

South Africa

National Environmental Management: Protected Areas Act, 2003

## Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, 2005

Government Notice R1061 of 2005

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## South Africa

### National Environmental Management: Protected Areas Act, 2003

# Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, 2005 Government Notice R1061 of 2005

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*[Amended by Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites: Amendment (Government Notice R622 of 2014) on 15 August 2014]*

The Minister of Environmental Affairs and Tourism has, under section **86** of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), made the Regulations in the Schedule.

## 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates—

**"accommodation"** means facilities of any nature for the accommodation of day and overnight visitors;

**"alien species"** means—

- (a) a species that is not an indigenous species; or
- (b) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention;

**"authorised official"** means an employee of a management authority, or any other person, acting as such on the written authorisation of a management authority and includes an environmental management inspector;

**"bioprospecting"** means bioprospecting as defined in section 1 of the National Environmental Management: Biodiversity Act (Act No 10 of 2004)

**"community-based natural resource management"** means in relation to indigenous biological resources, any utilisation of indigenous biological resources by a community for sustainable harvesting, traditional use or commercial purposes;

**"critically endangered species"** means any indigenous species listed as a critically endangered species in terms of section 56 of the Biodiversity Act;

**"dangerous weapon"** means any object, other than a firearm, which could cause serious bodily injury in respect of people or animals;

**"development"** means any physical intervention, excavation or action, other than that caused by natural forces, which may result in a change in the nature, appearance or physical nature of a site in a national park or world heritage site or influence its stability and future well-being, including—

- (a) the construction, alteration, demolition, removal or change of use of a site or a structure on the site;
- (b) the carrying out of any works on, over or under the site;

- (c) the construction or putting up for display of signs or boardings;
- (d) any change to the natural or existing condition or topography of land; and
- (e) any removal, clearing or destruction of trees or vegetation or the removal of topsoil;

**"employee"** means a person in the employ of a management authority;

**"environmental management inspector"** means a person designated as such in terms of section 318 of the National Environmental Management Act, 1998 ([Act No. 107 of 1998](#));

**"firearm"** means a firearm as defined in section 1 of the Firearms Control Act, 2000 ([Act No. 60 of 2000](#));

**"internal rules"** means rules made under section 52 of the Act;

**"invasive species"** means invasive species as defined in section 1 of the National Environmental Management: Biodiversity Act ([Act no 10 of 2004](#))

**"life-guard"** means a person appointed by a management authority to perform rescue services;

**"listed threatened or protected species"** means any species listed in terms of section 56(1) of the Biodiversity Act;

**"Marine Living Resources Act, 1998"** means the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#));

**"Merchant Shipping Act, 1951"** means the Merchant Shipping Act, 1951 ([Act No. 57 of 1951](#));

**"open access protected area"** means a national park or world heritage site which can be entered and traversed by any means where the entry to such national park or world heritage site is not restricted or controlled by any access point or a gate;

**"overnight"** means to be present in a national park or world heritage site between sunset and sunrise;

**"point of entry"** means a place of entry to a special nature reserve, national park or world heritage site;

**"Protected Area Notice"** means a written notification issued by a management authority;

**"protected species"** means any indigenous species naturally found in a protected area and includes any indigenous protected species listed under section 56 of the Biodiversity Act;

**"recreation area"** means any area set aside in terms of the management plan for general recreational use by the public;

**"special use permit"** means a permit granted as contemplated in regulation 35;

**"specific environmental management Act"** means a specific environmental management Act as defined in section 1 of the National Environmental Management Act, 1998 ([Act No. 107 of 1998](#));

**"specimen"** means a specimen as defined in section 1 of the Biodiversity Act;

**"the Act"** means the National Environmental Management: Protected Areas Act, 2003 ([Act No. 57 of 2003](#));

**"vehicle"** means any conveyance designed or adapted principally to travel on wheels or tracks;

**"vessel"** means any conveyance floating on, in or over water and designed for navigation on or in water, howsoever propelled and includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with an inboard or outboard motor or any other craft, whether surface craft or submarine;

**"vulnerable species"** means any indigenous species listed as a vulnerable species under section 56 of the Biodiversity Act;

**"water area"** means the water and the bed of any tidal lagoon, natural lake, tidal river, river or stream, dam, impoundment or wetland or any part thereof, situated within a special nature reserve, national park or world heritage site, and includes the water and the land between the lowest line and the highest line to



which the water-level of such tidal lagoon, natural lake, tidal river, dam, impoundment or wetland, river or stream or any part thereof may recede or rise at any time;

"**water ski**" means to ski on or in the water with or without the assistance of any kind of skiing apparatus while the water skier is towed by a vessel by means of a towing-rope, and includes kite-surfing and para-sailing.

## **Chapter 1**

### **Application of Regulations**

#### **2. Application of Regulations**

- (1) These Regulations are, unless specified otherwise, applicable to all special nature reserves, national parks and world heritage sites excluding the Vredefort World Heritage Site.

*[subregulation (1) substituted by section 2 of [Government Notice R622 of 2014](#)]*

- (2) These Regulations apply to a marine protected area that has been included in a special nature reserve, national park or world heritage site.
- (3) An authorised official is not subject to these Regulations in relation to the performance of their functions or the exercise of their powers and in the course of the performance of their duties or their employment.

## **Chapter 2**

### **Protected areas register**

#### **3. Protected areas register**

Every management authority must submit to the Minister, within three months after the end of each financial year, information for the protected area register, in the prescribed format, detailing all protected areas under the control of, or intended to be under the control of, the management authority.

