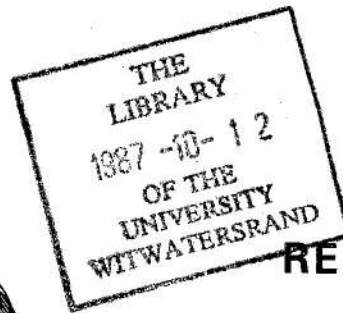
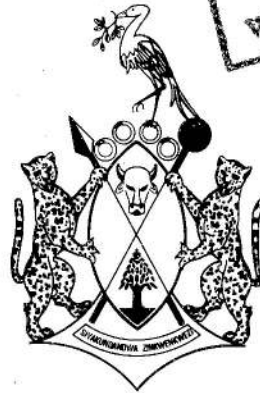


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**REPUBLIC OF
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DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

GOVERNMENT NOTICE No. 70

**IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:-**

NATURE CONSERVATION ACT, 1987

ACT No. 10 OF 1987

4

NATURE CONSERVATION ACT, 1987

ACT

To consolidate and amend the laws relating to the conservation, management and protection of fauna, flora and fish and their habitats generally, to provide for the establishment and management of nature reserves, hiking trails, water catchment areas and a coastal conservation area, to provide for matters relating to the sea and the sea-shore and to provide for incidental matters.

(English text signed by the President. Assented to on 10 September 1987).

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

CHAPTER 1

INTERPRETATION AND ADMINISTRATION

1. **Definitions.** - In this Act, unless the context otherwise indicates —

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"abalone" means any member of the family *Haliotis* but does not include Venus Ear;

"adequately enclosed", in relation to land, means —

(a) enclosed by any fence, wall or obstruction of any kind whatsoever forming an enclosure from which no wild animal of a species mentioned in the certificate of adequate enclosure issued under section 17 in respect of that land is able to escape without breaking it; or

(b) enclosed by any natural boundary through or over which a wild animal of a species so mentioned will in normal circumstances not pass; or

(c) enclosed by fences, wall, obstructions or natural boundaries so combined that a wild animal of the species in question is unable to escape from that land;

"angling" means the catching of fish by means of a line and hook, whether or not any rod, bait or lure is used, but does not include the jigging or snatching of fish;

"angling season" means the period of the year, other than the close season, when fish may lawfully be caught;

"aquatic growth" means any plant which grows or is able to grow in inland waters;

"aquatic plant" means any kind of plant, algae or other plant organism found in the sea or on the sea-shore;

"aquatic reserve" means an aquatic reserve contemplated in section 49(2);

"authorization" means the authorization referred to in section 2(2);

"authorized flora grower" means a person authorized in terms of section 22 to grow flora;

"authorized flora seller" means a person authorized and licensed in terms of section 22 to sell flora;

"bait" means any organic substance, live or dead used or to be used for attracting fish whether or not it is, or is to be, used in conjunction with any other lure or any other substance;

"black bass" means any fish of the genus *Micropterus*;

"bluegill sunfish" means any fish of the species *Lepomis macrochirus*;

"brown or black mussel" means any species of mussel indigenous to Ciskei;

"buy" includes to barter or to exchange;

"captivity", in relation to a wild animal, means the holding of such animal in captivity in an enclosure or elsewhere in such a way that it is unable to maintain itself by natural means;

"capture", in relation to a wild animal, means to capture, catch or take such animal by any means whatsoever or to attempt to do so;

"carcase", in relation to a wild animal, means the whole or any part of the carcase, including any meat (whether dried, smoked, salted or treated in any other way) or the head, tooth, horns, shell, scale, tusks, bones, feathers, tail, claw, paw, hoof, skin, hide, hair or viscera and includes the egg;

"carp" means any fish of the carp family not indigenous to Ciskei and includes carp (*Cyprinus carpio*), the atavistic or wild form of the goldfish (*Carassius auratus*) and the crucian carp (*Carassius carassius*), but does not include domestic goldfish;

"catch" in relation to any fish, means to take out of any waters or to bring to land, in any manner whatsoever or to possess in a net, whether or not the net is in the water, or to possess in or on any boat, and includes any injuring, immobilizing or killing or attempting to take, injure immobilize or kill or to pursue or disturb wilfully;

"chief" means a chief as defined in section 1 of the Administrative Authorities Act, 1984 (Act 37 of 1984);

"close season", in relation to huntable wild animals, means the close season referred to in Section 12(3) during which no hunting may take place and, in relation to fish, means a close season during which no fishing may take place, as prescribed in Schedule 12;

"coastal conservation area" means the coastal conservation area established by section 42 to protect, in particular, the seashore dune belt and the estuaries;

"crabnet" means a net (also known as a ring-net) designed for the catching of crabs, made of wire or of any other material and of which the opening is attached to a frame, whether or not any bait or lure is placed in such net, but does not include a landing-net;

"daily bag limit", in relation to huntable wild animals, means the daily bag limit prescribed in Schedule 4 and, in relation to fish, the daily bag limit prescribed in Schedule 11;

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- "Department"** means the Department of Agriculture, Forestry and Rural Development;
- "Director-General"** means the Director-General of the Department;
- "drag-net"** means any net (also known as a seine or trek-net) with or without weights or floats, which is moved through water in an upright position with the intention of catching fish;
- "exclusive economic zone"** means the exclusive economic zone as defined in section 1 of the Territorial Waters Act, 1986 (Act 12 of 1986);
- "exotic wild animal"** means any wild animal belonging to a species which occurs in a free state in nature anywhere except in Southern Africa and includes any such animal born or kept in captivity;
- "factory"** means any boat, vehicle or premises in or on which any fish or fish products are salted, dried, smoked, packed, frozen or canned or otherwise treated but does not include any fish shop, supermarket, hotel, boardinghouse, restaurant, refreshment or tea room or any fishing boat on which fish which has been caught off such fishing boat is only gutted, salted or chilled for the preservation thereof;
- "fauna"** means a wild animal;
- "firearm"** includes any airgun;
- "fish"** means any species of aquatic animal, whether vertebrate or invertebrate, and includes the spawn or larvae of any such animal;
- "fisherman"** means any person, excluding a person angling from the shore, who catches or attempts to catch, on a full-time or part-time basis, any fish, whether found in the sea or in or on the shore, and who sells or otherwise disposes of such fish for a consideration or attempts to sell or otherwise to dispose of such fish for a consideration, and includes any person assisting him to do so;
- "fishing boat"** means any boat, irrespective of the size or the manner of propulsion or movement thereof, used in any manner by a fisherman for the catching or processing of fish;
- "flora"** means specially protected flora, protected flora and unprotected flora other than a weed and includes the whole or any part of the plant, whether dead or dried;
- "forest officer"** means a forest officer as defined in section 1 of the Ciskeian Forestry Act, 1976 (Act 6 of 1976);
- "full-time employee"** means any employee who is employed full-time on a monthly basis and is in receipt of a salary or wage which is in accordance with local tariffs for the kind of work done by him;
- "fyke-net"** means a device made of rings or hoops over which a net, wire or any other material has been spread or which is made of wire only and which has one or more funnel-shaped openings and includes anything which, whether attached to such device or not, is used to guide fish to any funnel-shaped opening in such device;
- "headman"** means a headman as defined in section 1 of the Administrative Authorities Act, 1984;
- "high-water mark"** means the highest mark reached by the water of the sea on the land during ordinary sea storms during the most stormy period of the year;
- "hiker"** means any person who makes authorized use as a hiker of any part of the hiking trail system;
- "hiking trail system"** means the hiking system mentioned in section 36;
- "honorary nature conservation officer"** means any person appointed as such under section 6;
- "hunt"** means by any means whatsoever (including the use of snares or dogs), to hunt or search for, to kill or to capture or to attempt to kill or capture, or to pursue, follow or drive with intent to kill or capture, or to shoot at, poison, lie in wait for or wilfully disturb;
- "hunnable wild animal"** means a wild animal of a species and sex mentioned in Schedule 3;
- "hunting season"** in relation to wild animals, means the hunting season contemplated in section 12(1) during which such animals may be hunted in terms, but subject to the provisions, of this Act;
- "identity number"** means an identity number as defined in section 1 of the Ciskeian Registration of Persons Act, 1981 (Act 15 of 1981) or in any corresponding law of a country other than Ciskei;
- "implement"** means any instrument, apparatus or device used for or in the catching of fish;

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"indigenous flora" means any flower, plant, shrub, or tree (other than a weed) indigenous to Southern Africa, whether or not it is or has been cultivated and whether or not it is no longer growing in a wild state, and includes the flower, seed or sap or any other part thereof;

"inland waters" means any waters in Ciskei other than the waters of the sea or of tidal rivers or tidal lagoons;

"jigging" means the catching of fish by the jerking in water of an implement consisting of or fitted with a hook with the intention of impaling fish thereon, but does not include a spoon or other artificial lure used for angling, and **"snatching"** bears a corresponding meaning;

"knifebait" means any razor clam (*Solen* spp.) also known as pen-knife or pencil bait;

"landing-net" means any net attached to a frame in such a manner as to leave an opening not exceeding 610mm measured in a straight line between any two points on the perimeter of the frame and which is used only for lifting out of the water a fish caught by angling;

"licence" means the licence contemplated in section 2(2)(a)(i);

"licensing authority" means a licensing authority as defined in section 1 of the Licences Act, 1982 (Act 22 of 1982);

"limpet" means any species of limpet (*Patella* spp.);

"local authority" means a municipality or other local institution of a like nature and includes a tribal authority;

"local nature reserve" means a local nature reserve established under section 27;

"low-water mark" means the lowest mark on the land to which the water of the sea recedes with ordinary spring tide;

"magistrate" includes an additional magistrate and an assistant magistrate;

"main trail" means the primary trail of the hiking trail system as determined by the Minister from time to time after consultation with the Minister of Tourism;

"marine reserve" means a marine reserve contemplated in section 49(2);

"Minister" means the Minister of Agriculture and Rural Development;

"national nature reserve" means a national nature reserve established by section 23;

"nature conservation officer" means a nature conservation officer appointed in terms of, or who is otherwise a nature conservation officer as contemplated in, section 4;

"net" means any crab-net, drag-net, fyke-net, landing-net, staked net or throw-net;

"noxious aquatic growth" means an aquatic growth mentioned in Schedule 8;

"owner" means —

(a) in relation to land —

- (i) the person whom the legal title thereto is vested;
- (ii) where the legal title thereto is vested in an association of persons, whether corporate or unincorporate, the person designated in writing as the owner thereof by such association for the purposes of this Act;
- (iii) in the case of land under the control or management of a local authority, other than a tribal authority, the local authority concerned;
- (iv) in the case of State land not under the control of a local authority, the Minister of the department having control or management thereof;
- (v) in the case of land not occupied by the owner as contemplated in subparagraph (i), the person who is in actual occupation of the land, who exercises general control over such land and who has been authorized in writing by the owner as contemplated in the said subparagraph to exercise the rights conferred on an owner of land by this Act;
- (iv) where the owner as contemplated in subparagraph (i), (ii) or (v) is dead or insolvent or has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such land is vested as executor, administrator, trustee, curator, liquidator or judicial manager, as the case may be; and

(b) in relation to inland waters, the owner as contemplated in paragraph (a) of the land on which the waters concerned are situated or which abuts on such waters;

"oyster" means any species of oyster indigenous to Ciskei;

"peace officer" means a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

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"permit" means the permit contemplated in section 2(2);

"pick" in relation to any flora, includes to cut, chop off, take, gather, pluck, uproot, break, damage or destroy such flora or to extract or tap the sap thereof;

"poison" means any poison, preparation or chemical substance used to catch, immobilize, sterilize, kill or physically harm a wild animal;

"police official" means a police official as defined in section 1 of the Criminal Procedure Act, 1977;

"polychaete worm" means any marine worm (*Polychaetaspp.*) including coral, flat, mussel, rock or shingle worms;

"prawn" means any species of swimming prawn, mud prawn or sand prawn indigenous to Ciskei, including *Callinassa spp.* and *Upogebia africana*;

"prescribed" means prescribed by this Act or by regulation under this Act;

"prescribed tin" means a tin or any other similar appliance of whatever material, which has one circular opening not less than 115mm in diameter and by means of which bait is squeezed out of the river-bed or river-bank by the application of pressure thereon;

"President-in-Council" means the President in Executive Council;

"private land" means land other than land owned or controlled by the State;

"private nature reserve" means a private nature reserve established in terms of section 29;

"problem animal" means an animal contemplated in section 18 or declared by the Minister under subsection (6)(a) of that section to be a problem animal;

"protected flora" means any species of wild animal mentioned in Schedule 6;

"protected wild animal" means any species of wild animal mentioned in Schedule 2;

"public road" means a public road as defined in section 1 of the Ciskeian Road Traffic Act, 1977 (Act 10 of 1977);

"ranger" means a field ranger appointed under section 4;

"redbait" means the ascidian *Pyura stolonifera*;

"regulation" means a regulation made and in force under this Act;

