proof fencing have been declared obligatory in terms of the Fencing Proclamation Amendment Ordinance 1957 (Ordinance 6 of 1957), pay an amount of fifty rand,

to the [Administration] State in respect of every black-backed jackal killed on such land in terms of the provisions of subsection (3).”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) An amount payable to the [Administration] State in terms of subsection (4) shall be deemed to be a debt due to the [Administration] State and may be recovered from the person by whom it has to be paid in terms of the said subsection in any competent court.”.

Vervanging van artikel 67 van Ordonnansie 4 van 1975.

23. Artikel 67 van die Ordonnansie word hierby deur die volgende artikel vervang:

"Hengel kragtens permit.

67. (1) Niemand behalwe die wettige houër van 'n permit verleen deur die Kabinet mag in enige binnelandse waters hengel nie: Met dien verstande dat —

- (a) die eienaar of huurder van grond, of die ouers of kinders van sodanige eienaar of huurder, of enige persoon wat in sy vaste diens is en op sodanige grond woon, in waters wat op sodanige grond geleë is kan hengel; en
- (b) enige lid van 'n bepaalde bevolkingsgroep in waters wat op die gemeenskaplike grond van die betrokke bevolkingsgroep geleë is, kan hengel,

sonder sodanige permit.

(2) Iemand wat in binnelandse waters kragtens 'n permit ingevolge hierdie artikel verleen hengel, moet sodanige permit te alle tye in sy besit hê terwyl hy aldus hengel."

Vervanging van artikel 68 van Ordonnansie 4 1975.

24. Artikel 68 van die Ordonnansie word hierby deur die volgende artikel vervang:

"Wyse waarop gehengel mag word.

68. (1) Behoudens die bepalings van [subartikel] subartikels (3) en (4) mag niemand sonder die skriftelike toestemming van die [Uitvoerende Komitee] Kabinet vis op enige ander wyse as met 'n lyn en vishoek in binnelandse waters vang nie: Met dien verstande dat 'n stellyn by die toepassing van hierdie artikel geag word nie 'n lyn te wees nie.

(2) Niemand mag meer as twee lyne geliktydig gebruik wanneer hy in binnelandse waters hengel nie.

(3) Niemand mag —

- (a) enige ander vishoek as 'n enkelvishoek gebruik wanneer hy in binnelandse waters hengel nie;

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

23. The following section is hereby substituted for section 67:

Substitution of section 67 of Ordinance 4 of 1975.

"Angling under permit.

67. (1) No person other than the holder of a permit granted by the Cabinet shall angle in any inland waters: Provided that —

- (a) the owner or lessee of land, or the parents or children of such owner or lessee, or any person permanently employed by him and resident on such land, may angle in waters situated on such land; and
- (b) any member of a particular population group may angle in waters situated on the communal land of the population group concerned,

without such permit.

(2) Any person who angles in inland waters under any permit granted in terms of this section shall at all times have such permit in his possession while he is so angling."

24. The following section is hereby substituted for section 68 of the Ordinance:

Substitution of section 68 of Ordinance 4 of 1975.

"Manner of angling permitted.

68. (1) Subject to the provisions of **[subsection] subsections (3) and (4)**, no person shall, without the written permission of the **[Executive Committee] Cabinet**, catch fish in inland waters in any other manner than with a line and fish-hook: Provided that a set line shall for the purposes of this section be deemed not to be a line.

(2) No person shall use more than two lines at the same time when angling in inland waters.

(3) No person shall —

- (a) use any other fish-hook than a single fish-hook when angling in inland waters;

- (b) meer as twee enkelvishoeke aan enige lyn gebruik wanneer hy in binnelandse waters hengel nie:

Met dien verstande dat een kunslepel, kunsvlieg of ander kunslokmiddel deur die **[Uitvoerende Komitee] Kabinet** goedgekeur, in die plek van een enkelvishoek aan enige lyn gebruik mag word.

(4) Die bepalings van hierdie artikel is nie van toepassing nie op 'n lid van 'n bepaalde bevolkingsgroep wat vis vang in binnelandse waters wat op die gemeenskaplike grond van die betrokke bevolkingsgroep geleë is.”.