## **Chapter 3**

### **Part 1 – Biodiversity management and conservation in a special nature reserve, national park and world heritage site**

#### **4. Prohibitions**

- (1) No person shall, other than in an open access protected area, in a special nature reserve, national park or world heritage site, without the prior written consent of a management authority, license, permit or receipt—
- (a) introduce any species or specimen, or part thereof to a special nature reserve, national park or world heritage site;
  - (b) engage in any restricted activity as defined in Regulation 45;
  - (c) intentionally disturb any species or specimen;
  - (d) feed any species or specimen;
  - (e) use any recording of the sound of a species or specimen or the imagery or scent of a species or specimen to attract animals;
  - (f) remove any wood, sand, gravel, stone, sea shell, guano or other material;

- (g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood or firewood;
  - (h) intentionally cause pollution, deface cultural heritage resources, harm or cause death to any individual or population of any protected species;
  - (i) significantly alter or change the sense of place or any environmental, cultural or spiritual values; or
  - (j) remove or be in possession of a cultural artefact
- (2) No person shall, other than with the prior written permission of a management authority and subject to the management plan, open or close the mouth of a tidal lagoon or a tidal river within any special nature reserve, national park or world heritage site.

## **Part 2 – Use of biological resources in a national park or world heritage site**

### **5. Use of biological resources**

- (1) A management authority may, subject to the provisions of an approved management plan, by means of the granting of a non-transferable licence or permit or the entering into of a written agreement, on the conditions it deems necessary and against payment of the fees determined by it, grant to any person the right to the sustainable use of identified biological resources in a National Park or World Heritage Site.
- (2) A licence, permit or agreement contemplated in subregulation (1), must—
  - (a) define the land or water area within which the use of the biological resources is granted;
  - (b) indicate the period for which the right contemplated in subregulation (1) is granted; and
  - (c) determine the limits to the use of the biological resources.
- (3) A management authority must demarcate the land or water area contemplated in subregulation (1)(a) in a manner it deems fit.
- (4) A right granted in terms of subregulation (1) may not interfere with the exercise of any right which has been granted to another person in respect of the area contemplated in subregulation (1)(a) or conflict with the purpose for which national park or world heritage site was established.
- (5) A management authority may cancel a right granted in terms of subregulation (1) in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the management authority: Provided that the management authority must give 14 days written notice of such cancellation to the holder of the right and that it pays a *pro rata* portion of the fee in respect of the unexpired period for which the right was granted, to the holder of the right.
- (6) The holder of a right contemplated in subregulation (1), shall not allow, permit or cause any environmental damage, not otherwise normally associated with the sustainable use of biological resources, except with the prior written permission of the management authority.

### **6. Access to special nature reserve, national park and world heritage site by user of biological resources**

- (1) The holder of a right granted in terms of regulation 5(1) may, subject to any condition contained in a licence, permit or agreement, use any road, or path for the reasonable exercise of a right to use biological resources: Provided that—
  - (a) a management authority may close any access road or limit the use thereof for management purposes;

- (b) if a holder of a right fails to remove or repair any obstruction on an access road caused as a result of the exercise of a right, a management authority may undertake such removal or repair and recover the cost in this regard from the holder of the right;
- (c) a management authority may impose restrictions on the type of vehicle, machinery or equipment which is permitted on an access road in order to prevent any environmental or other damage;
- (d) the holder of a right must keep every access road used, reasonable wear excluded, in a good driving condition, and in the case where such holder fails to do so, the management authority may undertake the necessary repairs and recover the cost in this respect from the holder of the right; and
- (e) a holder of a right shall not create or construct any new access road for the removal of biological resources or for any other reason, without the written permission of a management authority.

## **7. Collection of data**

- (1) A management authority must before the end of June of each year submit a return or returns to the Minister in respect of the use of biological resources for the preceding financial year detailing—
  - (a) the number of licences, permits and agreements granted or entered into in respect of the use of biological resources;
  - (b) a description of the biological resources used;
  - (c) the quantities of biological resources harvested;
  - (d) the income generated by the harvesting of biological resources; and
  - (e) the conservation status of the biological resources being exploited.

## **Part 3 – Access to special nature reserves, national parks and world heritage sites**

### **8. Admission**

- (1) Any person who has been granted entry into a special nature reserve, national park or world heritage site shall be allowed admission only to a specific area and at designated times as determined by a management authority.
- (2) A management authority may close a special nature reserve, national park or world heritage site or any part of a special nature reserve, national park or world heritage site—
  - (a) if, in the management authority's opinion—
    - (i) the closure is necessary or desirable for the proper management of the special nature reserve, national park or world heritage site; or
    - (ii) the closure is necessary for the management authority to perform any of its functions in terms of the Act or these Regulations;
  - (b) if a fire ban is in force in an area that includes all or part of the special nature reserve, national park or world heritage site;
  - (c) if the risk of uncontrolled fire in the special nature reserve, national park or world heritage site is, in the management authority's opinion, extreme;
  - (d) if the management authority staff necessary to patrol the special nature reserve, national park or world heritage site are unavailable; or

- (e) if, in the management authority's opinion, it is in the interest of public safety to close the special nature reserve, national park or world heritage site.
- (3) No person shall, without the permission of the management authority, enter or remain in a special nature reserve, national park or world heritage site that has been closed in terms of subregulation (2).

## **9. Entrance and accommodation fees**

- (1) No person shall enter or remain in a special nature reserve, national park or world heritage site or a part thereof without the payment of an entrance fee as determined by a management authority from time to time.
- (2) Where a fee is determined by a management authority for the hire of accommodation or recreational facilities in a special nature reserve, national park or world heritage site, no person shall enter or remain within the boundaries of the accommodation or recreational facilities unless that person has paid the said fee for the hire of the accommodation or the recreational facilities or has been permitted by the management authority to enter or remain within the boundaries of the accommodation or the recreational facilities.