"relative", in relation to the owner of any land, means the spouse, parent, step-parent, adoptive parent, son-in-law, child, step-child, adopted child, brother, sister, uncle, aunt or grandchild of such owner, provided that, in relation to an owner of land which is an unincorporate association of persons, **"relative"** means the relative as hereinbefore defined of every member of such association;

"rock lobster" means the East Coast rock lobster (*Panulirus homarus*);

"rock lobster tail" means the whole or part of the abdomen of a rock lobster at any time after that abdomen or part of the abdomen has been severed from the carapace;

"rock lobster trap" means any trap, net, pot or other implement of whatever construction intended or used for the catching or holding of rock lobster;

"salt" means any kind of salt occurring naturally in the water of the sea;

"sand mussel" means any indigenous species of sand mussel (*Mactra glabrata*);

"sea" means the water and the bed of the sea, within the territorial waters of Ciskei and includes the water and the bed of any tidal river and tidal lagoon;

"sea-shore" means the water and the land between the low-water mark and the high-water mark;

"sell" includes to hawk, peddle, barter or exchange or to offer, advertise, expose or have in possession for the purpose of sale, hawking, peddling, bartering or exchanging;

"set line" means a line and hook with or without any bait or lure which, used for catching fish, is not manipulated directly or indirectly by any person, but does not include a line and hook attached to a reel and rod lying loose on or fixed into the ground;

"shell" means the shell or any portion of the shell of any sea animal found in the sea or on the sea-shore;

"Southern Africa" includes Ciskei, the Republic of South Africa and any territory which previously formed part of that Republic;

"specially protected flora" means flora of a species mentioned in Schedule 5;

"specially protected wild animal" means a wild animal of a species mentioned in Schedule 1 that is to say a wild animal of an endangered, rare or threatened species;

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"staked net" means a net (also known as a set-net, gill-net or drift-net) with or without weights or floats, which is set upright in water with the intention of causing fish to become caught or entangled therein whether or not such net drifts or is attached to anything;

"territorial waters" means the territorial waters as defined in Section 1 of the Territorial Waters Act, 1986;

"this Act" includes any regulation;

"throw-net" means a net, with weights on the perimeter thereof and with or without draw-cords, which is cast on water so that it spreads open and sinks in the water;

"tidal lagoon" means any lagoon, the waters of which (whether or not impounded) become saline at any time, owing to the influence of the sea or the level of which rises at any time as a result of the influence of the sea;

"tidal river" means that part of any river which, owing to the influence of the sea, becomes saline at any time or in which a rise and fall of the water-level takes place as a result of the tides;

"Tourist Board" means the Ciskeian Tourist Board established by section 2 of the Promotion of Tourism Act, 1983 (Act 20 of 1983);

"trap" means any trap, springtrap, snare, cage, net or pitfall and includes birdlime and any other device, method or substance whatsoever which can be used or adapted for the capture of wild animals;

"Treasury" means the Minister of Finance and Economic Development and includes any officer in his department acting under his authority;

"Tribal authority" means a tribal authority as defined in section 1 of the Administrative Authorities Act, 1984;

"trout" means any fish of the genus *Salmo* or the genus *Salvelinus*;

"trout-fly" means a hook with one point and one barb to which feathers or other matter not edible to fish are attached so as to simulate an insect or other natural fish and which is so constructed that neither such hook, nor anything attached thereto, rotates or spins when drawn through the water;

"trout waters" means any waters declared to be a trout waters by section 52(1);

"water catchment area" means a water catchment area as defined in section 31;

"waters" means the sea or inland waters including any body of water or watercourses of any kind, whether occurring naturally or artificially created, and includes the bed of any such waters;

"weapon" means —

(a) a fire-arm having a barrel exceeding 100mm in length and includes ammunition for such fire-arm;

(b) any other instrument which is capable of propelling a projectile or which can itself be propelled or used in such a way that a wild animal may be killed, injured or immobilized thereby,

and includes a spear, assegai, bow and arrow, crossbow, axe, bushknife, knife or similar instrument and any narcotic whatsoever;

"weed" means a weed as defined in section 1 of the Ciskeian Agricultural Development Act, 1973 (Act 5 of 1973);

"wild animal" means any live vertebrate or invertebrate animal (including the egg of such animal but excluding any ostrich used for farming purposes and the egg thereof) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity.

2. Administration. - (1) Subject to the provisions of Chapter 6 the Department shall be responsible for the administration of the provisions of this Act and, whenever by such provisions any power or duty is conferred or imposed on the Department, such power or duty may be exercised by the Director-General or any officer or person acting under his authority.

(2) (a) Subject to the provisions of subsection (3) and (4) of this section and Chapter 6, an authorization enabling any person to do anything for which by this Act any authorization is required —

(i) shall be issued by the Department or other competent authority or person (whether as a permit, licence or other authorization) in such form and subject to such conditions, including the payment of any fee or charge, as may be determined by the Minister or as may be prescribed;

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- (ii) shall not be transferred, or be capable of being transferred, by the holder thereof to any other person;
- (iii) shall confer on its holder only such authority, right or privilege and be available only in respect of such area and for such period, as may be specified therein: Provided that, if no period is so specified, the authorization shall be valid for twelve months from the date of issue thereof unless it is sooner withdrawn or cancelled; and
- (iv) shall be kept in the possession of the holder thereof at all times material to the execution of the act authorized thereby.

(b) Notwithstanding anything in paragraph (a) contained, the Minister, or if authorized thereto by the Minister, the Director-General, may at any time amend the conditions of any authorization issued by the Department or insert fresh conditions therein.

(3) (a) The Minister, or if authorized thereto by the Minister, the Director-General, may at any time and without assigning any reason withdraw any authorization issued by the Department —

- (i) if the holder has failed to comply with any condition thereof or has been convicted of any offence under this Act or under any corresponding law in operation outside Ciskei;
- (ii) if the Minister or the Director-General is of the opinion that the withdrawal of such authorization is in the interests of nature conservation generally or of the protection of the environment or any natural resources.

(b) Upon the withdrawal of any authorization issued by the Department the holder thereof —

- (i) shall forthwith, on receipt of written notification of such withdrawal, surrender the authorization to the Department; and
- (ii) shall not be entitled to the refund of any fee or charge or portion of any fee or charge paid in respect of such authorization.

(4) No fee or charge shall be determined by the Minister or be prescribed as contemplated in subsection (2) or elsewhere in this Act except with the concurrence of the Treasury: Provided that no fee so determined for a permit shall be less than the amount prescribed by this Act for any licence which conveys a privilege or authorizes any act substantially similar to that authorized by the permit.

(5) Notwithstanding anything in this act or any other law contained the fee payable in respect of any permit may be paid in revenue stamps affixed thereto and duly defaced.

3. General powers of Department. - (1) The Department may, out of moneys appropriated by the National Assembly for the purpose —

(a) carry out investigations and projects, make surveys and conduct experiments in connection with any fauna, flora or aquatic animal or growths or their habitats and may for any such purpose acquire such property, whether movable or immovable, as may be necessary or desirable for the purpose;

(b) by educational means promote understanding and awareness of nature conservation amongst the people of Ciskei;

(c) publish or in any other manner disseminate information relating to the matters dealt with in this Act which it acquires in the course of its activities and which may serve to further the achievement of the aims and objects of this Act;

(d) take such measures as it may deem necessary or desirable in connection with the breeding or distribution of wild animals, the hatching or acclimatization of fish, the stocking or restocking of any waters with fish, the propagation and cultivation of plants, the control of problem animals and the control of aquatic growths;

(e) by notice displayed in a conspicuous place on any land or in any waters, make rules or impose prohibitions or restrictions in respect of such land or such waters;

(f) erect and maintain on any land or in any waters such beacons, notice boards, buoys, signs or other marks as it may deem necessary for the purposes of this Act, and

(g) generally do all such other things as are necessary for the achievement of the aims and objects of this Act, the generality of the powers conferred by this paragraph not being limited in any way by the provisions of the preceding paragraphs.

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(2) (a) If the Minister at any time considers it necessary or desirable that special measures should be taken to ensure the survival of any species of specially protected wild animal or specially protected flora, he may —

- (i) cause such number of either or both sexes of such animal to be captured or such number or quantity of the plants, seeds or other parts of such flora to be picked or gathered as he may deem necessary for the purpose of preserving or propagating such species or such flora and thereafter cause the same to be removed to a national nature reserve or other place, and
- (ii) take such other steps as may be required for the preservation or propagation on the land in question of such species of wild animal or such flora, as the case may be.

(b) The Minister shall not exercise the powers conferred on him by paragraph (a) in relation to any specially protected wild animal or specially protected flora found on private land except after due notice to the owner of such land and, if the owner so requests, on payment to such owner of such reasonable compensation as the Minister may determine with the concurrence of the Treasury.

(3) (a) If the Minister is of the opinion that any aquatic growth found in any waters on any private land is injurious in any respect he may —

- (i) in writing order the owner of such land to take such measures as he may specify to destroy such growth, and
- (ii) if requested thereto by such owner, render such assistance to such owner as the Director-General may deem necessary for the purpose of enabling such owner to comply with such order.

(b) If the owner of the private land refuses or within a period of twelve months from the date of the order fails to comply with such order, the Director-General may cause the growth concerned to be destroyed and thereafter recover the costs concerned in whole or in part from such owner.

4. Appointment of nature conservation officers. - (1) For the carrying out of the provisions of this Act relating to the protection and conservation of fauna and flora the Minister may, subject otherwise to the laws governing the public service and the provision of subsections (2) and (3), appoint nature conservation officers (of whom one shall be the chief nature conservation officer) and such other staff, including field rangers, as may be necessary.

(2) Every police official and other peace officer and every officer in the Department occupying a post of agricultural officer or forest officer shall be a nature conservation officer *ex officio*.

(3) The Director-General shall cause to be issued to every nature conservation officer (other than a police official, forest officer, chief or headman or other peace officer) and to every ranger a certificate of appointment, and whenever the holder of any such certificate exercises or performs any power, duty or function under this Act, he shall, at the request of any person affected, produce the certificate to such person for inspection.

(4) A nature conservation officer or ranger may in the exercise of the powers or the performance of the duties conferred or imposed on him by or under this Act take with him one or more assistants who shall, whilst under his direction be deemed to be nature conservation officers or field rangers, as the case may be.

5. Powers and duties of nature conservation officer or ranger. - (1) A nature conservation officer who is not a peace officer *ex officio* and every ranger shall, in relation to any offence or suspected offence under this Act be deemed to be a peace officer and may *inter alia* —

(a) without warrant arrest —

- (i) any person who is reasonably suspected of having committed an offence under this Act, if he has reason to believe that such person will fail to appear in answer to a summons; or
- (ii) any person who he suspects on reasonable grounds to have contravened the provisions of section 26(1)(e);

(b) demand from any person performing or whom he reasonably suspects of having performed any act for the performance of which a licence, permit or other authorization or the permission in writing of the owner of private land of any other person is necessary under any provision of this Act, the production of such licence, permit or other authorization or permission;

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(c) demand from any person, who is required under any provision of this Act to keep any book, statement or invoice, the production of such book, statement or invoice;

(d) demand from any person whom he reasonably suspects of having committed an offence under this Act or who, in his opinion, will be able to furnish evidence in connection with any such offence, the name and address of such person or any other information necessary for his identification;

(e) question any person who in his opinion may be able to furnish any information required by him for the enforcement of any provision of this Act;

(f) conduct any investigation he considers necessary for ascertaining whether any provision of this Act is being complied with by any person, and may for such purpose without warrant and without permission enter upon any land, premises, place, vehicle or other conveyance and there carry out such inspection and investigation as may be required, including any inspection and investigation of any container or other thing thereon or therein;

(g) in the course of any inspection or investigation carried out by him under this Act, without warrant and without permission, order that any vehicle, boat or other conveyance be brought to a standstill and be kept stationary until he has searched it and has questioned any person who in his opinion is able to furnish any information in connection with his investigations;

(h) without warrant and without permission enter upon any land, premises, building, tent or place or any boat or other conveyance and there conduct a search if he reasonably suspects that there is thereon or therein anything which is used or has been used in the commission of an offence under this Act or will afford evidence of any such commission;

(i) without warrant seize and confiscate any live wild animal or the carcase of a wild animal found in the possession of any person if such person fails on his demand to produce a permit or other document authorising such possession;

(j) without warrant seize anything which may in his opinion afford evidence or constitute proof of the commission of an offence under this Act or which he reasonably suspects is being or has been used for the conveyance of any fauna or flora in respect of which an offence has been committed under this Act;

(k) without warrant seize and confiscate any wild animal which is being kept in captivity by any person if such person fails on demand to produce the prescribed permit or if such wild animal is being kept in captivity contrary to any condition stated in such permit or or contrary to any provisions of this Act;

(l) destroy any dog used in any unlawful hunt or suspected of being so used or which is pursuing or is in search of any wild animal on any land in circumstances other than those contemplated in section 13(1)(h); or

(m) remove or cause to be removed any snare or other trap, fishtrap, set-line, pitfall, holding pen, trap cage, set-gun, firearm, poison or any other device, weapon, instrument or implement which is being used or which is suspected of being used unlawfully to catch any wild animal or fish or, if such removal is impossible, dangerous or difficult, destroy or render it harmless or cause it to be destroyed or rendered harmless.