Wysiging van artikel 78 van Ordonnansie 4 van 1975.

25. Artikel 78 van die Ordonnansie word hierby gewysig deur na paragraaf (k) die volgende paragraaf in te voeg:

“(kA) die maatreëls tref wat hy nodig of wenslik ag vir die betaling van geldelike belonings aan persone wat inligting in verband met oortredings van die bepalings van hierdie Ordonnansie verstrek.”.

Wysiging van artikel 79 van Ordonnansie 4 van 1975.

26. Artikel 79 van die Ordonnansie word hierby gewysig —

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die **[Uitvoerende Komitee] Kabinet** kan, behoudens die bepalings van die **[Staatsdienswet, 1957 (Wet 54 van 1957), en die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957)] Regeringsdienswet, 1980 (Wet 2 van 1980)**, die persone wat hy nodig en geskik ag as natuurbevaarders vir die hele Gebied of vir 'n gedeelte van die Gebied of vir 'n landdrostrik aanstel.”; en

- (b) deur subartikel (4) te skrap.

Vervanging van artikel 80 van Ordonnansie 4 van 1975.

27. Artikel 80 van die Ordonnansie word hierby deur die volgende artikel vervang:

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

- (b) use more than two single fish-hooks on any line when angling in inland waters:

Provided that one artificial spoon, artificial fly or other artificial lure approved by the **[Executive Committee]** Cabinet may be used instead of one single fish-hook.

(4) The provisions of this section shall not apply to any member of a particular population group who catches fish in inland waters situated on the communal land of the population group concerned."

25. Section 78 of the Ordinance is hereby amended by the insertion after paragraph (k) of the following paragraph:

Amendment of section 78 of Ordinance 4 of 1975.

"(kA) take the measures which it may deem necessary or desirable for the payment of monetary rewards to persons furnishing information in connection with contraventions of the provisions of this Ordinance."

26. Section 79 of the Ordinance is hereby amended —

Amendment of section 79 of Ordinance 4 of 1975.

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

"(1) The **[Executive Committee]** Cabinet may, subject to the provisions of the **[Public Service Act, 1957 (Act 54 of 1957), and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957)]** Government Service Act, 1980 (Act 2 of 1980), appoint the persons whom it may deem necessary and suitable, as nature conservators for the whole of the Territory or for a part of the Territory or for a magisterial district."; and

- (b) by the deletion of subsection (4).

27. The following section is hereby substituted for section 80 of the Ordinance:

Substitution of section 80 of Ordinance 4 of 1975.

"Sertifikaat van
aanstelling.

80. Elke natuurbewaarder, uitgesonderd 'n lid van die [Suid-Afrikaanse Polisie] veiligheidsmagte en elke ere-natuurbewaarder word deur die Direkteur van 'n aanstelling-sertifikaat en 'n kenteken voorsien en moet by die uitoefening van enige bevoegdheid of die vervulling van enige funksie of plig ingevolge hierdie Ordonnansie, sodanige sertifikaat ter insae vertoon indien hy daartoe versoek word."

Wysiging van artikel 81
van Ordonnansie 4 van
1975.

28. Artikel 81 van die Ordonnansie word hierby gewysig —

(a) deur paragraaf (o) van subartikel (1) deur die volgende paragraaf te vervang:

“(o) wanneer dit nodig is vir die behoorlike uitoefening van sy bevoegdhede of die behoorlike vervulling van sy funksies of pligte en het sy vir wetenskaplike of enige ander doeleindes —

(i) enige wild of ander wilde dier jag, vang of aanhou;

(ii) enige vis, ongeag die soort of grootte daarvan, vang;

(iii) enige inheemse of beskermde plant pluk,

op enige grond of in enige binnelandse waters wat aan die [Administrasie] Goewerment van die Gebied of 'n verteenwoordigende owerheid behoort en met die toestemming van die eienaar of huurder daarvan ook op enige grond wat nie aan die [Administrasie] Goewerment van die Gebied of 'n verteenwoordigende owerheid behoort nie: Met dien verstande dat “huurder” by die toepassing van hierdie paragraaf nie die huurder van grond wat nie die eienaar van die jagbare wild, jagbare wildvoëls en uitheemse wild op sodanige grond is nie, insluit nie;”;

(b) deur paragraaf (p) van subartikel (1) deur die volgende paragraaf te vervang:

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

"Certificate of
appointment.