## **10. Points of entry and exit**

- (1) No person shall, other than in an open access protected area, or subject to the provisions of Section 46 of the Act and regulation 11, enter or leave a special nature reserve, national park or world heritage site at any place other than through an official point of entry or exit, without the written permission of the management authority.
- (2) Where a public road or railway line passes through a special nature reserve, national park or world heritage site—
  - (a) no permission shall be required by a person to pass through the special nature reserve, national park or world heritage site on such a road or railway line to a destination outside the special nature reserve, national park or world heritage site in question; and
  - (b) no person shall be permitted—
    - (i) to leave such a public road; or
    - (ii) to enter into a special nature reserve, national park or world heritage site to from such public road or railway line other than in compliance with subregulation (1).

## **11. Proof of entry**

- (1) Where the payment of a fee or the issue of a permit is required for entry to a special nature reserve, national park or world heritage site, a person who enters the special nature reserve, national park or world heritage site in a vehicle must ensure that the receipt for the entrance fee in respect of, or the permit authorising his or her entry into the special nature reserve, national park or world heritage site is displayed at all times in the vehicle in accordance with subregulation (3) until he or she or the vehicle leaves the special nature reserve, national park or world heritage site.
- (2) Where the issue of a permit is required for camping in a special nature reserve, national park or world heritage site, a person who camps in the special nature reserve, national park or world heritage site in or near a vehicle that he or she has travelled in to get to the camp site must ensure that the permit authorising him or her to camp in the special nature reserve, national park or world heritage site is displayed at all times in the vehicle in accordance with subregulation (3) while he or she is camping in or near the vehicle.

- (3) For purposes of these Regulations a receipt for an entrance fee or a permit is displayed in a vehicle only if—
  - (a) the receipt or permit is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
  - (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a) the receipt or permit is displayed in a prominent position in or on the vehicle, so that the receipt or permit is facing outwards from the vehicle and can be easily seen and read by a person standing outside the vehicle.
- (4) This regulation does not apply to any person who enters, or camps in, a special nature reserve, national park or world heritage site as the client of a person conducting a tour for a fee or reward if the vehicle concerned is owned by, or is under the control of, a tour operator approved by the management authority.
- (5) Any person who enters a special nature reserve, national park or world heritage site by aircraft or vessel may, after disembarking from such aircraft or vessel, travel by vehicle, without prior written approval or proof of entry, from the landing field or landing within the special nature reserve, national park or world heritage site to the nearest place designated by a management authority, to obtain the necessary proof permitting entry.
- (6) Any person who does not use a vehicle to enter a special nature reserve, national park or world heritage site must display or be in possession of proof of entry in a manner determined by a management authority.

## **12. Safe entering**

No person shall enter or take a vehicle or vessel in a national park or world heritage site onto a place, road, river or water area in an unsafe, reckless or negligent manner.

## **13. Staying overnight**

- (1) No person shall stay overnight in a special nature reserve, national park or world heritage site—
  - (a) without the permission of a management authority;
  - (b) without payment of the applicable fees as determined by the management authority;
  - (c) without having first reported to the designated reception office in a special nature reserve, national park or world heritage site or to an authorised official assigned to perform escort duty;
  - (d) where no accommodation has been reserved or is available for that person;
  - (e) on a houseboat or any vessel without the permission of the management authority;
  - (f) at any place other than a place designated by the management authority.
- (2) No person shall, without the permission of a management authority contemplated in subregulation (1), camp in a special nature reserve, national park or world heritage site except in an area set aside by the management authority for that purpose.

## **14. Times of entry and travel**

No person shall, without the permission of the management authority, enter, leave or travel in a special nature reserve, national park or world heritage site at any time other than the times determined by the management authority from time to time.

## **15. Vehicles**

No person shall enter or travel in a special nature reserve, national park or world heritage site except in a vehicle that conforms to the dimensions and other requirements determined by a management authority from time to time.

## **16. Prohibitions**

- (1) No person driving a vehicle in a special nature reserve, national park or world heritage site shall—
  - (a) drive, park, or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
  - (b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of a management operation or emergency vehicle;
  - (c) park a vehicle in a place other than in a place designated for that purpose by a management authority;
  - (d) drive or park anywhere except on a designated road or place;
  - (e) damage or act in a manner that could cause damage of any nature whatsoever, including but not limited to, damage to a road, plants or animals;
  - (f) drive or operate any vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property of whatever nature.
- (2) No person in a vessel shall, subject to the provisions of the Merchant Shipping Act, enter or be in a special nature reserve, national park, world heritage site, marine protected area or a water area except if that vessel conforms to the dimensions and meets the requirements provided for in internal rules made by a management authority from time to time.

## **17. Permits for vessels**

Any person intending to use a vessel in a water area must apply for a permit for such a vessel in a form determined by a management authority.

## **18. Operating rules**

- (1) No vessel or vehicle, which is propelled by means of a propeller above the water, shall be used in a water area.
- (2) No person may paint any vessel in a water area unless the prior written approval by management authority has been obtained.
- (3) No person may dispose of any solid or liquid waste, including motor oil, into a water area other than in places specifically designated by the management authority therefor.
- (4) No person shall, in a special nature reserve, national park or world heritage site, intentionally obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the special nature reserve, national park or world heritage site.
- (5) No person shall, in a special nature reserve, national park or world heritage site, throw, roll or discharge any stone, substance or missile to endanger any person or species or specimen in the special nature reserve, national park or world heritage site.
- (6) No person shall, without the written permission of the management authority in a special nature reserve, national park or world heritage site, deface, paint, write on, cut names or letters in or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property or in any other manner spoil features, buildings or facilities.