(2) A nature conservation officer or ranger who seizes anything under any provision of subsection (1) shall forthwith report such seizure to a magistrate who may thereupon make in writing such order as to the further retention or disposal of the thing seized as may, from the reported facts, appear to him to be just or expedient.

(3) Nothing in this section contained shall be construed as derogating in any way from the provisions of section 48.

6. Honorary nature conservation officers. - (1) The Director-General may appoint any fit and proper person to be an honorary nature conservation officer for the purpose of this Act.

(2) An honorary nature conservation officer shall have and may exercise all or any of the powers conferred on a nature conservation officer by paragraphs (b), (c), (d) and (e), excepting the power of search, of section 5;

(3) The provisions of section 4(3) shall apply *mutatis mutandis* in respect of honorary nature conservation officers.

CHAPTER 2

WILD ANIMALS

7. Classification of wild animals. - For the purposes of this Act and subject to its provisions —

- (a) wild animals of the species mentioned in Schedule 1 shall be specially protected wild animals;
- (b) wild animals of the species mentioned in Schedule 2 shall be protected wild animals; and
- (c) wild animals of the species mentioned in Schedule 3 shall be huntable wild animals.

8. Conservation and protection of specially protected wild animals. - No person shall without a permit —

- (a) hunt any specially protected wild animal;
- (b) sell, buy, donate, receive as a donation or be in possession of any live specially protected wild animal or the egg of any specially protected wild animal;
- (c) sell, buy, donate, receive as a donation or be in possession of the carcase, or of anything manufactured from the carcase, of a specially protected wild animal;
- (d) process, prepare, cure, tan or in any other manner whatsoever treat the carcase of a specially protected wild animal for the purpose of —
 - (i) manufacturing any article therefrom;
 - (ii) exhibiting such carcase or any article manufactured therefrom; or
 - (iii) mounting such carcase; or
- (e) remove, wilfully disturb or interfere with or destroy or sell or offer for sale or purchase the egg of any specially protected wild animal or wilfully damage, destroy or interfere with the nest of a specially protected wild animal.

9. Conservation of protected wild animals. - (1) No person shall without a permit —

- (a) hunt any protected wild animal;
- (b) sell, buy, donate, receive as a donation or be in possession of any live protected wild animal or the carcase of any protected wild animal;
- (c) remove, wilfully disturb or interfere with or destroy or sell, offer for sale or purchase the eggs, larvae or pupae, as the case may be, of any protected wild animal or wilfully damage, interfere with or destroy the nest of any protected wild animal.

(2) Nothing in subsection (1) contained shall be construed as affecting the possession of any protected wild animal for farming or conservation purposes by the owner of private land which is certified by the Department in terms of section 17 to be adequately enclosed in relation to such protected wild animal or the species of such protected wild animal.

10. Control over hunting of huntable wild animals. - (1) Subject to the provisions of this Act, no person shall —

- (a) hunt any huntable wild animal on State land unless he is the holder of —
 - (i) the prescribed hunting licence; and
 - (ii) a permit issued by the Department;
- (b) hunt any huntable wild animal on private land unless he is the holder of the prescribed hunting licence;
- (c) kill or capture any huntable wild animal during the close season unless authorized thereto by a permit;
- (d) in the course of any lawful hunt, kill or capture on any one day a greater number of any species of huntable wild animal than the number specified in respect of that species in Schedule 4;
- (e) hunt any huntable wild animal on private land of which he is not the owner or remove from such land any live huntable wild animal or the carcase of any huntable wild animal which he has hunted thereon unless he is in possession of the written permission of such owner which complies substantially with the provisions of subsection (5).

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(2) The provisions of paragraph (b) of subsection (1) shall not apply —

(a) to the owner of the private land in question, any relative of such owner or any full-time employee of such owner acting on such owner's authority, in respect of any huntable wild animal found on that land; or

(b) to any person not in possession of a weapon who, in the presence of the owner of the private land or with his written permission, is acting as a beater at a lawful hunt on such land.

(3) The provisions of paragraphs (c) and (d) of subsection (1) shall not apply to the owner of the private land, any relative of such owner or any full-time employee of such owner acting on his authority, if such private land has been certified by the Department in terms of section 17 to be adequately enclosed, in respect of the killing or capture on such land of any number of the species of huntable wild animal specified in the certificate of adequate enclosure but subject to the conditions of such certificate.

(4) The provisions of paragraph (e) of subsection (1) shall apply to a relative or full-time employee of the owner of private land only in so far as such provisions prohibit the removal from private land without permission of a live huntable wild animal or the carcase of a huntable wild animal.

(5) The permission contemplated in paragraph (e) of subsection (1) shall be in writing and shall not be valid unless —

(a) it states the full names, identity number and address of the owner of the private land and of the person to whom it is granted;

(b) it gives the name or a description of such private land;

(c) it specifies the number and species of huntable wild animals and the date or dates in respect of which it is granted; and

(d) it is signed and dated by such owner.

11. Wild animals in captivity. - (1) No person shall without a permit keep any wild animal in captivity: Provided that the provisions of this subsection shall not apply in respect of —

(a) any bird which is not a specially protected wild animal, a protected wild animal or a huntable wild animal; or

(b) any huntable wild animal captured by the owner of private land by virtue of the provisions of section 10(2)(a) and kept by him in captivity on the land on which it was captured.

(2) Any person keeping a wild animal in captivity shall —

(a) supply it regularly with sufficient and suitable food;

(b) ensure that it has clean water for drinking and bathing purposes at all times;

(c) make adequate provision for it to be able to sleep in accordance with its natural habits;

(d) if it is, or is to be, kept in a cage —

(i) provide a cage which complies with the prescribed requirements, is well ventilated and affords sufficient light as well as protection against heat, cold and rain; and

(ii) clean such cage at least once per day.

(3) No person shall pinion any wing of a wild bird or restrain any wild animal by means of a chain or rope or other like contrivance.

12. Hunting and close seasons for huntable wild animals. - (1) The Minister may by notice in the *Gazette* declare, in relation to any species of huntable wild animal or huntable wild animals generally or in respect of any particular area or areas, that there shall be no hunting season or that the hunting season shall be as stated in such notice: Provided that, if no such notice has been published by the Minister; the hunting season for huntable wild animals shall be from the first day of June up to and including the last day of July in the same year.

(2) Any period falling outside a hunting season within the meaning of subsection (1) shall, in the area or areas and in relation to the huntable wild animals or species of huntable wild animal concerned, be a close season.

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13. Certain methods of hunting are unlawful except if specially authorized. (1) Except as hereinafter provided, no person shall without a permit hunt any wild animal —

- (a) on or from a public road;
- (b) with the aid of artificial light;
- (c) during the period between thirty minutes after sunset and thirty minutes before sunrise on the following day;
- (d) from or by means of a vehicle or with the use of a boat;
- (e) by means of any trap or with the use of fire or poison;
- (f) with the use of any device whereby an intoxicating substance or a narcotic agent or poison is injected into the wild animal;
- (g) with a bow and arrow or a crossbow;
- (h) with the use of a dog except for the hunting of birds which are huntable wild animals or for the purpose of searching for a wild animal which has been wounded during a lawful hunt;
- (i) with a firearm which fires a rim-fire cartridge;
- (j) with a firearm which fires more than two shots without being manually reloaded;
- (k) with a set gun or any similar contrivance; or
- (l) with a weapon in any public place (including the commonage) within the area of any local authority: Provided that —
 - (i) the provisions of paragraphs (b) and (c) and the provisions of paragraph (e) relating to the use of a trap or poison shall not apply in respect of the hunting of rats or mice or problem animals;
 - (ii) the provisions of paragraph (i) shall not be applicable in the hunting of any bird or any other wild animal which is not a specially protected wild animal, a protected wild animal or a huntable wild animal; and
 - (iii) the provisions of paragraph (f) shall not apply in the case of a veterinarian or any officer of the Department in the performance or carrying out of his lawful functions.

(2) No person shall —

- (a) without a permit, use any aircraft to hunt any wild animal or to hunt, disturb, drive or stampede any wild animal or animals for the purpose of filming or photographing such hunt, disturbance, drive or stampede or for any other purpose whatsoever;
- (b) hunt any baboon, blesbok, bushbuck, grey duiker, impala, springbok or any other huntable wild animal of a similar size with a firearm having a barrel of a calibre less than 6mm projecting a missile with a muzzle energy of less than 2,000 ft.lb.;
- (c) hunt any kudu or animal of a similar size with a firearm having a barrel of a calibre of less than 7mm projecting a missile with a muzzle energy of less than 2,500 ft.lb.;
- (d) hunt any wild animal (not being bird) with the use of bullets common known as "solid";
- (e) hunt any bird which is a huntable wild animal with any firearm other than a shotgun; or
- (f) subject to the provisions of section 10 of the Arms and Ammunition Act, 1984 (Act 41 of 1984), have in his possession on any public road or in any vehicle on any public road any firearm other than a pistol or revolver unless it is unloaded and is in a securely fastened cover, case or other container and enclosed thereby in such a way that the barrel and trigger are properly covered.

(3) The provisions of paragraph (f) of subsection (2) shall not apply —

- (a) in respect of any member of police or defence force or prison's service who in the performance of his function as such a member carries a firearm;
- (b) in the case of an owner of private land or his relative who is on any public road on such land; or
- (c) in respect of any person who is lawfully engaged in hunting any problem animal.

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14. Sale or donation of huntable wild animal or carcase thereof. - (1) (a) Subject to the provisions of paragraphs (b) and (c) no person shall without a permit sell or donate a live huntable wild animal or the carcase of a huntable wild animal to any other person.

(b) The provisions of paragraph (a), to the extent to which they prohibit the donation without a permit of the carcase of a huntable wild animal, shall not apply to the owner of the private land on which the animal concerned was hunted.

(c) The provisions of paragraph (a), in so far as they prohibit the sale of the carcase of a huntable wild animal, shall not apply to a seller —

- (i) who is the owner of the private land on which the animal concerned was lawfully killed;
- (ii) who is a market master at a public or municipal market; or
- (iii) who is authorized by a licence issued under the Licences Act, 1982 (Act 22 of 1982) to sell such carcase.

(2) Every person who lawfully sells or donates to any other person any live huntable wild animal or the carcase of a huntable wild animal shall, when he delivers such animal or carcase to such other person forthwith furnish to such other person a document signed by him stating —

- (a) the full names, identity number and address of such firstmentioned person;
- (b) the full names, identity number and address of such other person;
- (c) the number and species of the huntable wild animals concerned; and
- (d) the date or dates on which such animals or carcasses were sold or donated, as the case may be.

15. Possession of huntable wild animal or carcase thereof. - Any person found in possession of any live huntable wild animal or the carcase of a huntable wild animal shall be guilty of an offence unless —

(a) if such animal was hunted by him on private land, he is in possession of the written permission contemplated in section 10(5); or

(b) if he has acquired such animal or carcase from any other person, he is in possession of the document contemplated in section 14(2).

16. Introduction into, and transportation within Ciskei of certain wild animals or their carcasses. - (1) Subject to the provisions of this Act, no person shall without a permit —

(a) introduce into, remove from or transport in or through Ciskei any live wild animal;

(b) introduce into, remove from or transport in or through Ciskei the carcase of any wild animal; or

(c) introduce into or release within Ciskei any exotic wild animal;

(2) No person shall transport any live wild animal (other than a wild bird) in or through Ciskei by means of any vehicle unless —

(a) he has arranged before such transportation is undertaken, for the use of an alternative vehicle to carry out such transportation if, for any reason, the firstmentioned vehicle breaks down;

(b) he transports the wild animal in a cage which is adequate for the purpose and not likely to injure such animal;

(c) he transports the wild animal along the shortest route and without delay; and

(d) he protects the wild animal against stress, heat, cold or rain throughout the journey.

(3) Nothing in subsection (1) contained shall be construed —

(a) as prohibiting the introduction from or transportation in or through Ciskei of any performing wild animal or of any bird which is not a specially protected wild animal or a protected wild animal; or

(b) as rendering unlawful the introduction into, or transportation in or through Ciskei by any other person without a permit, of the carcase of a huntable wild animal lawfully hunted on land outside Ciskei if such person is in possession of documents corresponding substantially to the documents referred to in section 15, signed by the owner of the land in question or, as the case may be, by the person from whom the live wild animal or the carcase was acquired.

17. Certificate of adequate enclosure. - (1) Any owner of private land on which any species of protected wild animal or huntable wild animal is found may, in relation to any such species, make application to the Department for the certificate of adequate enclosure contemplated in subsection (3) in respect of the whole or any part of such land.

(2) An application under subsection (1) shall —

- (a) include a diagram of the land;
- (b) describe the vegetation thereon;
- (c) state the species of protected or huntable wild animals to which it relates, the estimated number of such species living free and the number of such species in captivity on the land;
- (d) state the grounds on which the land is considered to be adequately enclosed; and
- (e) provided such further particulars as may be prescribed or as may be required by the Department.