80. Every nature conservator, except a member of the **[South African Police]** security forces, and every honorary nature conservator shall be furnished by the Director with a certificate of appointment and a badge and shall when exercising any power or performing any function or duty in terms of this Ordinance, produce such certificate for inspection if requested to do so."

28. Section 81 of the Ordinance is hereby amended —

Amendment of section
81 of Ordinance 4 of
1975.

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

"(o) whenever it is necessary for the proper exercise of his powers, or for the proper performance of his functions or duties, and whether for scientific or any other purposes —

(i) hunt, capture or keep any game or wild animal;

(ii) catch any fish irrespective of the species or size thereof;

(iii) pick any indigenous or protected plant,

on any land or in any inland waters owned by the **[Administration]** Government of the Territory or a representative authority and, with the permission of the owner or lessee thereof, also on land not owned by the **[Administration]** Government of the Territory or a representative authority: Provided that, for the purposes of this paragraph, "lessee" shall not include the lessee of land who is not the owner of the huntable game, huntable game birds and exotic game on such land;"

(b) by the substitution for paragraph (p) of subsection (1) of the following paragraph:

- “(p) indien dit vir die uitoefening van sy bevoegd-
hede of die vervulling van sy funksies of plig-
te nodig is, of hy dit daarvoor nodig ag, ’n
vuurwapen by hom dra selfs al verkeer hy op
grond wat nie aan die **[Administrasie]**
Goewerment van die Gebied of ’n verteen-
woordigende owerheid behoort nie;”;
- (c) deur die woorde wat paragraaf (a) van subartikel
(4) voorafgaan, deur die volgende woorde te
vervang:
- “ ’n Ere-natuurbewaarder het **[al die bevoegd-
hede, funksies en pligte]** die bevoegdheid wat by subarti-
kel 1(a) **[(f), (g), (h) en (j)]** aan ’n natuurbewaarder
verleen word en moet daarbenewens —”;
- (d) deur paragraaf (a) van subartikel (4) deur die vol-
gende paragraaf te vervang:
- “(a) **[gereeld by die Direkteur verslae indien]** op
versoek van die Direkteur, op die wyse en op
die tye deur die Direkteur bepaal, of te eniger
tyd uit eie beweging, aan die Direkteur ver-
slag doen met betrekking tot wantoestande,
wanpraktyke, misbruike en ander aange-
leenthede in verband met die beskerming van
wild, ander wilde diere, vis en inheemse en
beskermdede plante in die gebied waarvoor hy
aangestel is;”;
- (e) deur die woorde wat subparagraaf (i) van paragraaf
(c) van subartikel (4) voorafgaan deur die volgende
woorde te vervang:
- “minstens **[aan die einde van elke kalenderjaar]**
eenkeer per jaar op die tyd en plek en op die wyse
deur die Direkteur bepaal, [by] aan die Direkteur
[’n] verslag doen in verband met die wild, wilde
diere, vis en inheemse en beskermdede plante in sy ge-
bied **[indien waarin]** en in sodanige verslag inligting
verstrek **[word]** betreffende —”;
- (f) deur subartikel (5) deur die volgende subartikel te
vervang:
- “(5) Iemand wat ’n natuurbewaarder, ’n ere-
natuurbewaarder of die assistent of tolk van ’n na-
tuurbewaarder by die uitoefening van sy bevoegd-

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

“(p) if it is necessary for the exercise of his powers or the performance of his functions or duties, or if he deems it necessary therefor carry a fire-arm on his person even if he is on land which is not owned by the **[Administration]** Government of the Territory or a representative authority;”;

- (c) by the substitution for the words preceding paragraph (a) of subsection (4) of the following words:

“An honorary nature conservator shall have **[all the powers, functions and duties]** the power granted to a nature conservator by subsection 1(a) **[(f), (g), (h) and (j)]** and shall in addition thereto —”;