- (7) No person, except a person duly authorised thereto by a management authority, shall move, deface or otherwise interfere with a Protected Area Notice, notice-board, notice or other sign-board put on to, affixed to or placed in a special nature reserve, national park or world heritage site by a management authority or by a life-guard in terms of these Regulations.

## **Part 4 – Commercial activities in a national park and a world heritage site**

### **19. Development**

- (1) No development contemplated in section [50\(5\)](#) of the Act shall be implemented—
- (a) in any area other than an area specifically designated for such development in a management plan; and
  - (b) before a management authority has indicated in writing the nature and extent of the strategic or environmental impact assessment required for the development.
- (2) No commercial activity or activity contemplated in section [50](#) of the Act, which requires an environmental impact assessment to be undertaken, either in terms of subregulation [\(1\)\(b\)](#) or under any other law, may be implemented before a management authority has approved, with or without conditions, the environmental impact assessment before it is submitted to the relevant authority for approval.

## **Part 5 – Activities that may be carried out in terms of section 50**

### **20. Authorised activities**

- (1) A person may not undertake any of the following activities in a special nature reserve, national park or world heritage site except pursuant to a licence, permit or agreement and subject to the payment of the appropriate fees between that person, or some other person, and the management authority:
- (a) the filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device;
  - (b) the conducting of tours;
  - (c) the conducting of any kind of competition;
  - (d) the selling or hiring of goods or the offering of goods for sale or hire;
  - (e) the provision of, or the offering to provide, any service for a fee or reward;
  - (f) the conducting of speed trials;
  - (g) the conducting of research;
  - (h) an activity of any kind for the purpose of fund raising, personal gain or making a profit;
  - (i) any organised or special event, including sporting or cultural events; or
  - (j) visual imaging of animals for purposes of any virtual hunting or other such activity.

### **21. Commercial and community activities**

A management authority may by means of making an internal rule set aside a part of a national park or world heritage site, as an area in which a particular activity may be undertaken by visitors to the national park or world heritage site, communities or interest groups and shall display the internal rule in which such area is described at the entrance to the national park or world heritage site: Provided that the activity does not compromise the purpose for which the national park or world heritage site was established.

## **22. Other activities**

No person shall, without the written permission of a management authority—

- (a) use or cause to be used, any loud speaker or similar device or other noisy equipment;
- (b) construct or erect any booth, marquee or other structure; or
- (c) organise or cause to be organised or attend or participate in any public meeting, demonstration or gathering,

in a special nature reserve, national park or world heritage site.

## **Part 6 – Use of water areas, land and airspace in a special nature reserve, national park and world heritage site**

## **23. Protected area notice**

- (1) A management authority may from time to time and by means of a Protected Area Notice displayed at the entrance to or at other relevant places of a national park or world heritage site—

- (a) set aside any land, airspace or water area;
- (b) designate any land or water area as a recreation area;
- (c) designate any land or water area for any other purpose;
- (d) prohibit or restrict the use and access of any person, vehicle, vessel, pet or species or specimen to any land or water area or any other place or part thereof; or
- (e) designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area,

in a national park or world heritage site or part thereof.

- (2) The management authority may, by Protected Area Notice, designate any area within a special nature reserve, national park or world heritage site as an area within which one or more activities otherwise prohibited in terms of these Regulations may be undertaken, and display a prominent Protected Area Notice to this effect in and around the designated area.
- (3) A Protected Area Notice may impose conditions in relation to the participation in or undertaking of any activity in a special nature reserve, national park or world heritage site and a management authority may vary or revoke a Protected Area Notice at any time by subsequent Protected Area Notice.

## **24. Recreation areas**

- (1) A management authority must within a recreation area display any Protected Area Notice required under these Regulations.
- (2) In relation to recreation areas, a management authority must—
- (a) ensure that those areas are open to the public between sunrise and sunset, unless specified otherwise in terms of a Protected Area Notice; and
  - (b) prominently display a Protected Area Notice at every entrance to a recreation area indicating —
    - (i) the opening and closing times of that recreation area; and



- (ii) any internal rules made by the management authority in relation to that recreation area.

## **25. Prohibitions in water areas**

- (1) A management authority may within a special nature reserve, national park or world heritage site restrict or permit any use of or activity in a water area or any part thereof.
- (2) No person shall, without the permission of a management authority, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water in a special nature reserve, national park or world heritage site unless the water has been set aside by the management authority for the use of vessels.

## **26. Bathing and swimming**

No person shall bathe, dive or swim in any area in a national park or world heritage site—

- (a) except where bathing and swimming is permitted; or
- (b) where bathing and swimming is prohibited by a life-guard by means of appropriate signs at both ends of the area, for so long as the state of the water is considered unsafe.

## **27. Safety ropes**

No person shall hang from, sit on, interfere with or cause safety ropes or other devices to sink where such safety ropes or devices are provided for the assistance of bathers in distress or for the protection of bathers.

## **28. Life saving apparatus**

Except in an emergency, no person, with the exception of an authorised official or a life-guard, shall handle, touch or use in any manner a life-saving rope, buoy or other life-saving apparatus installed or maintained in or at a water area, or do anything which will impede the proper working of such life-saving apparatus.

## **29. Water skiing**

- (1) Subject to subregulation (2) no person shall water ski in a water area other than in a place and at times permitted by a management authority.
- (2) No person shall water ski in a water area between sunset and sunrise.

## **30. Prohibitions on land and In airspace**

No person shall, except with the prior written permission of a management authority—

- (a) engage in the sport of climbing rock faces;
- (b) engage in the sport of parachuting or abseiling;
- (c) use a hang glider or any other kind of glider;
- (d) launch or fly a hot air balloon;
- (e) fly model planes or gliders;
- (f) engage in the sport of any kind of boarding;
- (g) operate any motorised vehicle for recreational purposes; or

- (h) drive a vehicle off-road or off designated roads or tracks,

in a national park or world heritage site except in an area set aside by the management authority for that purpose.