(3) (a) The department may, if it is satisfied that the land in question is adequately enclosed in relation to the species of wild animals to which the application relates and that such animals are not, in effect, being kept in captivity on that land, grant the application subject to such conditions as it may deem necessary.

(b) Upon the approval of an application, the Department shall issue to the applicant a certificate of adequate enclosure in which there shall be specified —

- (i) the land in respect of which it is issued;
- (ii) the species of protected wild animal or huntable wild animal, or both, to which it relates;
- (iii) the conditions, if any, subject to which it is issued; and
- (iv) the number of protected wild animals or huntable wild animals, or both, which may be hunted in any one year during the validity of the certificate.

(4) A certificate of adequate enclosure shall be valid for three years from the date of issue but may be withdrawn by the Department at any time without prior notice but subject nevertheless to the right of the holder of the certificate to appeal to the Minister against such withdrawal.

(5) Notwithstanding the provisions of subsection (4) a certificate of adequate enclosure shall lapse upon the transfer or lease of the land to which it relates.

18. Hunting of certain animal may be specially authorized. - (1) (a) Notwithstanding anything in this Chapter contained the Department may hunt or cause to be hunted in any manner whatsoever any animal (hereinafter in this section referred to as a problem animal) if it is satisfied that such animal —

- (i) is, or likely to be, dangerous to human life;
- (ii) is wounded, diseased or injured;
- (iii) is killing livestock or other animals or damaging crops or other property;
- (iv) should be hunted in the interests of nature conservation; or
- (v) is detrimental to the preservation of any fauna or flora.

(b) For the purposes of paragraph (a), it shall be competent for the Department —

- (i) to acquire and breed hounds, or to cause them to be trained, for the hunting of problem animals;
- (ii) to train persons in its employ as hunters, whether with or without hounds; and
- (iii) to carry out research in connection with problem animals.

(2) (a) The Department may, with the prior approval of the Minister, grant a permit to any person to hunt any problem animal which may not otherwise be lawfully hunted.

(b) No such permit shall be granted unless the Minister is satisfied —

- (i) that the hunting of animal will not endanger the survival of that species of animal; and
- (ii) that, for any of the reasons mentioned in subsection (1), the animal in question should be hunted.

(3) No person shall —

(a) wilfully obstruct or hinder the Department or any person acting under its authorization whilst the Department or such person is engaged in any hunt for problem animals;

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(b) wilfully injure or kill any hound, horse or other animal used by the Department or any such person as aforesaid in the course of or in connection with any hunt for problem animals; or

(c) fail or refuse to render such reasonable assistance as he may be called upon to render by the Department or such authorized person in the hunting of problem animals on the private land of which the firstmentioned person is the owner.

(4) No action, whether civil or criminal, shall lie against the Department or any person acting under its authorization for any unintentional damage to property or unintentional killing or injuring of any livestock or wild animal in the course of any hunt for problem animals: Provided that the Department or such authorized person as aforesaid shall without delay report any such occurrence —

(a) if it took place on private land, to the owner of such land; or

(b) if it took place on State land, to the chief, headman or other person administering such land: Provided further that the Department may, with the concurrence of the Treasury, pay reasonable compensation to the person who has suffered any loss as a result of anything done under this section.

(5) The person hunting a problem animal as contemplated in this section shall dispose of the carcase in such manner as the Department may direct.

(6) (a) For the purposes of this section the Minister may by notice in the *Gazette* declare any species of animal to be problem animals whether generally or in respect of a particular area, and he may in like manner amend or withdraw any such notice.

(b) No person shall without a permit be in possession of or introduce into Ciskei or other area contemplated in paragraph (a) any animal of a species declared by the Minister to be problem animals.

CHAPTER 3

INDIGENOUS FLORA

19. Classification of flora. - For the purposes of this Act —

- (a) the indigenous flora mentioned in Schedule 5 shall be specially protected flora;
- (b) the indigenous flora mentioned in Schedule 6 shall be protected flora;
- (c) the indigenous flora mentioned in Schedule 7 shall be unprotected flora; and
- (d) the aquatic growths mentioned in Schedule 8 shall be deemed to be noxious aquatic growths.

20. Protection of specially protected flora. - (1) Subject to the provisions of this Act, no person shall without a permit —

- (a) be in possession of any specially protected flora;
- (b) sell, buy, donate or receive as a donation any specially protected flora;
- (c) pick any specially protected flora; or
- (d) introduce into, remove from, or transport in or through Ciskei any specially protected flora.

(2) Nothing in subsection (1) contained shall be construed as prohibiting the possession without a permit by any owner of private land of specially protected flora growing in a natural state on such land.

21. Conservation of protected and other flora. - (1) Except as hereinafter in this Chapter provided no person shall —

- (a) pick any protected flora unless authorized thereto by a permit; or
- (b) uproot the plant in the process of picking any flora; or
- (c) pick any flora on any land within the limits of any public road or on land on the either side of a public road within a distance of one hundred metres from the centre of the road; or
- (d) pick any protected or unprotected flora on private land of which he is not the owner without the permission in writing of the owner of such land or of any person authorized by such owner to grant such permission;

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(e) sell any protected flora without a licence issued under item 33(1)(a)(iv) of Schedule 1 of the Licences Act, 1982;

(f) sell or buy any protected flora at any place other than on the premises of an authorized flora grower or authorized flora seller; or

(g) without a permit, extract, tap or buy the sap of any indigenous flora or export any indigenous flora from Ciskei.

(2) The provisions of subsection (1)(a) and (e) shall not apply to the owner of private land or any full-time employee of such owner acting on his instructions in respect of any protected flora propagated or cultivated on such land.

(3) The provisions of subsection (1)(a) and (d) shall not apply to any relative of the owner of the private land in question and the provisions of the said paragraph (d) shall also not apply to a full-time employee of such owner acting on the instructions or with the consent of the owner.

(4) Nothing in subsection (1)(a) contained shall be construed as preventing or prohibiting the owner of private land from authorizing any person to gather and collect the seed of any protected flora on such land for the purpose of propagating such flora.

(5) The permission contemplated in subsection (1)(d) shall not be valid unless it is signed and dated and there appears thereon —

(a) the full names, address and identity number of the owner of the private land or of the person authorized to grant such permission;

(b) the full names, address and identity number of the person to whom the permission is granted; and

(c) the number and species of flora, the date or dates on which such flora may be picked and the name or a description of the land in respect of which the permission is granted.

22. Growers and sellers of protected flora. - (1) Any person desiring to be authorized, or to be authorized and licensed, as a flora grower or flora seller, as the case may be, shall apply to the Department for an appropriate permit and shall furnish such information as the Department may require.

(2) After such enquiry and inspection as the Department may deem necessary it may grant the application and issue a permit to the applicant.

(3) A licensing authority shall, on application made to him in the customary form by an authorized flora seller and on production to him of the permit contemplated in subsection (2) and payment of the licence fee prescribed in item 33(1)(a)(iv) of Schedule 1 of the Licences Act, 1982, issue to the applicant a licence authorizing him to sell protected flora.

(4) No person shall sell any protected flora —

(a) on the premises of an authorized flora grower unless such flora was propagated or cultivated or occurs in a natural state on the land of such grower or has been obtained from another person who lawfully propagated or cultivated the same; or

(b) on the premises of a licensed flora seller unless such flora has been obtained from an authorized flora grower or another licensed flora seller or any other person who has lawfully propagated or cultivated the same.

CHAPTER 4

NATURE RESERVES AND WATER CATCHMENT AREAS

Part 1 : National Nature Reserves

23. Establishment of national nature reserves. - (1) Subject to the provisions of subsection (2) each area defined in Schedule 9 shall, under the name assigned thereto in the said Schedule, be a national nature reserve.

(2) The President may at any time by proclamation in the *Gazette* amend Schedule 9 —

(a) by inserting therein the definition of the area and the name of any new national nature reserve;

(b) by redefining the area of any national reserve so as to include additional land therein or to exclude any land therefrom; or

(c) by changing the name of any national nature reserve.

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(3) A proclamation under subsection (2) may establish as a national nature reserve any land which under the law relating to forests is a forest reserve.

(4) The disestablishment of a National Nature Reserve shall be subject to the approval by resolution of the National Assembly.

24. Object of establishment of national nature reserve. - The object of the establishment of a national nature reserve is —

(a) the protection, preservation, reproduction or propagation in their natural state of wild animals and indigenous plants including, where appropriate, marine and other aquatic life and plants;

(b) the protection and preservation of any objects of geological, archaeological, historical, oceanographic, educational or other scientific interest;

(c) the creation of opportunities for study and research in any of the aforementioned fields;

(d) the provision of facilities for recreation in a rural and natural environment; and

(e) the preservation and enhancement of the natural beauty of the area concerned.

25. Control, maintenance, development and management of national nature reserve. - (1) The control, maintenance, development and management of a national nature reserve shall vest in the Department which shall be competent to exercise all or any of the powers mentioned in subsection (2) of this section or which are otherwise necessary for the attainment of the objects described in section 24.

(2) The Department may, out of moneys appropriated for the purpose by the National Assembly —

(a) do all such things as may be required for the restoration, preservation and improvement of the land comprising a national nature reserve;

(b) take all such steps as will ensure the recovery and continued existence of the animal and plant life which is peculiar, or was at any time indigenous, to the area in which such reserve is situated;

(c) do everything which it may consider necessary to ensure the security of the animal life and vegetation in a national nature reserve and their retention in a natural state;

(d) protect, develop and improve all water sources and supplies and construct or erect fences, roads, dams, bridges and buildings and such other works as it may consider necessary for the maintenance, development, management and control of any national nature reserve including, where appropriate, weirs, breakwaters, seawalls, boathouses, landing stages, mooring places and swimming pools;

(e) reserve areas as breeding places for wild animals or as nurseries for indigenous trees, plants, shrubs and other flora;

(f) provide accommodation and recreational facilities for visitors to a national nature reserve but without prejudice to the natural environment;

(g) provide meals and refreshments for visitors to a national nature reserve;

(h) carry on any business in a national nature reserve;

(i) supply any other service for the convenience of visitors to a national nature reserve;

(j) erect or establish or equip and maintain any building, structure, depot or premises required or intended to be used in connection with any matter referred to in paragraph (f), (g), (h) or (i) or, with the concurrence of the Minister of Internal Affairs and Land Tenure and the Treasury, let any site required for such a purpose or any such building, structure for such a purpose or any such building, structure or premises as aforesaid;

(k) with the concurrence of the Treasury, make such charges as it may determine in respect of any matter referred to in paragraph (f), (g), (h) or (i) or which are to be paid in respect of permission to enter or to sojourn within a national nature reserve;

(l) subject to such conditions and the payment of such charges (if any) as the Minister may prescribe with the concurrence of the Treasury authorize any person or any body, board or corporation established by or under any law to carry on any activity which may, in terms of this subsection be carried on by the Department.

(3) The Department may, in the exercise of its powers under this Chapter —

(a) sell, exchange or donate specimens of any wild animals or indigenous or other plants;

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(b) for purposes of control or management of the breeding of wild animals or the reduction of their numbers, authorize by permit the hunting of any particular species of wild animal, subject to the payment of such fees, and to compliance with such conditions, as the Department may determine with the concurrence of the Minister and, in respect of any fees, also of the Treasury;

(c) acquire any wild animal or any plant which it may wish to introduce into a national nature reserve.

(4) Except with the approval by resolution of the National Assembly, no prospecting or mining shall be undertaken on any land included in a national nature reserve.

26. Restrictions and prohibitions in relation to national nature reserves. - (1) Subject to the provisions of subsections (2) and (3), no person other than an officer or employee of the Department acting under its authority shall —

(a) enter or reside in a national nature reserve unless authorized thereto by a permit;

(b) convey into a national nature reserve, or within such a reserve be in possession of, any weapon, explosive, trap or poison;

(c) within a national nature reserve hunt or otherwise wilfully kill or injure any wild animal;

(d) within a national nature reserve disturb any wild animal or take, damage or destroy any egg or nest of any wild bird or take honey from a beehive;

(e) wilfully or negligently cause a veld fire or any damage to any object of geological, archaeological, historical, oceanographic, educational or other scientific interest within a national nature reserve;

(f) introduce any wild animal into, or permit any domestic animal to stray into or to enter, a national nature reserve;

(g) remove from any national nature reserve any animal (other than an animal lawfully introduced into that reserve) whether live or dead, or any part of the carcase of any such animal;

(h) pick, cut, damage, remove or destroy any tree or other plant (including any aquatic plant) in a national nature reserve;

(i) within a national nature reserve remove seed from any tree or other plant;

(j) feed any wild animal in a national nature reserve; or

(k) drive a motor vehicle in a national nature reserve without a valid driver's licence or permit any other person to drive a motor vehicle in a national nature reserve without a valid driver's licence.