- (d) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) **[regularly submit reports to the Director]** at the request of the Director, in the manner and at the times determined by the Director, or at any time of his own accord, report to the Director in relation to malconditions, malpractices, abuses and other matters in connection with the protection of game, other wild animals, fish and indigenous and protected plants in the area for which he has been appointed;”;

- (e) by the substitution for the words preceding subparagraph (i) of paragraph (c) of subsection (4) of the following words:

“at least **[at the end of every calender year submit a]** once per year, at the time and place and in the manner determined by the Director, report to the Director in connection with the game, wild animals, fish and indigenous and protected plants in his area [in which] and in such report provide information [is provided] in relation to —”;

- (f) by the substitution for subsection (5) of the following subsection:

“(5) Any person who assaults or resists or hinders or impedes a nature conservator, an honorary nature conservator or the assistant or in-

hede of die vervulling van sy funksies of pligte aanrand of weerstaan of hinder of belemmer of hom opsetlik met so 'n natuurbewarder, ere-natuurbewarder, assistent of tolk bemoei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [duisend vyfhonderd rand] R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens [drie] vier jaar of met sowel sodanige boete as sodanige gevangenisstraf.”.

Wysiging van artikel 81A van Ordonnansie 4 van 1975, soos ingevoeg deur artikel 6 van Ordonnansie 4 van 1977.

29. Artikel 81A van die Ordonnansie word hierby gewysig —

(a) deur die voorbehoudsbepaling by paragraaf (b) van subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat enige sodanige voorwerp wat ingevolge enige van die genoemde bepalinge verbeur word, aan die [Administrasie] Staat verbeur word.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Enige voorwerp aldus aan die [Administrasie] Staat verbeur kan deur die [Uitvoerende Komitee] Kabinet van die hand gesit word en die inkomste daaruit verkry word in die [Gebiedsinkomstefonds] Sentrale Inkomstefonds gestort.”.

Wysiging van artikel 83 van Ordonnansie 4 van 1975.

30. Artikel 83 van die Ordonnansie word hierby gewysig —

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) (a) Elke permit, lisensie, registrasie, goedkeuring, toestemming of vrystelling wat deur die [Uitvoerende Komitee] Kabinet verleen word ingevolge hierdie Ordonnansie, word uitgereik teen betaling van die gelde, indien enige, wat by hierdie Ordonnansie of [die regulasies], behoudens die bepalinge van paragraaf (b), by regulasie vir sodanige permit, lisensie, registrasie, goedkeuring, toestemming of vrystelling, voorgeskryf word: Met dien verstande

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

terpreter of a nature conservator in the exercise of his powers or the performance of his functions or duties, or wilfully interferes with such nature conservator, honorary nature conservator, assistant or interpreter, shall be guilty of an offence and liable on conviction to a fine not exceeding **[one thousand five hundred rand] R4 000** or to imprisonment for a period not exceeding **[three] four** years, or to both such fine and such imprisonment.”.

29. Section 81A of the Ordinance is hereby amended —

Amendment of section 81A of Ordinance 4 of 1975, as inserted by section 6 of Ordinance 4 of 1977.

(a) by the substitution for the proviso to paragraph (b) of subsection (1) of the following proviso:

“Provided that any such article which may be forfeited in terms of any of the said sections, shall be forfeited to the **[Administration] State**.”; and

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

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

30. Section 83 of the Ordinance is hereby amended —

Amendment of section 83 of Ordinance 4 of 1975.

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

“(2) (a) Every permit, licence, registration, approval, permission or exemption granted by the **[Executive Committee] Cabinet** in terms of this Ordinance shall be issued against payment of the fees, if any, prescribed, for such permit, licence, registration, approval, permission or exemption by this Ordinance or a **[the regulations]**, subject to the provisions of paragraph (b), by regulation: Provided that the **[Executive Committee] Cabinet** may, subject to the provisions of this Ordinance, decrease

dat die **[Uitvoerende Komitee]** Kabinet, behoudens die bepalings van hierdie Ordonnansie, sodanige gelde kan verminder of vrystelling van die betaling van sodanige gelde kan verleen indien daar na sy mening goeie en voldoende rede daarvoor bestaan.