## **Part 7 – Community-based natural resource utilisation**

### **31. Use of biological resources**

A management authority may, by means of the granting of a license or permit or the entering into of a Mitten agreement, on the conditions it deems necessary and against payment of the fees determined, if any, grant to any local community the right to the sustainable use of biological resources on the same basis as set out in regulation 5(1).

### **32. Access**

Notwithstanding any other provision of these Regulations, and in accordance with a management plan or co-management agreement, a management authority may by means of the granting of a license, permit or the entering into of an agreement, on the conditions it deems necessary and against payment of the fees determined, if any, grant a local community access to part or parts of a special nature reserve, national park or world heritage site for cultural, spiritual, heritage or religious purposes.

### **33. Register of local communities**

- (1) A management authority of a national park or world heritage site must, within 12 months from the date on which these Regulations are promulgated or from the date that the national park or world heritage site is assigned to the management authority in terms of section 38(1) of the Act, whichever date is the later, establish by open invitation and thereafter maintain a register of local communities with rights, in that national park or world heritage site.
- (2) A management authority must review and, if necessary, update the register contemplated in subregulation (1) at least every two years.

## **Part 8 – General**

### **34. Research and monitoring**

- (1) No person shall, without the written permission of a management authority, carry out scientific research in a special nature reserve, national park or world heritage site.
- (2) Any person undertaking research or monitoring projects in a special nature reserve, national park or world heritage site must—
  - (a) submit a research project proposal to a management authority contemplated in subregulation (1) in a format determined by the management authority;
  - (b) submit all data and information gathered to the management authority in a format determined by and at stages of the project specified by the management authority;
  - (c) submit copies of all reports and publications as a result of the research project to the management authority within four weeks of their publication; and
  - (d) pay an administration fee to file management authority if required to do so by the management authority.

### **35. Special use permits**

- (1) A management authority may determine activities in special nature reserves, national parks and world heritage sites generally or in specific special nature reserves, national parks or world heritage sites for which special use permits are required.
- (2) A management authority may impose in special use permits contemplated in subregulation (1) such conditions as the management authority deems appropriate from time to time, including but not limited to, the imposition of fees for the activities contemplated in subregulation (1).
- (3) A management authority must include a list of activities for which a special use permit is required, the conditions that pertain to such permit for each activity and the fees, if any, to be paid for such a permit in the internal rules applicable to the special nature reserve, national park or world heritage site in question.

### **36. Interference with management authority equipment**

No person shall, in a special nature reserve, national park or world heritage site, interfere with, put into operation, damage, climb on or board any vehicle, vessel, dredging apparatus or any other implement which is the property of or is used by a management authority or its agents, without the prior permission of the management authority, or its agents.

### **37. Misuse of facilities**

- (1) No person shall interfere with, misuse, damage or use in conflict with any management authority directions any building, signage, convenience shelter, changing room, pier, landing stage, raft, buoy or other facility or structure provided or erected by a management authority.
- (2) No person shall fail to comply with the directions of any notice affixed by a management authority to a building, structure or facility contemplated in subregulation (1).
- (3) No person shall block or restrict any access to any road or other point of entry to any special nature reserve, national park or world heritage site or within the special nature reserve, national park or world heritage site.

## **Chapter 4**

### **Part 1 – Prohibition or restriction of activities having an adverse effect in a special nature reserve, national park or world heritage site**

### **38. Prohibited activities**

A person is not in contravention of any provision of the Regulations in this chapter if that person needs to undertake the prohibited activity—

- (a) to perform his or her obligations as an employee, agent or contractor of a management authority under his or her contract with, or mandate from, the management authority or to achieve the purposes of these Regulations;
- (b) to carry out public duties as an employee, agent or contractor or an organ of State within a special nature reserve, national park or world heritage site; or
- (c) to fulfil his or her duties as an authorised official.

### 39. Interference with soil or substrate

- (1) No person shall, except with the prior written permission of a management authority—
  - (a) remove from a special nature reserve, national park or world heritage site any—
    - (i) soil, rock, mineral or similar material;
    - (ii) wood, mulch or other dead vegetation;
    - (iii) fossil, archaeological remains or cultural artefacts;
    - (iv) ritual or spiritual remains;
    - (v) coral or shells; or
    - (vi) a shipwreck, flotsam or jetsam.
  - (b) dig or intentionally disturb any soil or similar material in a special nature reserve, national park or world heritage site; or
  - (c) intentionally disturb any—
    - (i) wood, mulch, peat or other dead vegetation or animal in a special nature reserve, national park or world heritage site;
    - (ii) termite mounds;
    - (iii) fossil, shell midden, archaeological remains or paleontological specimens or meteorites in a special nature reserve, national park or world heritage site; or
    - (iv) any of the marine components contemplated in paragraph (a); or
    - (v) any object or material that is or was used for any ritual, spiritual or other practice.
- (2) No person shall construct an impoundment or weir on any river or river bed or abstract any water from any impoundment or weir on any river or in any river bed within a special nature reserve, national park or world heritage site, nor abstract any water by means of a pump, pipes, gravitation or any other means, located outside the boundary of a special nature reserve, national park or world heritage site, from any river or river bed forming a boundary with a special nature reserve, national park or world heritage sites without the written permission of a management authority and without conducting an environmental impact assessment.

### 40. Littering

No person shall, in a special nature reserve, national park or world heritage site—

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provided for that purpose;
- (b) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing;
- (c) deposit or leave any offal, dead species or specimen or dung;
- (d) deposit, except in any receptacle provided for litter, any domestic garbage;
- (e) intentionally break any article of glass, china, pottery, plastic or other brittle material;
- (f) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product thereof; or
- (g) discard or discharge any toxic chemical or substance, pharmaceutical substance, including biocides, or any other pollutant or harmful substance.