(2) The provisions of subsection (1) shall not render it unlawful for any person —

(a) to be in possession of a weapon in a national nature reserve if he is duly authorized thereto by a permit;

(b) to hunt any wild animal in a national nature reserve and to remove such animal or its carcase from such reserve if he does so under and in accordance with the provisions of a permit granted under section 25(3)(b);

(c) to capture or to gather or to remove from a national nature reserve any quantity of any species of fish or other aquatic animal or plant if he does so on the authority of and in accordance with the provisions of a permit; or

(d) to introduce into a national nature reserve, if authorized thereto by any permit, any animal required in connection with lawful residence in that reserve.

(3) The provisions of subsection (1)(a) and (b) shall not apply to any police official or any other person in the employ of the State who is required to enter a national nature reserve in the execution of his official duty: Provided that such police official or other person shall, as soon as practicable, report his presence in such reserve to the manager thereof.

Part 2 : Local Nature Reserves

27. Local authority may establish local nature reserve. - (1) Any local authority may, with the approval of the Minister and subject to such conditions as he establish local nature reserve on land within its area.

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(2) Before granting approval under subsection (1) the Minister may require the local authority concerned to make its intentions known, and to call for any objections thereto, by notice displayed for a period of not less than fourteen days at its office and at such other public places in its area as the Minister may indicate, and thereafter to forward to him for consideration any objections lodged in response to the notice.

(3) The establishment of a local reserve under subsection (1) shall be made known by the Minister by notice in the *Gazette* and he shall at the same time name such reserve, define its boundaries and state the conditions (if any) subject to which his approval has been granted.

(4) The objects of a local nature reserve shall be the same as the objects mentioned in paragraph (a), (b) and (e) of section 24: Provided that nothing herein contained shall be construed as prohibiting a tribal authority from authorizing, subject to the provisions of any other applicable law, the depasturing of livestock or the cultivation of land in any local nature reserve within the tribal area.

(5) The Minister may at the request of any local authority and by notice in the *Gazette* disestablish any local nature reserve.

28. Regulations for local nature reserves. - (1) The Minister may make regulations for local nature reserves generally or for any particular local nature reserve or reserves, as to —

(a) the protection of the fauna and flora in such reserve and the prohibition or restriction of the introduction into or possession within the reserve of anything which could be used for the killing or catching of wild animals;

(b) the entry of persons into, and the duration of their stay and their behaviour within a local nature reserve;

(c) the prohibition or control of the entry into or use in such a reserve of motor vehicles;

(d) the prohibition or control of the making of fires in any such reserve; and

(e) any other matter whatsoever which in the opinion of the Minister ought to be regulated or controlled for the achievement of the objects of a local nature reserve.

(2) A regulation made under subsection (1) may provide —

(a) that any contravention thereof or failure to comply therewith shall be an offence;

(b) that any fee paid in respect of a permit issued thereunder and the proceeds of any fine paid in respect of any contravention thereof shall be paid to the local authority concerned.

Part 3 : Private Nature Reserves

29. Establishment of private nature reserve. - (1) Any owner of land may, with the approval of the Minister and subject to such conditions as he may specify, establish a private nature reserve on his land and assign a name thereto. The objects of a private nature reserve shall be the same as the objects mentioned in paragraphs (a), (b) and (e) of section 24.

(2) Any person desiring to establish a private nature reserve in terms of subsection (1), shall apply to the Minister for his approval and furnish him with —

(a) a definition, either by description thereof or by reference to the boundaries indicated on a map or plan filed in a specific office, of the boundaries of the land on which he desires to establish such reserve;

(b) proof of his ownership of such land;

(c) the name which he proposes to assign to such reserve; and

(d) such further information as the Minister may require.

(3) The Minister may, at his discretion, refuse any application under subsection (2) or grant such application subject to such conditions as he may deem necessary or desirable.

(4) If any application under subsection (2) is granted, the Minister's approval shall be notified in the *Gazette* and the name assigned to the reserve concerned, the boundaries thereof, defined in accordance with subsection (2)(a), and the conditions, if any, subject to which approval has been granted shall be specified in the relevant notice.

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(5) (a) Any person who has established a private nature reserve may at any time with the approval of the Minister —

- (i) alter the boundaries or the name or the boundaries and the name of such reserve, or
- (ii) abolish such reserve.

(b) Any such reserve may at any time be abolished by the Minister on good cause shown and after consultation with the person who established it.

(c) Any alteration or abolition as contemplated by this subsection shall be notified in the *Gazette*.

30. Rights and duties of owner of private nature reserve. - Subject to any conditions imposed by the Minister under section 29(3) any person who has established a private nature reserve shall manage, control and develop such reserve with a view to the propagation, protection and preservation of fauna and flora and such person or any other person authorized by him in writing may, notwithstanding anything to the contrary in this Act —

(a) subject to the provisions of section 8, 9, 17 and 20, at any time and by any means other than by the use of fire or poison, hunt any wild animal or pick any flora found in such reserve;

(b) subject to the provisions of section 11 and any regulations made under section 71 keep any such animal which has been captured in such reserve in captivity; or

(c) sell any such animal which has been so captured or the carcase of any such animal.

Part 4 : Water Catchment Areas

31. Water Catchment Areas. - (1) The Minister may by notice in the *Gazette* —

(a) declare any area to be a water catchment area and define or redefine its boundaries; and

(b) give such directions, in relation to the land situated within any water catchment area and the surrounding land within a distance of five kilometres from the boundary thereof relating to —

- (i) the conservation, use, management and control of the land in the water catchment area;
- (ii) the prevention of soil erosion, the protection and preservation of the natural vegetation and the destruction of plants or trees which in the opinion of the Minister are intruders; and
- (iii) any other matter which he considers necessary or expedient.

(2) A direction under subsection (1)(b) —

(a) shall come into operation as from a date specified in the relevant notice;

(b) shall be binding on every owner and occupier of the land concerned and their successors in title;

(c) shall also be made known by notice in accordance with the provisions *mutatis mutandis* of section 36 of the Ciskeian Agricultural Development Act, 1973 (Act 5 of 1973); and

(d) may in like manner be amended, suspended or withdrawn by the Minister subject to such conditions as he may determine.

32. Compensation for patrimonial loss. - If, in terms of a direction given under section 31, limitations are placed on the purposes for which land may be used, the owner or occupier of such land shall be paid such compensation in respect of actual patrimonial loss suffered by him as may, in the absence of agreement, be determined in accordance with the provisions *mutatis mutandis* of section 13(4) of the Ciskeian Agricultural Development Act, 1973.

33. Certain land in water catchment areas exempt from certain taxes. - Land in a water catchment area upon which, in terms of direction under section 31, no farming may be carried on shall be exempt from all taxes imposed by any competent authority on the value of immovable property.

34. Control over, and protection against fire of, water catchment areas. - The provisions of sections 27, 28, 30, 31 and 35 of the Ciskeian Agricultural Development Act, 1973 and of sections 16 and 17 of the Ciskeian Forestry Act, 1976 (Act 6 of 1976) shall apply *mutatis mutandis* in respect of or in relation to water catchment areas.

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Part 5 : Nature Areas

35. Reservation of land as nature area for particular purposes. - (1) The Minister may with the approval of the President-in-Council and by notice in the *Gazette* reserve the land defined in such notice —

- (a) as a nature area; or
- (b) for the utilization of a specific natural resource.

(2) As from the date of the relevant notice issued in terms of subsection (1), no person shall, except with approval of the authority competent to grant such approval under the Land Use Regulation Act, 1987, use any land defined in the notice for any purpose other than the particular purpose for which it was lawfully being used immediately prior to that date.

(3) For the purposes of this section "nature area" means any area which is or ought to be used for the protection, reproduction and preservation of any particular fauna or flora or habitat or any object of geological, ethnological, historical or other scientific interest.

CHAPTER 5

HIKING TRAIL SYSTEM

36. Establishment of hiking trail system. - (1) There shall be a hiking trail system for Ciskei which shall consist of —

- (a) the main trail;
- (b) supplementary or connecting trails;
- (c) walks over State forests constructed in terms of the law relating to the demarcation and protection of forests;
- (d) quarters or sites for overnight stays, shelters and other essential amenities;
- (e) the trail indicators, notices and beacons contemplated in section 38.

(2) The opening up, diversion or closing of any hiking trail shall be made known by the Minister by notice in the *Gazette*.

(3) A hiking trail may be constructed over any State forest notwithstanding anything contained in the law relating to the demarcation and protection of forests.

37. Construction, control and maintenance of hiking trails, provision of amenities and tariff of charges. - (1) The construction of the main trail and any supplementary or connecting trail (including the provision of the facilities, amenities and other requirements referred to in section 36(1)(d) and (e) shall be undertaken by the Department out of moneys appropriated for the purpose by the National Assembly.

(2) The tariff of charges for the use of the facilities and amenities so provided shall be determined from time to time by the Minister with the concurrence of the Treasury and after consultation with the Minister of Tourism.

38. Hiking trail over private land. - (1) Whenever the main trail or any supplementary or connecting trail must necessarily proceed along or traverse private land or whenever the facilities or amenities referred to in section 36(1)(d) must necessarily be provided on private land, the right to construct such trail or to provide such facilities or amenities shall, subject to the provisions of subsection (5), be acquired by the Department by agreement in writing entered into with the owner of the private land concerned.

(2) The agreement contemplated in subsection (1) shall provide *inter alia* —

- (a) that the route of the hiking trail shall not be surveyed but shall be indicated by trail indicators bearing the Ciskei bird;
- (b) that the width of the walking surface of the hiking trail shall not exceed two metres;
- (c) that the Department may erect along the hiking trail, in addition to indicators referred to in paragraph (a), any warning or other notices that it may deem necessary;
- (d) that the limits of the quarters or sites referred to in section 36(1)(d) shall be demarcated by unsurveyed beacons acceptable to both parties;
- (e) that the Department shall be responsible for the repair of any soil erosion resulting from the presence of the hiking trail; and

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(f) that the provisions of subsection (5) shall be made known to hikers in the warning notices contemplated in paragraph (c) and in any permit issued to them.

(3) The Department shall as soon as practicable lodge a copy of the aforesaid agreement with the registrar of deeds and the registrar shall thereupon endorse upon the title deed of the land filed in his office and in the appropriate registers and upon the owner's title deed, as soon as it may for any reason be lodged in his office, a reference to the agreement.

(4) The owner of the private land in question shall at all reasonable times admit to such land any officer or employee of the State to enable him to exercise on that land any powers vested in him by or under this Act.

(5) A hiker on any hiking trail constructed on or over private land by virtue of the provisions of this section shall be liable for any damage caused by him to private property on that land.

(6) Nothing in this section contained shall be construed as preventing or prohibiting any person other than the State from providing on private land any facility or amenity which, under this section, may be provided by the State.

39. Regulations. - (1) The Minister may make regulations —

(a) prescribing codes of conduct for hikers and the manner of use of the hiking trail or trails;

(b) prescribing the tariff of charges contemplated in section 37(2); and

(c) generally with regard to any other matter whatsoever which the Minister considers necessary or expedient to prescribe for the attainment of the aims and objects of this Chapter.

(2) Any regulation made under subsection (1) may provide that any contravention thereof or failure to comply therewith shall be an offence.

40. Certain activities on hiking trails prohibited. - No person shall —

(a) damage, remove, alter, obstruct, shift or interfere with any trail indicator, notice, quarters for overnight stays or shelter provided under this Chapter or obstruct any entrance to the hiking trail system or disturb any hiker on any hiking trail; or

(b) damage, destroy, alter, shift, remove or interfere with any beacon, fence or other boundary mark on land over which a hiking trail is constructed; or

(c) light or assist in lighting or use, rekindle or add fuel to any fire along or on the hiking trail system except at a place provided or designated for the purpose; or

(d) without authorization take, remove, injure, damage, destroy or interfere with any animal, building or crop on land over which a hiking trail is constructed; or

(e) without a permit hunt any wild animal on or along any hiking trail; or

(f) without authorization pick, cut, damage, destroy, collect or remove any flora along or on any hiking trail; or

(g) wilfully place any mark, letter or sign upon any rock, building, tree or other flora along or on the hiking trail system or carve any mark, letter or sign into any of the same; or

(h) deposit or leave, at a place other than a place set aside for the purpose on a hiking trail, any rubbish, refuse or empty container.

CHAPTER 6

SEA, SEA-SHORE AND COASTAL CONSERVATION AREA

41. Ownership of seashore and sea and control over alienation. - Subject to the provisions of this Act —

(a) the ownership of the sea and the sea-shore vests in the President;

(b) the sea and the sea-shore, or any portion thereof, shall not be let or alienated except as hereinafter in this Act provided; and

(c) the sea and the sea-shore shall not be subject to any claim based on prescription.

42. Coastal conservation area. - (1) There is hereby established on the landward side of the entire length of the sea-shore a coastal conservation area 1 000 metres wide measured —

(a) in relation to the sea, as distinct from a tidal lagoon, from the high-water mark; and

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(b) in relation to a tidal river or tidal lagoon, from the highest water-level reached during ordinary storms during the most stormy period of the year, excluding exceptional or abnormal floods.