(b) Gelde wat kragtens paragraaf (a) by regulasie voorgeskryf word vir 'n permit of toestemming met betrekking tot die jag van wild of ander wilde diere op gemeenskaplike grond van 'n bepaalde bevolkingsgroep of op grond wat aan 'n verteenwoordigende owerheid behoort, word aldus voorgeskryf slegs met die instemming van die uitvoerende owerheid van die betrokke bevolkingsgroep en geen vermindering van sodanige gelde of vrystelling van die betaling daarvan word deur die Kabinet kragtens paragraaf (a) toegestaan of verleen nie, tensy die betrokke uitvoerende owerheid tot sodanige vermindering of vrystelling ingestem het.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) (a) Elke permit, lisensie, registrasie, goedkeuring, toestemming of vrystelling wat deur die **[Uitvoerende Komitee]** Kabinet verleen word ingevolge hierdie Ordonnansie is onderworpe aan die voorwaardes, vereistes en beperkings wat, behoudens die bepalings van paragraaf (b), hetsy in die algemeen of vir die besondere permit, lisensie, registrasie, goedkeuring, toestemming of vrystelling by regulasie voorgeskryf word en daarbenewens ook aan die voorwaardes, vereistes en beperkings wat die **[Uitvoerende Komitee]** Kabinet, behoudens die bepalings van paragraaf (b), in elke besondere geval nodig of dienstig ag om op te lê.

(b) Enige voorwaardes, vereistes en beperkings wat kragtens paragraaf (a) voorgeskryf of opgelê word vir 'n permit of toestemming met betrekking tot die jag van wild of ander wilde diere op gemeenskaplike grond van 'n bepaalde bevolkingsgroep of op grond wat aan 'n verteenwoordigende owerheid behoort, word aldus voorgeskryf of opgelê slegs met die instemming van die uitvoerende owerheid van die betrokke bevolkingsgroep.”;

NATURE CONSERVATION AMENDMENT ACT,
1986

Act No. 27, 1986

such fees or grant exemption from the payment of such fees if it is of the opinion that good and sufficient reason therefor exists.

(b) Fees prescribed by regulation under paragraph (a) for a permit or permission in relation to the hunting of game or other wild animals on communal land of a particular population group or on land owned by a representative authority, shall be so prescribed only with the concurrence of the executive authority of the population group concerned and no decrease of such fees or exemption from the payment thereof shall be allowed or granted by the Cabinet under paragraph (a) unless the executive authority concerned has concurred to such decrease or exemption.”.

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

“(3) (a) Every permit, licence, registration, approval, permission or exemption granted by the [Executive Committee] Cabinet in terms of this Ordinance shall be subject to the conditions, requirements, and restrictions prescribed, subject to the provisions of paragraph (b), by regulation, whether in general or for the particular permit, licence, registration, approval, permission or exemption and, in addition thereto, to the conditions, requirements and restrictions which the [Executive Committee] Cabinet may, subject to the provisions of paragraph (b), in every particular case deem necessary or expedient to impose.

(b) Any conditions, requirements and restrictions which are prescribed or imposed under paragraph (a) for a permit or permission in relation to the hunting of game or other wild animals on communal land of a particular population group or on land owned by a representative authority, shall be so prescribed or imposed only with the concurrence of the executive authority of the population group concerned.”;

- (c) deur die woorde wat subparagraaf (i) van paragraaf (a) van subartikel (5) voorafgaan deur die volgende woorde te vervang:

“Die [Uitvoerende Komitee] Kabinet kan, behoudens die bepalings van paragraaf (e), te eniger tyd, sonder om redes daarvoor te verstrek —”;

- (d) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:

“(d) Indien iemand skade ly as gevolg van die uitoefening deur die [Uitvoerende Komitee] Kabinet van enige van die bevoegdhede by hierdie subartikel aan hom verleen, is die [Administrasie] Staat nie verplig om aan sodanige persoon enige vergoeding te betaal vir skade wat hy as gevolg van die uitoefening van die betrokke bevoegdheid ly nie.”;