#### **41. Pollution of water**

No person shall, at any time or in any manner, including by the use of detergents, pollute any water in a river, spring, pan, well, borehole, groundwater, dam, reservoir or lake in a special nature reserve, national park or world heritage site.

#### **42. Removal and dumping in water area**

No persons shall, without the prior written consent of a management authority and subject to the conditions imposed by the management authority, in any manner—

- (a) remove, dredge, pump or move any sand, soil or stones from a water area;
- (b) deposit, dump or throw sand, soil, stones or other material of any kind in a water area; or
- (c) construct any retaining wall or weir in a water area.

#### **43. General prohibitions**

No person shall in a special nature reserve, national park or world heritage site—

- (a) offer any show or entertainment, conduct any business or trade or collect any money from the public, unless the prior written permission of a management authority is obtained;
- (b) unlawfully occupy, move into, inhabit or use any existing land, building or structure;
- (c) damage any property of the management authority;
- (d) damage, remove or destroy any fences or gates or climb over or through such fences or gates;
- (e) light or cause any open fire to be started, or make use of an open fire, unless such fire is properly contained in a fireplace or container made available by the management authority for that purpose or unless the management authority otherwise authorises;
- (f) place, throw, dump or let out any refuse, rubbish, used containers, effluent, toilet waste or any objectionable matter;
- (g) intentionally or negligently cause a fire or discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire other than at a place where the making of a fire is permitted by a management authority;
- (h) carry on any agricultural or gardening activities without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time;
- (i) allow any species or specimen to graze in a special nature reserve, national park or world heritage site or enter upon it without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time;
- (j) place, display or distribute any advertisement, promotional material or notice anywhere in a special nature reserve, national park or world heritage site without the prior written permission of the management authority;
- (k) affix to or, in any manner whatsoever, make on any tree or any object not belonging to that person any name, letter, figure, symbol, mark, picture, sign or notice or otherwise damage any tree or other object;
- (l) intentionally or negligently cause any damage to any object of geological, archaeological, historical, ethnological, oceanographic, educational or other scientific interest;

- (m) at any time play any radio, compact disc player, music system, musical instrument or in any way whatsoever cause any noise in a manner that is likely to disturb any species or specimen or other person; or
- (n) behave in an offensive, improper, indecent or disorderly manner.

#### **44. Firearms and dangerous weapons**

- (1) Subject to the provisions of section 46 of the Act, no person other than an authorised official or any other person acting under the specific authority of a management authority shall—
  - (a) subject to the provisions of paragraph (b) convey into or within a special nature reserve, national park or world heritage site or be in possession of any firearm or dangerous weapon or any explosive, trap or poison in a special nature reserve, national park or world heritage site;
  - (b) a person in possession of a valid licence for a firearm may convey that firearm into a special nature reserve, national park or world heritage site, other than an open access protected area, subject to the following conditions:
    - (i) The person contemplated in paragraph (a) must hand in all firearms in his or her possession to an authorized official at the first checkpoint of a management authority, whether such checkpoint is an entrance gate, a rest camp or an office of an authorized official, as the case may be, for the purposes contemplated in subparagraph (ii);
    - (ii) the person contemplated in subparagraph (i) must make the firearm safe and remove the magazine and any bullets that might be in the chamber of the firearm before handing the firearm to the authorised official;
    - (iii) the authorised official to whom the firearm is handed as contemplated in subparagraph (i), must ensure that the firearm is not loaded and must seal the firearm in such a manner that the firearm cannot be used without the seal being broken; and
    - (iv) when leaving a special nature reserve, national park or world heritage site, the person contemplated in subparagraph (i) must hand over the firearm for inspection to the authorized official at the checkpoint contemplated in subparagraph (i) to determine whether any seal on the firearm is broken or found to be broken then the owner or possessor of the firearm shall be guilty of an offence;
    - (v) all authorised officials and people residing within a special nature reserve, national park or world heritage site shall declare all firearms in their possession in a special nature reserve, national park or world heritage site to the head of that special nature reserve, national park or world heritage site who shall maintain a register of such firearms at all times;
- (2) No person may discharge a firearm within a special nature reserve, national park or world heritage site, except—
  - (a) if that person is authorised by a management authority thereto;
  - (b) for the discharge of a blank by a life-guard during an organized competition or by any other person authorised by the management authority, during a sports meeting in a water area;
  - (c) in connection with the collection of specimens of aquatic life or animals for scientific purposes, subject to the written consent of the management authority;
  - (d) to give a distress signal;
  - (e) with the prior approval of the management authority.

## **Part 2 – Prohibition or restriction of the use of biological resources in a special nature reserve, national park and world heritage site**