(2) Notwithstanding anything in any other law or in any condition of title contained, no person (including any department of State) shall within the coastal conservation area, save under the authority of a permit issued by the Department —

- (a) clear any land or remove any sand, soil, stone or vegetation;
- (b) develop any picnic area, caravan park or like amenity;
- (c) erect any building;
- (d) construct any railway, landing strip, slipway, landing stage or jetty;
- (e) build any dam, canal, reservoir, water purification plant, septic tank or sewerage works;
- (f) lay any pipeline or erect any power-line or fencing;
- (g) establish any waste disposal site or dump any refuse;
- (h) open any land for cultivation or the establishment of pastures;
- (i) construct any public or private road or any bridle-path or footpath; or
- (j) carry on any other activity which disturbs or may disturb the natural state of the vegetation, the land or any waters or as may be prescribed.

43 Letting of sea-shore and sea. - (1) Subject to the provisions of section 42 and of this section, the Minister of Internal Affairs and Land Tenure may on such conditions as he may determine with the concurrence of the Minister as defined in section 1 and such rental or other consideration as he may fix with the concurrence of the Treasury —

- (a) let any portion of the sea-shore and the sea (including, where necessary, any portion of the coastal reserve) for any one or more of the following purposes namely —
 - (i) the construction of wharves, piers, jetties landing stages and boat-houses;
 - (ii) the construction of breakwaters, sea walls, embankments, buildings or other structures;
 - (iii) the construction of bathing pools and enclosures;
 - (iv) the erection of beach shelters, bathing boxes and places of refreshment, amusement or recreation; or
 - (v) for any other purpose specified in paragraph (b), (d), (e) or (f) of section 42 or the carrying out of any other work of public utility or which would otherwise serve a necessary or useful purpose; or
- (b) permit the removal of any sand, stone or shingle from the sea-shore and the sea.

(2) The Minister of Internal Affairs and Land Tenure shall not exercise any power under subsection (1) unless —

- (a) not less than one month before any lease is entered into or permit granted under the said subsection, the proposed lessor or the applicant for a permit has caused to be published in the *Gazette* and in a newspaper circulating in the area concerned a notice setting forth his intentions and stating that objections thereto may be lodged with the Director-General: Internal Affairs and Land Tenure before a specified date not later than 21 days after the date of publication of the notice; and
- (b) he and the Minister as defined in section 1 have considered every objection lodged in response to the notice and any reply thereto that the person who gave such notice might wish to make.

(3) Nothing in this section contained shall be construed as prohibiting or preventing the Minister of Internal Affairs and Land Tenure, acting as provided in subsection (1), from authorizing the use of any portion of the sea-shore and the sea for State purposes.

44. Alienation of land under the sea or on the sea-shore. - (1) Any alienation of any portion of the sea-shore or the sea, and any lease or permission in relation thereto not authorized by section 43, shall be subject to the approval by resolution of the National Assembly.

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(2) Not less than one month before submitting to the Assembly a proposal for any alienation lease or permission in terms of subsection (1) the Minister of Internal Affairs and Land Tenure shall at the expense of the person in whose favour the alienation, lease or permission is proposed, cause a notice setting forth such particulars to be published in the Gazette and in a newspaper circulating in the area concerned, and every objection or other representation received in response to such notice shall, if and when the proposal is submitted to the Assembly, be laid upon the Table of the Assembly, by the said Minister.

45. Mining. - For the purposes of the laws relating to the exploitation of metals, minerals, precious stones, coal or oil, the land of the sea-shore and the bed of the sea shall be deemed to be State land.

46. Regulations. - (1) The President may make regulations concerning any matter which in his opinion it is necessary to prescribe for the achievement of the aims and objects of this Chapter, including regulations prescribing fees for the doing of any act on, in or in relation to the sea-shore, the sea or the coastal conservation area.

(2) The regulations may provide that any contravention thereof or failure to comply therewith shall be an offence.

CHAPTER 7

FISH

Part 1 : Introductory

47. Objective. - In the administration of the provisions of this Chapter it shall be the principal objective of the Department to ensure that the living resources of the waters to which such provisions apply are not endangered or overexploited.

48. Powers of nature conservation officers and honorary nature conservation officers regarding matters dealt with in this Chapter. - (1) Subject to the provisions of this section, a nature conservation officer may, whether within or outside the territorial water —

(a) board any boat, enter any factory or any premises used for the storage or sale of fish, fish products, aquatic plants, shells or salt and enter any vehicle used for the conveyance or sale of fish, fish products, aquatic plants, shells or salt and perform on such boat, premises or vehicle or in that factory all such acts as are necessary for the purpose of ascertaining whether the provisions of this Act are or are not being complied with;

(b) examine any implement which he reasonably suspects is being used or is intended for use in the catching or handling of fish, or the gathering of aquatic plants or shells or the recovery of salt;

(c) if he reasonably suspects that an offence under this Act has been committed in respect of any fish, aquatic plants, shells or salt or has been or is about to be committed in respect of or by means of any implement and that such fish, aquatic plants, shells, salt or implement are or is upon any premises or at any place or upon any boat or vehicle or in any factory, at any time enter upon and search such premises, place, boat, vehicle or factory and search any person thereupon or therein and seize any such fish, aquatic plants, shells, salt, implement, boat or vehicle, as well as any books or other documents thereon or therein;

(d) if he reasonably suspects any boat, factory, premises or vehicle to be or to have been used in connection with any offence under this Act or that any fish, aquatic plants, shells, salt or implement, in relation to or by means of which he reasonably suspects an offence under this Act to have been committed, is or are or has or have been on any boat, vehicle or premises or in any factory, require the persons on such boat, vehicle or premises or in such factory to furnish him with their names and addresses or require any person in charge of a boat to furnish him with information concerning the boat and her crew and any person on board the boat;

(e) for the purposes of enabling him to exercise any of his powers under this Act, order any person in charge of any boat or vehicle or any person therein or thereon to bring it to a stop or to proceed with it to a specified place;

(f) question any person who in his opinion may be capable of furnishing any information which he may require for the purposes of the enforcement of any provision of this Act;

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(g) require any person to produce to him any invoice, delivery note or other document in his possession in connection with any fish, which is or in his opinion may be the subject of any prosecution in terms of this Act and, at his discretion, seize such invoice, note or other document for use as evidence;

(h) require any person employed on or at a boat, vehicle or factory to assist him in the examination of any container, implement or fish therein or thereon for the purpose of ascertaining whether the provisions of this Act have or have not been contravened.

(2) An honorary nature conservation officer shall have the powers contemplated in paragraphs (b), (d), (e) and (f) of subsection (1) and he may also require any person to furnish him with his name and address if he reasonably suspects such person of having committed an offence under this Act or of having at his disposal information in connection with the commission or suspected commission of such an offence.

(3) Any fish, aquatic plants, shells, salt or implement seized under paragraph (c) of subsection (1) shall be forfeited to the State: Provided that —

(a) at the conclusion of any criminal trial held in relation thereto, the court may set aside the forfeiture, and

(b) in any other case the Minister may set aside the forfeiture if the owner concerned satisfies the Minister within thirty days after the seizure that no offence was committed by him or with his knowledge or consent in respect of the forfeited things: Provided further that any fish so seized may be sold or destroyed at any time after the seizure thereof, and if the forfeiture is set aside after any such sale, the proceeds of the sale shall be paid to the owner.

49. Research and development and protection of aquatic habitat. - (1) The Department may, out of moneys appropriated for the purpose by the National Assembly, carry out research, exploration, experiments, works or operations of any kind for the propagation, conservation, management or enhancement of the fish and other living resources found in waters to which this Act applies or the advancement or promotion of any fishing, fish farming or fish processing activity and for that purpose may make and carry out such arrangements as may be agreed upon by and between the Department or any other authority or person.

(2) (a) Notwithstanding anything elsewhere in this Act contained, the President may by proclamation in the *Gazette* declare any waters or any State land and adjoining waters to be a marine reserve or an aquatic reserve, as the case may be, and may in like manner amend or repeal any such proclamation.

(b) Unless authorized thereto by a permit, no person shall in any marine or aquatic reserve catch any fish or remove or interfere with any fauna or flora therein.

Part 2 : Protection of fish

50. Rock lobsters. - (1) No person shall —

(a) catch any lobster which is about to, or has recently, cast its shell and is in a soft state; or

(b) catch any rock lobster in berry (that is to say while it is carrying eggs) or showing signs of having been stripped of the berry; or

(c) catch any rock lobster of a size smaller than the size prescribed in Part 1 of Schedule 10 measured along the mid-dorsal line of the carapace from the centre of the edge which connects the two enlarged anterior spines to the middle of the posterior edge of the carapace;

(d) catch or disturb any rock lobster during the close season for rock lobsters.

(2) No person shall sell or expose for sale or be in possession of or purchase —

(a) any rock lobster tail if the second segment of such tail counted from the junction of the tail with the carapace is shorter than 22mm; or

(3) No person shall, unless duly authorized thereto by a permit —

(a) catch on any one day more rock lobsters than the number prescribed in Part 3 of Schedule 11; or

(b) catch rock lobsters at any time between the hours of sunset and sunrise; or

(c) catch rock lobsters with the use of underwater breathing apparatus other than a snorkel and then only by diving from the shore;

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(d) catch rock lobsters with any rock lobster trap.

(4) For the purposes of —

(a) subsection (1)(c), "edge" means the hard edge of the carapace and does not include the edge of any part of the fringe or *setae* (hairs) which protrude rearwards from the carapace;

(b) subsection (2), a rock lobster tail shall be measured along the mid-dorsal line from edge to edge of the segment in question.

(5) No person shall without a permit remove or convey from Ciskei any rock lobster or rock lobster tail.

51. Whales, seals and dolphins. - (1) (a) No person shall catch or kill any whale of whatever species or disturb or harass any whale.

(b) For the purposes of paragraph (a) "disturb" or "harass" includes —

(i) approaching a whale by whatever means within a distance of 300 metres; or

(ii) throwing any object or shooting at a whale.

(2) If any whale surfaces within a distance of 300 metres from any boat, the person in charge of the boat shall without delay proceed with such boat away from the whale to at least the required distance.

(3) No person shall pursue or shoot at, or capture or wilfully disturb or kill, any seal of whatever species.

(4) No person shall unless authorised thereto by a permit, catch or kill or attempt to catch or kill any dolphin of whatever species, or keep any dolphin in captivity.

52. Trout. - (1) The waters mentioned in Schedule 13 shall for the purposes of this Act be trout waters.

(2) No person shall in any trout waters —

(a) angle for any fish whatsoever or catch or attempt to catch any trout unless he is the holder of —

(i) the trout licence prescribed in Schedule 14 issued by a receiver of revenue against payment of the prescribed fee; or

(ii) a permit issued by or on behalf of the Department;

(b) catch or attempt to catch fish with any net, not being a landing-net used to land a fish which has been lawfully angled;

(c) angle with a fixed spool reel or a set-line or by means of any hook, bait or lure other than a trout-fly; or

(d) catch or attempt to catch any fish with a speargun.

(3) No person shall, unless authorized thereto by a permit, sell any trout.

53. Protection of certain other fish. - No person shall —

(a) catch any giant crab (*Scylla serrata*) which is in berry;

(b) catch or disturb any prawns, bloodworms, sand mussels or knifebait with the use of any spade, fork or plough or otherwise than by hand or with a prescribed tin or a hand-operated blow or suction pump or, in the case of knifebait, with a hooked wire;

(c) catch or disturb any abalone, limpets, brown or black mussels, oysters, polychaete worms or redbait with the use of a crowbar or baithook or otherwise than by hand or with the use of an implement held in the hand and whereof the blade, in the case of a flat implement, is not wider than 35mm;

(d) unless authorized thereto by a permit, remove or convey from Ciskei any prawns, bloodworms, sand mussels, knifebait, redbait, oysters, oyster spat or spawn, limpets, abalone, brown or black mussels, giant crab (*Scylla serrata*), polychaete worms or any live fish of a marine or fluvio-marine species;

(e) in any case in which the use of a gaff is permitted, use a gaff which has more than one gaff-hook; or

(f) unless authorized thereto by a permit, keep in captivity any fish of any marine or fluvio-marine species.

54. Minimum size or mass, bag limits and close season for certain species of fish. - (1) Subject to the provisions of this Chapter no person shall, unless authorized thereto by a permit —

(a) catch or be in possession of any fish of a species mentioned in Schedule 10 which is of a size or mass smaller than that prescribed for such species in that Schedule;

(b) on any one day catch or attempt to catch or be in possession on a boat or on the sea-shore or at any place where fish are caught of more than ten bony fish of a marine or fluvio-marine species *inclusive* of not more than five in the aggregate of any species mentioned in Part 1 of Schedule 11 but exclusive of any species mentioned in Part 2 of that Schedule; or

(c) on any one day catch or attempt to catch more of the species of fish mentioned in Part 3 of Schedule 11 than the number or mass prescribed in that Part.

(2) No person shall catch, attempt to catch or disturb any fish of a species mentioned in Schedule 12 during the close season prescribed for that species in that Schedule.