- (e) deur die volgende paragraaf by subartikel (5) te voeg:

“(e) Geen voorwaarde, vereiste of beperking waaraan ’n permit of toestemming vir die jag van wild of ander wilde diere op gemeenskaplike grond van ’n bepaalde bevolkingsgroep of op grond wat aan ’n verteenwoordigende owerheid behoort, word deur die Kabinet gewysig, verander of ingetrek nie en geen verdere voorwaarde, vereiste of beperking word deur die Kabinet by die voorwaardes, vereistes en beperkings waaraan so ’n permit of toestemming onderworpe is gevoeg nie, tensy die uitvoerende owerheid van die betrokke bevolkingsgroep tot sodanige wysiging, verandering, intrekking of toevoeging ingestem het.”; en

- (f) deur die volgende subartikel by te voeg:

“(7) Alle gelde ingevorder en ontvang ten opsigte van permitte of toestemmings uitgereik ingevolge hierdie Ordonnansie vir die jag van wild of ander wilde diere op gemeenskaplike grond van ’n bepaalde bevolkingsgroep of op grond wat aan ’n verteenwoordigende owerheid behoort, word aan die inkomstefonds van die betrokke verteenwoordigende owerheid oorbetaal.”.

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

- (c) by the substitution for the words preceding subparagraph (i) of paragraph (a) of subsection (5) of the following words:

“The [Executive Committee] Cabinet may, subject to the provisions of paragraph (e), at any time, without furnishing any reasons therefore —”;

- (d) by the substitution for paragraph (d) of subsection (5) of the following paragraph:

“(d) If any person suffers damages as a result of the exercise by the [Executive Committee] Cabinet of any of the powers granted to it by this subsection, the [Administration] State shall not be obliged to pay any compensation to such person for any damages which he suffered as a result of the exercise of the power concerned.”;

- (e) by the addition to subsection (5) of the following paragraph:

“(e) No condition, requirement or restriction to which a permit or permission for the hunting of game or other wild animals on communal land of a particular population group or on land owned by a representative authority is subject, shall be amended, changed or withdrawn by the Cabinet and no further condition, requirement or restriction shall be added by the Cabinet to the conditions, requirements and restrictions to which such a permit or permission is subject, unless the executive authority of the population group concerned has concurred to such amendment, change, withdrawal or addition.”; and

- (f) by the addition of the following subsection:

“(7) All moneys collected and received in respect of permits or permissions issued in terms of this Ordinance for the hunting of game or other wild animals on communal land of a particular population group or on land owned by a representative authority, shall be paid to the revenue fund of the representative authority concerned.”.

Wysiging van artikel 85 van Ordonnansie 4 van 1975.

31. Artikel 85 word hierby gewysig deur na subartikel (3) die volgende subartikel in te voeg:

“(3A) Wanneer by ’n vervolging weens ’n misdryf ingevolge die bepalings van artikel 40A dit bewys word dat ’n persoon, hetsy self of deur enige ander persoon, enige wildwerende heining of voldoende omheining tussen enige plaas of stuk grond en enige ander plaas of stuk grond waarvan hy nie die eienaar of huurder is nie, verwyder, beskadig, geknip, platgelê of opgelig het of dat hy ’n wildfuik in so ’n heining of omheining aangebring het, word dit geag, tensy die teendeel bewys word, dat sodanige persoon so ’n wildwerende heining of voldoende omheining verwyder, beskadig, geknip, platgelê of opgelig het of dat hy bedoelde wildfuik daarin aangebring het met die doel om wild of ander wilde diere vanaf bedoelde ander plaas of stuk grond na eersbedoelde plaas of stuk grond aan te jaag of aan te lok of om wild of ander wilde diere vanaf bedoelde ander plaas of stuk grond na eersbedoelde plaas of stuk grond te laat deurgaen of ontsnap.”.

Wysiging van artikel 89 van Ordonnansie 4 van 1975.