### **45. Restricted activities**

- (1) No person shall, without the prior written authorisation of a management authority, within a special nature reserve, national park or world heritage site undertake, support or participate in any restricted activity.
- (2) For purposes of subregulation (1) a restricted activity means—
  - (a) in relation to a specimen of a protected species—
    - (i) hunting, catching, capturing or killing any living specimen of a protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;  
*[subparagraph (i) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (ii) gathering, collecting or plucking any specimen of a protected species;  
*[subparagraph (ii) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (iii) picking parts of, or cutting, chopping off, uprooting, damaging or destroying, any specimen of a protected species;  
*[subparagraph (iii) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (iv) possessing or exercising physical control over any specimen of a protected species;  
*[subparagraph (iv) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (v) growing, breeding or in any other way propagating any specimen of a protected species, or causing it to multiply;  
*[subparagraph (v) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (vi) conveying, moving or otherwise translocating any specimen of a protected species;  
*[subparagraph (vi) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (vii) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of a protected species; or  
*[subparagraph (vii) substituted by section 3 of [Government Notice R622 of 2014](#)]*
    - (viii) luring or baiting a specimen in or from a national park or world heritage site;
    - (ix) any other prescribed activity which involves a specimen of a protected species;  
*[subparagraph (ix) substituted by section 3 of [Government Notice R622 of 2014](#)]*
  - (b) in relation to a specimen of an alien species or listed invasive species—
    - (i) importing into a special nature reserve, national park or world heritage site, including introducing from the sea, any specimen of an alien or listed invasive species;
    - (ii) possessing or exercising physical control over any specimen of an alien or listed invasive species;
    - (iii) growing, breeding or in any other way propagating any specimen of an alien or listed invasive species, or causing it to multiply;

- (iv) conveying, moving or otherwise translocating any specimen of an alien or listed invasive species; and
  - (v) selling or otherwise trading in, buying, receiving, giving, donating or accepting as a gift, or in any way acquiring or disposing of any specimen of an alien or listed invasive species; and
  - (vi) any other prescribed activity which involves a specimen of an alien or listed invasive species;
- (c) in relation to cultural heritage elements—
  - (i) touching, removing, altering or interfering with cultural resources;
  - (ii) preventing participation in living cultural heritage and
  - (iii) preventing the cultural or spiritual development of people, groups or communities.

### **Part 3 – Prohibition or restriction of land use in a special nature reserve, national park and world heritage site**

#### **46. Buildings and improvements**

- (1) No person shall, without the prior written approval of a management authority, erect, construct or transform or cause to be erected, constructed or transformed—
  - (a) any building or any other improvement, including but not limited, to a building or structure of any kind, jetty, dock, pier, landing stage, landing float, marker, anchor buoy, raft, fence or any obstruction, bridge, pontoon, road or crossing in respect of a building or other immovable property;
  - (b) on any private land in a special nature reserve, national park or world heritage site other than in accordance with the management plan for the area and the plans, specifications and conditions approved by the management authority.
- (2) If any erection, construction or transformation contemplated in subregulation (1), takes place in conflict with the conditions laid down by the management authority, the management authority may cause the building, structure or improvement concerned to be demolished, removed and the site rehabilitated and shall be entitled to recover the costs thereof from the person who has erected, constructed or transformed it or caused it to be erected, constructed or transformed.
- (3) Any person who has applied in terms of subregulation (1) for the erection of a building or any other improvement in respect of a building or other immovable property must, if required to do so by the management authority—
  - (a) in the case where prior environmental authorisation is not required in terms of any law, employ an independent environmental consultant to conduct an assessment of the proposed erection or improvement in compliance with the minimum requirements set by the Act, or other applicable legislation, and to submit the findings of the assessment to the management authority;
  - (b) in instances where prior environmental authorisation is compulsory, provide the management authority with such environmental authorisation before the management authority considers the application.

#### **47. French drains and pit latrines**

No person shall, without the prior written approval of a management authority accompanied by a site plan, establish or in any way alter, extend or enlarge any french drain system, pit latrine or any other sewerage disposal system on any land situated within a special nature reserve, national park or world



heritage site or replace it with another french drain system, pit latrine or any other sewerage disposal system.

#### **48. Holiday resort, caravan park, camping or picnic site**

No person other than a management authority shall erect, establish, transform, extend or enlarge any holiday resort, caravan park or camping or picnic site situated on private land within a national park or world heritage site at which members of the public can stay, camp or picnic upon payment of a fee, other than in accordance with the management plan for the national park or world heritage site and the written approval of the management authority.

### **Part 4 – General**

#### **49. Pets**

- (1) No person shall, except on conditions determined by a management authority from time to time, allow any dog, cat or other pet belonging to or under the care of that person to enter and remain in or enter or remain in a special nature reserve, national park or world heritage site.
- (2) Any dog, cat or other pet contemplated in subregulation (1) which is found outside the permitted area referred to in subregulation (1) and which is not in the care of any person, may either be caught and removed to a pound or destroyed at the discretion of the management authority.
- (3) Any dog, cat or other pet suspected of hunting or in pursuit of any animal may be impounded or destroyed during or after such act.

### **Chapter 5 Advisory committees**

#### **50. Establishment of advisory committee**

A management authority may establish one or more advisory committees in respect of a special nature reserve, national park or world heritage site.

#### **51. Procedure**

In establishing an advisory committee contemplated in regulation 50 a management authority must—

- (a) invite community organisations, non-governmental organisations, residents of and neighbouring communities to the special nature reserve, national park or world heritage site to nominate persons who could be taken into consideration when members of the advisory committee are appointed;
- (b) set the minimum requirements and other criteria which it must take into consideration when deciding which persons to appoint as members of the advisory committee; and
- (c) determine a method which will enable the invitation contemplated in paragraph (a) above to reach the greatest number of residents of and, neighbouring communities to the special nature reserve, national park or world heritage site.

#### **52. Closing date for nominations**

An invitation contemplated in regulation 51 must specify the method of submission and a date by which the nominations contemplated in subregulation 51(a) must reach a management authority.

### 53. Composition

A management authority must, after considering any nominations submitted in terms of subregulation 51(a), appoint members to the advisory committee: Provided that at least one employee of a management authority, nominated by the management authority, must be an *ex officio* member of the advisory committee: Provided further that any appointment of a member made in respect of any particular advisory committee must be based on a real interest demonstrated by the member in respect of the relevant special nature reserve, national park or world heritage site.