(3) The Director-General may in writing exempt from the provisions of paragraph (b) of subsection (1) any person who is an official participant in any nationally recognized fishing competition and on whose behalf application for such exemption has been made by the organizing body of the competition.

(4) Notwithstanding anything in subsection (1) contained any person who intends to angle or is angling may catch for use as bait and be in possession of not more than six under-size mullet (Family *Mugilidae*) or silver bream (*Rhabdosargus tricuspidens*) on any one day.

55. Prohibited ways of catching fish. - (1) Save as hereinafter provided no person shall catch or attempt to catch any fish —

(a) by means of any poison or stupefying substance;

(b) by detonating any substance in any water;

(c) with the use of any firearm, not being a speargun designed for spearfishing;

(d) by means of a gaff, spear (as distinct from the spear of a speargun), grain, flail, stick, stone or like implement.

(e) with the aid of artificial light;

(f) by means of a throw-net unless he himself is the holder of the throw-net licence prescribed in Schedule 14;

(g) by means of a throw-net between the hours of sunset and sunrise;

(h) by means of a throw-net, the mesh of which (measured between the top and bottom knots when the mesh is closed downwards) is smaller than 16mm;

(i) by the method known as jigging;

(j) with the use of underwater breathing apparatus other than a snorkel;

(k) by means of a crabnet unless he himself is the holder of the crabnet licence prescribed in Schedule 14.

(2) No person shall catch or attempt to catch any squid (*Loligo reynaudi*) with the aid of a pump, dredger, tube or any similar apparatus.

(3) The provisions —

(a) of subsection (1)(d) and subsection 53(c) shall not be construed as prohibiting —

(i) the catching of sole (*Austroglossus pectoralis*), not exceeding the daily bag limit, by means of spearing between the hours of sunrise and sunset;

(ii) the use of a gaff for landing any fish which has been angled;

(b) of subsection (1)(e) shall not be construed as prohibiting the use of artificial light at the time of baiting any hook or of landing or gaffing any fish that has been angled;

(c) of subsection (1)(i) shall not apply to the catching of squid (*Loligo reynaudi*) or octopus.

56. Control of catching of fish in certain waters other than trout waters. - (1) Except as hereinafter provided no person shall, in any waters other than trout waters catch or attempt to catch any fish —

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- (a) unless he is the holder of —
 - (i) the inland waters angling licence prescribed in schedule 14 or a corresponding permit; or
 - (ii) the marine angling licence prescribed in Schedule 14 or a corresponding permit;
 - (b) by means of any net, other than a cast or crabnet duly authorised and licensed under this Part;
 - (c) with more than two lines simultaneously or with more than two single hooks attached to any one line.
- (2) The provisions of subsection (1)(a) shall not apply to any citizen of Ciskei who is below the age of sixteen years.

57. Certain other activities prohibited. - (1) No person shall —

- (a) deposit or cause to be deposited in any waters, or in any place where it is likely to percolate or in any other manner enter any waters, anything which is likely to be injurious to any fish or fishfood or which, if it were so deposited in large quantities, would be so injurious;
 - (b) place or cause or allow to be placed in any waters any article or thing which will or is likely to prevent the free passage of fish in those waters;
 - (c) unless authorized thereto by a permit, place in or in any manner introduce into any waters any live fish other than live fish replaced in the waters in question immediately after having been caught in those waters;
 - (d) by any means whatsoever wilfully kill or injure any fish or wilfully disturb or destroy the spawn of any fish in any waters; provided that the provisions of this paragraph shall not apply in relation to any fish angled or otherwise caught or taken from such waters in accordance with the provisions of this Act;
 - (e) disturb the bed of any waters unless authorized thereto by a permit.
- (2) No person shall without a permit —
- (a) import into Ciskei any live fish or the spawn of any fish;
 - (b) transport within Ciskei any live carp or bluegill sunfish;
 - (c) use a throw-net in any tidal river or any tidal lagoon except for catching bait for personal use angling purposes or catching swimming prawns not exceeding the bag limit for consumption by himself or his household.
- (3) Subject to the provisions of section 58, no person shall without the permission in writing of the owner of private land catch any fish in any waters on such land: Provided that nothing herein contained shall be construed as authorizing the owner of private land to permit the catching of any fish other than freshwater fish contrary to any provisions of this Act.
- (4) No person shall return to the sea or abandon in any other place any dead fish which are edible or marketable.

58. Exemption of certain persons from certain provisions of this Chapter. - The provisions of section 52(2)(a), (b) and (c), section 54(1)(a) and (c), section 55(1)(e), (f), (g), (i) and (j) and section 48, in so far as they relate to freshwater fish in inland waters on or abutting on private land, shall not apply to the owner of such waters or abutting land, any relative of such owner or any full-time employee of such owner or any other person, acting with the permission of such owner.

59. Angling and netting licences. - (1) The angling and netting licences contemplated in this Part shall be as prescribed in Parts 2 and 3 respectively of Schedule 14 and shall be issued by a receiver of revenue upon payment to him of the prescribed amount and presentation to him of any prescribed permit issued by the Department.

(2) Every licence issued under subsection (1) shall be valid for a period of twelve months from the date of issue thereof unless previously withdrawn or cancelled.

Part 3 : Fishing harbours and fishing and other boats

60. Establishment of fishing harbours. - The Minister may by notice in the *Gazette* declare a harbour or a specified portion of a harbour or a specified area or portion of the sea and the sea-shore to be a fishing harbour.

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61. Registration of fishing boats. - (1) Any application for the registration of a boat in respect of a particular fishing harbour, area or place shall be made to the Department in such manner, contain such information and be accompanied by such documents as may be determined by the Minister or as may be prescribed.

(2) If the Director-General is satisfied —

- (a) that the information furnished by the applicant is correct,
- (b) that the boat is registered and licensed in accordance with the laws relating to merchant shipping, and
- (c) that the applicant is in fact the owner of the boat in question,

the Director-General may grant the application but subject to the provisions of section 62.

(3) Whenever the Department registers a boat under this section it shall assign to the boat a registration mark consisting of letters and a number, which registration mark shall be affixed to the boat by the owner in such manner as the Director-General may direct or as may be prescribed.

(4) Any owner of a boat registered under this section who changes his address or alters the boat in such a manner that the description thereof in the register is no longer correct shall, not later than 21 days after the occurrence in question, notify the Department appropriately in writing.

(5) The registration of a boat under this section —

- (a) shall be cancelled by the Director-General —
 - (i) if the owner of the boat fails to comply with the provisions of subsection (4); or
 - (ii) if such owner alienates the boat or any right therein to any other person without the prior consent in writing of the Director-General; or
 - (iii) if such owner ceases to use the boat as a fishing boat; or
 - (iv) if the boat ceases to be registered or licensed under the laws relating to merchant shipping; or
- (b) may be cancelled by the Director-General or be suspended by him for such period as he may deem fit in the event of a second or any subsequent conviction of the owner of the boat or any member of his crew of any offence under this Act or the corresponding provision of any law in operation outside Ciskei.

(6) Whenever the registration of a boat is cancelled or suspended for any period, the licence issued in respect thereof under section 62 shall lapse or, as the case may be, be suspended for the period in question.

62. Licensing of fishing boats and factories. - (1) Subject to the provisions of section 61, no person shall use any boat as a fishing boat or any boat, vehicle or premises as a factory, unless such boat, vehicle or premises has or have been licensed under this section.

(2) An application for the licence contemplated in subsection (1) shall be made to the Department in writing in such form as may be determined by the Minister or as may be prescribed and the Director-General may at his discretion and subject to the provisions of subsections (3) and (4) grant or refuse any such application.

(3) An application under this section may be granted only against payment by the applicant of an annual licence fee fixed by the Minister with the concurrence of the Treasury and on such conditions as the Director-General may determine, including a condition or restriction that the fishing boat or factory, as the case may be, may or may not be used for the catching or processing of fish of a particular species or of any two or more species or any particular number or mass of any such species.

(4) The conditions and restrictions contemplated in subsection (3) shall be recorded on the licence or in an annexure thereto: Provided that, if the licence is to be issued by a receiver of revenue, the Director-General shall furnish to the receiver a certificate to the effect that the issue of the licence has been approved and mentioning the amount of the licence fee payable, as well as the conditions and restrictions subject to which the licence has been granted, and the receiver of revenue shall annex a copy of such certificate to the licence issued by him.

(5) The provisions of section 14 of the Licences Act, 1982 shall apply *mutatis mutandis* to the renewal of a licence issued under this section.

63. Use of foreign boats as fishing boats within the exclusive economic zone. - (1) The President may, on such conditions as he may deem appropriate, enter into an agreement with a foreign State providing for any boat registered in such State to be used, subject to the provisions of this section, as a fishing boat or factory within the exclusive economic zone.

(2) Whenever such an agreement as is contemplated in subsection (1) has been entered into, the Minister may direct the Director-General to issue, on application by the owner of an affected boat, a permit authorizing such boat to be used as a fishing boat or a factory within the exclusive economic zone: Provided that, notwithstanding anything in this section contained and whether or not any such an agreement as aforesaid is in force, the Minister may, in any case in which the owner or lessee of the boat registered in a foreign State is a citizen of Ciskei or a company registered or deemed to be registered in Ciskei, direct the Director-General to issue a licence to the applicant for such period as the Minister may specify.

(3) The permit contemplated in subsection (2) shall be issued for such period, subject to such conditions and restrictions and against payment of such moneys as the Minister may from time to time determine with the concurrence (in so far as such moneys are concerned) of the Treasury: Provided that the Minister may at his discretion withdraw any such permit at any time.

(4) Subject to the proviso to subsection (2), any person who uses a boat registered in a foreign State as a fishing boat or a factory —

(a) within the territorial waters, or

(b) within the exclusive economic zone, without a permit having been issued in respect thereof in terms of subsection (2), or

(c) within the exclusive economic zone in such a manner as to contravene or to fail to comply with the conditions or restrictions of the permit granted to him under subsection (2),

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

(5) In this section "exclusive economic zone" and "territorial waters" mean the exclusive economic zone and territorial waters as defined in section 1 of the Territorial Waters Act, 1986 (Act 12 of 1986).

64. Appeals. - (1) Any person who feels aggrieved by any decision of the Director-General under section 61 or 62 may appeal to the Minister against such decision not later than two months after the date of such decision.

(2) Any appeal under subsection (1) shall be in writing, shall state the grounds of the appeal in full and shall be accompanied by a copy of every document relevant to the appeal.

Part 4 : Aquatic plants, shells and salt

65. Removal of aquatic plants or shells or recovery of salt. - No person shall, unless authorized thereto by a permit —

(a) remove or cause to be removed from the sea or the sea-shore any aquatic plants or shells except for his own use and in quantities not exceeding five kilograms of aquatic plants and one kilogram of shells per day; or

(b) recover any salt, or cause it to be recovered, from the sea.

Part 5 : Miscellaneous

66. Prohibition on use of motor vehicles on sea-shore or coastal conservation area. - (1) Subject to the provisions of subsection (2) no person shall, unless authorized thereto by a permit, drive or use a motor vehicle as defined in section 1 of the Ciskeian Road Traffic Act, 1977 (Act 10 of 1977) on or along the sea-shore or on or over any State land in the coastal conservation area which is not a public road.

(2) The provisions of subsection (1) shall not apply —

(a) in respect of any State vehicle used for official purposes in the administration of any provision of this Act or of the laws relating to forests and agricultural development; or

(b) in respect of any motor vehicle used for sea-rescue or life-saving purposes or in any other emergency.

67. Regulation and control of boats other than fishing boats. - (1) Notwithstanding anything in any other law contained the Minister may make regulations —

- (a) prohibiting or regulating the use on any inland waters of any boat designed or intended for propulsion by any means other than human power;
- (b) prohibiting or regulating the use on the sea for sporting or recreational purposes of boats other than fishing boats;
- (c) prescribing a fee for the use of boats on inland waters or on the sea.

(2) A regulation made under subsection (1) may provide that any contravention thereof or failure to comply therewith shall be an offence.

CHAPTER 8

GENERAL AND SUPPLEMENTARY

68. Limitation of liability. - No person, including the Department and a local authority, shall be liable for any damage suffered by any other person in consequence of anything done in good faith in the exercise or performance of any power, duty or function under this Act.

69. Amendment of Schedules by President. - (1) The President may at any time by proclamation in the *Gazette* amend or substitute any Schedule to this Act other than Schedule 15.

(2) The Schedules shall be read as one with this Act and any amendment or substitution of a Schedule when published as provided in subsection (1) shall have the same force and effect as if it had been the original Schedule or part thereof, as the case may be, and shall be taken to be included in any reference made in this Act to such Schedule.

70. Exemptions. - The Department may, in the interests of nature conservation or for research or educational purposes and subject to such conditions and for such period as it may specify, grant exemption from any of the provisions of Chapter 7 (other than section 55) to —

- (a) any angling society or association; or
- (b) to any person engaged in scientific work or research as a member of a recognised academic institution or research institute.