32. Artikel 89 van die Ordonnansie word hierby gewysig —

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) moet die hof wat sodanige persoon skuldig bevind, behoudens die bepalings van hierdie Ordonnansie, enige wild of wilde dier of wildsvleis of die vel, horing, tand, eier, dop, ore, pote of kop van enige wild of wilde dier of enige vis of inheemse plant wat in die besit van sodanige persoon gevind word en wat vir die doel van of in verband met die pleeg van sodanige misdryf gebruik is of ten opsigte [waaraan] waarvan sodanige misdryf gepleeg is, ten gunste van die [Administrasie] Staat verbeurd verklaar;”;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) kan die hof wat sodanige persoon skuldig bevind, behoudens die bepalings van hierdie Ordonnansie, enige wapen of ammunisie, lamp, battery, visgerei, toestel of artikel in artikel 42

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

31. Section 85 is hereby amended by the insertion after subsection (3) of the following subsection:

Amendment of section
85 of Ordinance 4 of
1975.

“(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, 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 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.”

32. Section 89 of the Ordinance is hereby amended —

Amendment of section
89 of Ordinance 4 of
1975.

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

“(a) the court convicting such person shall, subject to the provisions of this Ordinance, declare any game or wild animal or game meat or the skin, horn, tooth or tusk, egg, shell, ears, feet or head of any game or wild animal or any fish or indigenous plant which is found in the possession of such person and which was used for the purpose of or in connection with the commission of such offence or in respect of which such offence has been committed, to be forfeited to the **[Administration] State**.”;

(b) by the substitution for paragraph (c) of subsection (1) on the following paragraph:

“(c) the court convicting such person may, subject to the provisions of this Ordinance, declare any weapon or ammunition, lamp, battery, fishing tackle, device or article referred to in

bedoel, dier of enige ander artikel of voorwerp wat vir die doel van of in verband met die pleeg van sodanige misdryf gebruik is, ten gunste van die [Administrasie] Staat verbeurd verklaar;”;

(c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) kan die hof wat sodanige persoon skuldig bevind, behoudens die bepalings van hierdie Ordonnansie, enige voertuig, vaartuig, vlot of vliegtuig wat vir die doel van of in verband met die pleeg van sodanige misdryf gebruik is of wat gebruik is vir die vervoer of verwydering van enige wild of wilde dier wat in stryd met die bepalings van hierdie Ordonnansie gejag of gevang is, ten gunste van die [Administrasie] Staat verbeurd verklaar.”; en

(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Enigiets wat ingevolge die bepalings van hierdie artikel verbeurd verklaar word kan deur die [Uitvoerende Komitee] Kabinet van die hand gesit word en die opbrengs daaruit verkry word in die [Gebiedsinkomstefonds] Sentrale Inkomstefonds gestort.”.

Herroeping van wette.

33. (1) Behoudens die bepalings van subartikels (2) en (3), word die wette genoem in die Bylae hierby herroep in die mate uiteengesit in die derde kolom daarvan.

(2) Enige proklamasie, regulasie, kennisgewing, bevel, verbod, magtiging, permit, lisensie, registrasie, goedkeuring, toestemming, vrystelling of dokument uitgevaardig, uitgereik, gemaak, gedoen, afgekondig, opgelê, gegee of verleen en enige ander handeling verrig ingevolge die bepalings van ’n wet wat by subartikel (1) herroep word, word, indien dit nie in stryd met die bepalings van die Ordonnansie is nie, geag uitgevaardig, uitgereik, gemaak, gedoen, afgekondig, opgelê, gegee, verleen of verrig te wees ingevolge die ooreenstemmende bepalings van die Ordonnansie.

(3) Iemand wat ingevolge die bepalings van ’n by subartikel (1) herroepe wet, ordonnansie of proklamasie of regulasie daarkragtens uitgevaardig, aangestel is om

**NATURE CONSERVATION AMENDMENT ACT,
1986**

Act No. 27, 1986

section 42, animal or any other article or object which was used for the purpose of or in connection with the commission of such offence to be forfeited to the **[Administration] State**”;

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

“(d) the court convicting such person may, subject to the provisions of this Ordinance, declare any vehicle, vessel, raft, or aircraft used for the purpose of or in connection with the commission of such offence or for the purpose of conveying or removing any game or wild animal hunted or captured contrary to the provisions of this Ordinance, to be forfeited to the **[Administration] State**.”; and

- (d) by the substitution for subsection (4) of the following subsection:

“(4) Anything forfeited in terms of the provisions of this section may be disposed of by the **[Executive Committee] Cabinet** and the proceeds obtained therefrom shall be paid into the **[Territory] Central Revenue Fund**.”.