### 54. Mandate

A management authority must define the specific mandate of any advisory committee in writing in specific terms. The specific terms must include the terms of reference, the method of communicating advice, the acceptance and rejection of advice offered, the appointment and removal of committee members and the support to be provided together with any remuneration payable and its terms.

### 55. Term of office

A member of an advisory committee shall be appointed by a management authority for a period not exceeding three years.

## Chapter 6 Norms and standards

### 56. Internal rules

- (1) A management authority must, when making internal rules in terms of section [52\(1\)](#) of the Act consider at least the following:
  - (a) The impact of the internal rules on the provisions of any management plan approved by the Minister in terms of section [39\(2\)](#) of the Act; and
  - (b) the environmental, social and financial effect of the internal rule on the environment.

### 57. Management plans

- (1) A management authority must have due regard for and seek to integrate and harmonise its management plans with the requirements of the Act, and, where applicable—
  - (a) plans in terms of other national legislation;
  - (b) provincial government planning and development plans;
  - (c) regional planning and development plans;
  - (d) local government planning and development plans; and
  - (e) existing planning and development plans of any other relevant management authority.
- (2) In preparing a management plan and in addition to the requirements of section [41](#) of the Act, a management authority must have due regard for—
  - (a) terms and conditions for conducting activities;
  - (b) prohibited activities;
  - (c) an assessment of the activities and an evaluation of material threats arising therefrom;
  - (d) an assessment of equitable access in respect of such activities;

- (e) the ability of such activity to attract visitors to the national park or world heritage site; and
  - (f) the sense of place, which the management authority must define in a separate section in the management plan prepared for such special nature reserve, national park or special nature reserve.
- (3) In the preparation of a management plan, a management authority must follow the format and adhere to the guidelines issued for the preparation and presentation of management plans by the Minister.

## **58. Planning**

All existing planning measures in connection with any special nature reserve, national park or world heritage site remain in force until a management plan for a special nature reserve, national park or world heritage site becomes effective in accordance with the Act: Provided that where land is to be incorporated into a special nature reserve, national park or world heritage site the planning measures in respect of the special nature reserve, national park or world heritage site into which the land is to be incorporated applies as if the land were considered to have been incorporated in preparing the management plan.

## **59. Revenue requirements**

- (1) A management authority must, when determining its revenue requirements on which licence, permit or agreed fees are based take into account at least the need to—
- (a) recover the costs of contracted in professional services;
  - (b) recover overhead, operational and maintenance costs;
  - (c) recover the cost of capital not financed through any grant, subsidy or donation;
  - (d) provide for the replacement, refurbishment and extension of any facilities;
  - (e) provide for the replacement, refurbishment and extension of any facilities; and
  - (f) and ensure that there are adequate systems for monitoring such costs.

## **Chapter 7 Bioprospecting**

### **60. Bioprospecting**

No person shall undertake any manner or form of bioprospecting in a special nature reserve, national park or a world heritage site without the prior written authorisation of a management authority and subject to such conditions and against the payment of a fee as determined by the management authority.

## **Chapter 8 Fines and penalties**

### **61. Offences**

Any person who—

- (a) contravenes or fails to comply with any provisions of these Regulations;
- (b) fails to comply with any Protected Area Notice, an internal rule, or other document issued or displayed in terms of these Regulations;
- (c) fails to comply with any lawful instruction given in terms of an internal rule or these Regulations;  
or

- (d) obstructs or hinders any authorised official in the execution of his or her duties under these Regulations, shall be guilty of an offence.

## **62. Lawful instructions**

Any person in a special nature reserve, national park or world heritage site who fails to comply with any internal rule issued by the management authority and in so doing—

- (a) hinders, troubles, intimidates, or obstructs a management authority or an authorised official in the execution of its or his or her duties or the performance of its or his or her functions under these Regulations; or
- (b) violates, refuses or fails to obey or comply with any prohibition, request or instruction imposed by these Regulations or by the management authority or authorised official—

shall be guilty of an offence.

## **63. Eviction**

- (1) If any person in a special nature reserve, national park or world heritage site—
  - (a) commits or has committed an offence in terms of the Act, or these Regulations, any other Regulations applicable to special nature reserves, national parks or world heritage sites or the internal rules; or
  - (b) fails to pay a fine imposed in terms of the Act, these or other Regulations or internal rules within the prescribed time; or
  - (c) acts or has acted in an improper manner which substantially offended any other person in the special nature reserve, national park or world heritage site;

an authorised official may, in addition to any further action that may be taken and/or penalty that may be imposed, withdraw any permission granted in terms of these Regulations and request such person to leave the special nature reserve, national park or world heritage site, whereupon that person must leave the special nature reserve, national park or world heritage site within a fixed time and by the shortest route open to the public.

- (2) Where any person is requested to leave a special nature reserve, national park or world heritage site as contemplated in subregulation (1), the holder of any proof of entry authorising that person to enter into or be in a special nature reserve, national park or world heritage site must on demand, hand over the proof of entry to the official concerned, who shall withdraw the permission to enter and record the place and date of such withdrawal by endorsement on the said documents.
- (3) In addition to any other penalty that may be imposed, all money already paid to a management authority by the person contemplated in subregulation (2) to enter or be in a special nature reserve, national park or world heritage site shall be forfeited to the management authority on withdrawal of the permission contemplated in subregulation (2) to enter referred to above.

## **64. Penalties**

- (1) Any person who contravenes or fails to comply with—
  - (a) a provision of these regulations;
  - (b) a condition mentioned in a licence, permit or agreement issued or entered into in terms of these Regulations; or
  - (c) a prohibition, instruction, rule or order imposed, given or issued under these Regulations;is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years and in the case of a second or subsequent

conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

*[subsection (1) substituted by section 4 of [Government Notice R622 of 2014](#)]*