33. (1) Subject to the provisions of subsections (2) and (3), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof.

Repeal of laws.

(2) Any proclamation, regulation, notice, order, prohibition, authority, permit, licence, registration, approval, permission, exemption or document promulgated, issued, made, ordered, published, imposed, given or granted and any other act performed in terms of the provisions of any law repealed by subsection (1), shall, if not inconsistent with the provisions of the Ordinance, be deemed to have been promulgated, issued, made, ordered, published, imposed, given, granted or performed in terms of the corresponding provisions of the Ordinance.

(3) Any person appointed in terms of the provisions of an act, ordinance or proclamation repealed by subsection (1) or regulation promulgated thereunder to perform

Wet No. 27, 1986 WYSIGINGSWET OP NATUURBEWARING, 1986

dienste te verrig wat soortgelyk is aan dienste wat vereis sou word van 'n persoon aangestel ingevolge die bepalings van die Ordonnansie word geag aangestel te wees ingevolge die bepalings van die Ordonnansie.

Toepassing van Ordonnansie 4 van 1975.

34. Die Ordonnansie en alle wysigings daarvan asook alle regulasies daarkragtens uitgevaardig, is, met ingang van die datum van inwerkingtreding van hierdie Wet, ook van toepassing in daardie gebiede waarin die by artikel 33 herroepe wette onmiddellik voor die datum van inwerkingtreding van hierdie Wet van krag was.

Kort titel.

35. Hierdie Wet heet die Wysigingswet op Natuurbe-
waring, 1986.

BYLAE

WETTE HERROEP

No. en jaar	Kort titel	In hoeverre herroep
Ordonnansie 5 van 1927	Wildbeskerming-Ordonnansie 1927	Die geheel vir sover dit nog in Oos-Caprivi van krag is
Ordonnansie 19 van 1937	Ordonnansie op Beskerming van Diere en Blomme, 1937	Die geheel vir sover dit nog in Oos-Caprivi van krag is
Proklamasie R.1023 van 1973	Owambo Natuurbe- waringmaatreël, 1973	Die geheel
Wet 4 van 1974 van die Kavango Wetgewende Raad	Kavango Wet op Na- tuurbewaring, 1974	Die geheel
Proklamasie R.188 van 1976	Proklamasie op Na- tuurbewaring in sekere Natuurlegebiede in Suidwes-Afrika, 1976	Die geheel

NATURE CONSERVATION AMENDMENT ACT, Act No. 27, 1986
1986

duties similar to those duties required of a person appointed in terms of the Ordinance shall be deemed to have been appointed in terms of the provisions of the Ordinance.

34. The Ordinance and all amendments thereof as well as all regulations made thereunder, shall, with effect from the date of commencement of this Act, apply also in those territories in which the laws repealed by section 33 were in force immediately before the date of commencement of this Act.

Application of Ordinance 4 of 1975.

35. This Act shall be called the Nature Conservation Amendment Act, 1986.

Short title.

SCHEDULE

LAWS REPEALED

No. and year	Short title	Extent to which repealed
Ordinance 5 of 1927	Game Preservation Ordinance 1927	The whole in so far as it is still in force in Eastern Caprivi
Ordinance 19 of 1937	Fauna and Flora Protection Ordinance, 1937	The whole in so far as it is still in force in Eastern Caprivi
Proclamation R.1023 of 1973	Owambo Nature Conservation Enactment, 1973	The whole
Act 4 of 1974 of the Kavango Legislative Council	Kavango Nature Conservation Act, 1974	The whole
Proclamation R.188 of 1976	Nature Conservation in Certain Native Areas in South West Africa Proclamation, 1976	The whole