71. General regulations. - (1) Notwithstanding anything elsewhere in this Act contained, the Minister may make regulations in respect of any matter whatsoever which in his opinion it is necessary or expedient to prescribe in order to give effect to the aims and objects of this Act or of any Chapter thereof and, more particularly, regulations —

- (a) relating to the surrender of permits, licences, authorizations or exemptions at the expiration thereof or when cancelled or withdrawn;
- (b) regulating or restricting the number or the species of wild animals which may be kept in captivity or held in possession and prescribing the conditions under and the manner in which any such wild animal or species shall be so kept or held;
- (c) specifying measures relating to the control, restriction or prevention of the breeding of wild animals kept in captivity or held in possession;
- (d) requiring the keeping of books, statements and invoices and the retention thereof by persons —
 - (i) who carry on business by buying or selling flora, fish or wild animals, or
 - (ii) who keep wild animals in captivity or are in possession thereof, and specifying the particulars to be entered in such books, statements and invoices;
- (e) providing for and regulating the putting and keeping in quarantine of any wild animal or fish imported into Ciskei and regulating the disposal of the water in which any such fish have been kept;
- (f) providing for protection, preservation and propagation of any fish food in any waters;
- (g) relating to the forms of permits, licences or other authorizations; or
- (h) relating to any matter which by this Act is required or permitted to be prescribed by regulation.

(2) The regulations may provide that any contravention thereof or failure to comply therewith shall be an offence.

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72. Offences. - Any person commits an offence, who —

- (a) contravenes or fails to comply with any provision of this Act;
- (b) alters, fabricates or forges any permit, licence or other authorization or permission required for the lawful performance of any activity in terms of this Act;
- (c) passes, uses, utters or has in his possession any altered, fabricated or forged permit, licence or other authorization or permission;
- (d) under a false name obtains any of the documents contemplated in paragraph (b);
- (e) fails to comply with or contravenes any term, condition or restriction of, or subject to which, any permit, licence or other authorization was issued to him under this Act or fails or refuses to comply with any requirement, demand, direction or order under section 5 or 48 of a nature conservation officer or ranger;
- (f) falsely holds himself out to be a nature conservation officer, ranger or honorary nature conservation officer;
- (g) resists or assaults or hinders, obstructs or interferes with or refuses or fails to comply with any order of any officer or ranger referred to in paragraph (f) or any other officer or employee of the Department in the exercise of his powers or the performance of his functions under this Act or without good cause refuses or fails on demand to furnish any such officer, ranger or employee with his name and address or with any information or document required by such officer, ranger or employee for the purposes of this Act or furnishes him with a false name and address or with false information, as the case may be;
- (h) fails or refuses to comply with a direction under section 31(1)(b);
- (i) while in possession of a fire-arm having a barrel exceeding 100mm in length or of any trap, net, snare, birdlime, cage or other contrivance or substance intended to be used or which could be used for the hunting of wild animals, trespasses on land on which there is or is likely to be any wild animal;
- (j) is found in possession of any wild animal or the carcase of a wild animal or of any fish referred to in section 42(5), or 49(2)(a) or (b) 45(d) and is unable to give a satisfactory account of such possession; or
- (k) wilfully damages, alters, moves or in any way interferes with or destroys any beacon, notice, notice board, sign or mark referred to in section 3(1)(e) or contravenes or fails to comply with the requirements, conditions or terms of any such notice;
- (l) knowingly makes a false statement in any application made or in any other document furnished by him in terms of any provision of this Act; or
- (m) obtains or applies for an authorization or permit well knowing that he is debarred by order of court from obtaining such authorization or permit.

73. Penalties. - (1) Subject to the provisions of subsection (2), any person convicted of an offence under this Act shall be liable to the penalty prescribed in respect of such offence or, if no penalty has been specially prescribed, shall be liable —

- (a) in the case of a contravention of any provision of section 8, 13, 20, 26, 40, 42(2), 50, 51, 53, 54, 55, 57 or 62 —
 - (i) on a first conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months; or
 - (ii) on a second or subsequent conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months; or to both such fine and such imprisonment; and
- (b) in the case of any other offence —
 - (i) on a first conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months; and
 - (ii) on a second or subsequent conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Subsection (1)(a)(ii) and (1)(b)(ii) shall not apply in the case of a convicted person who is below the age of eighteen years.

(3) The court convicting any person of an offence under this Act may, in addition to any penalty imposed under subsection (1) of this section or under any other provision of this Act —

- (a) cancel any or all of the licences, permits or other authorizations held by such person;

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(b) debar such person from obtaining any particular licence, permit or other authorization or authorizations generally for a specified period not exceeding five years; and

(c) declare to be forfeited to the State —

(i) any vehicle, boat, craft, float, aircraft or other conveyance, any container, lamp, weapon, ammunition, implement, trap, net or other thing which was used for the purposes of or in connection with the commission of the offence; and

(ii) any fauna, flora or fish in respect of which the offence was committed.

(4) The Minister may, in consultation with the Treasury, deal as he deems fit with anything declared to be forfeited to the State under this section: Provided that anything so declared to be forfeited (other than a perishable thing) shall not be destroyed or otherwise disposed of while any appeal against the declaration or the conviction which gave rise to such declaration is pending or until a period of three months has elapsed from the date of such declaration, whichever is the later: Provided further that the Minister may, on application made to him and if he is satisfied that the convicted person was at the time of the commission of the offence not the owner of the thing declared to be forfeited or, if he was the owner, that he was unable to prevent the use of such thing by the convicted person, direct that such thing be returned to its lawful owner or, if it has been sold, that the proceeds of such sale, after deduction of any expenses incurred by the State, be paid to such owner.

(5) Whenever any order of forfeiture is made under this section the registrar or clerk of the court shall advise the Director-General accordingly and shall also call upon the Department to uplift anything which falls to be dealt with by the Minister under subsection (4).

74. Presumptions. - (1) When any fire-arm having a barrel exceeding one hundred millimetres in length, any live wild animal or the carcase of a wild animal or any specially protected flora or any fish is found or is proved to have been in or on any vehicle, boat, craft, float, aircraft or other conveyance, it shall be deemed, until the contrary is proved, to have been in the possession of the person in charge of such vehicle, boat, craft, float, aircraft or other conveyance.

(2) When any person is found, or is proved to have been, in possession of any specially protected flora or protected flora, he shall, unless the contrary is proved, be deemed to have bought such plant from a person who sold it unlawfully.

(3) When any person is found, or is proved to have been, in possession of any live wild animal, he shall, until the contrary is proved, be presumed to have been keeping such animal in captivity at the relevant time.

(4) When any person is found removing or is proved to have removed any wild animal or the carcase of a wild animal from any trap, snare, pitfall, net, birdlime or any other like device or substance, he shall be presumed, until the contrary is proved, to have laid or prepared such trap, snare, pitfall, net, birdlime or other device or substance and to have captured the animal concerned.

(5) Whenever —

(a) a vehicle, boat, craft, float, aircraft or other conveyance is being or has been used for the purpose of or in connection with the commission of an offence under this Act, or

(b) any wild animal, the carcase of a wild animal or any fish in respect of which an offence has been committed under this Act is found in or on any vehicle, boat, craft, float, aircraft or other conveyance, or

(c) a weapon, implement, line, poison, net or any other object which could be used for the hunting of wild animals or the catching of fish and which is being or was used or formed an element in the commission of an offence under this Act, is found or has been in or on any vehicle, boat, craft, float, aircraft or other conveyance, the owner of such vehicle, boat, craft, float, aircraft or other conveyance as well as every person thereon or therein at the time of the commission of the offence or at the time when the wild animal, carcase, fish or other object contemplated in paragraph (c) is found or was in or on such vehicle, boat, craft, float, aircraft or other conveyance shall be presumed to have committed the offence concerned and be liable to be convicted and sentenced in respect thereof unless he proves that he did not commit such offence and did not take part in and could not prevent the commission of the offence.

(6) If any person is charged with having committed any offence in terms of this Act on or in the sea, any court whose area of jurisdiction abuts on or includes any part of the sea shall be competent to try the charge and the offence shall for all purposes connected with or consequential on the trial of the charge be deemed to have been committed within the area of jurisdiction of that court.

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75. Repeal of laws and savings. - (1) Subject to the provisions of subsection (2) the laws mentioned in Schedule 15 are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Every licence, permit, authorization or exemption issued or granted and every appointment made by the competent authority in terms of any provision of law repealed by subsection (1) shall, if not inconsistent with this Act, be deemed to have been issued, granted or made by the appropriate authority in terms of the corresponding provision of this Act and shall remain in force for as long as it would have remained in force under the repealed law unless sooner cancelled or withdrawn in terms of this Act.

76. Short title. - This Act shall be called the Nature Conservation Act, 1987.

SCHEDULE 1 — SPECIALLY PROTECTED WILD ANIMALS (Both sexes)

Common Name	Scientific Name
MAMMALS	
Giant Golden Moles	Families <i>Amblyosomus</i> , <i>Chrysospalax</i> and <i>Chlorotalpa</i>
Woodland Dormice	<i>Graphiurus murinus</i>
Tree Dassie	<i>Dendrohyrax arboreus</i>
South African Hedgehog	<i>Erinaceus frontalis</i>
Red Rock Hare	<i>Pronolagus rupestris</i>
Lesser Woolly Bat	<i>Kerivoula lanosa</i>
African Scaly Anteater/Pangolin	<i>Manis temmincki</i>
Aardvark	<i>Orycteropus afer</i>
Aardwolf	<i>Proteles cristatus</i>
Blackfoot Cat	<i>Felis nigripes</i>
Cheetah	<i>Acinonyx jubatus</i>
Leopard	<i>Panthera pardus</i>
Cape Mountain Zebra	<i>Equus zebra zebra</i>
Bontebok	<i>Damaliscus dorcas dorcas</i>
Cape Grysbok	<i>Raphicerus melanotis</i>
Grey Rhebok	<i>Pelea capreolus</i>
Cape Buffalo	<i>Syncerus caffer</i>
Brown Hyena	<i>Hyaena brunnea</i>
Black Rhinoceros	<i>Diceros bicornis</i>
Square-Lipped Rhinoceros	<i>Ceratotherium simum</i>
Oribi	<i>Ourebia ourebi</i>
Samango Monkey	<i>Cercopithecus albogularis</i>
African Striped Weasel	<i>Poecillogale albinucha</i>
Cape molerat	<i>Georychus capensis</i>
Serval	<i>Felis serval</i>
Bat-eared fox	<i>Otocyon megalotis</i>
Wahlberg's epauletted fruit bat	<i>Epomophorus wahlbergi</i>
Peter's epauletted fruit bat	<i>Epomophorus crypturus</i>
Lesser long-fingered bat	<i>Miniopterus fraterculus</i>
Long-tailed serotine bat	<i>Eptesicus hottentotus</i>
Aloe serotine bat	<i>Eptesicus zuluensis</i>
Cape Horseshoe bat	<i>Rhinolophus capensis</i>
Swinny's horseshoe bat	<i>Rhinolophus swinnyi</i>
BIRDS	
Bald Ibis	<i>Geronticus calvus</i>
Bearded Vulture	<i>Gypaetus barbatus</i>
Cape Vulture	<i>Gyps coprotheres</i>
Martial Eagle	<i>Polemaetus bellicosus</i>
Crowned Eagle	<i>Stephanoaetus coronatus</i>
Black Eagle	<i>Aquila verreauxii</i>
African Fish Eagle	<i>Haliaeetus vocifer</i>
Forest Buzzard	<i>Buteo oreophilus</i>
Mountain Buzzard	<i>Buteo buteo</i>
Cuckoo Falcon	<i>Aviceda encoloides</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Secretary Bird	<i>Sagittarius serpentarius</i>
Kori Bustard	<i>Ardeotis kori</i>

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Common Name

Scientific Name

BIRDS

Stanley's Bustard	<i>Neotis denhami</i>
Blue Korhaan	<i>Eupodotis caerulescens</i>
Rufous-bellied Heron	<i>Erythrocnus rufiventris</i>
Marabou	<i>Leptoptilos crumeniferus</i>
Wood Stork	<i>Ibis ibis</i>
Black Stork	<i>Ciconia nigra</i>
Crowned Crane	<i>Balearica regulorum</i>
African Black Oystercatcher	<i>Haematopus moquini</i>
Blackwinged Plover	<i>Vanellus melanopterus</i>
Barred Owl	<i>Glaucidium capense</i>
Cape Eagle Owl	<i>Bubo capensis</i>
Knysna Lourie	<i>Turaco corythaix</i>
Purple Crested Lourie	<i>Gallirex porphyreolophus</i>
Cape Parrot	<i>Poicephalus robustus</i>
Knysna Woodpecker	<i>Campethera notata</i>
Spotted Thrush	<i>Turdus fischeri</i>
Orange Thrush	<i>Turdus gurneyi</i>
Knysna Scrub Warbler	<i>Bradypterus sylvaticus</i>
Green Twinspot	<i>Hypargos uitudulus</i>
Gurney's Sugarbird	<i>Promerops gurneyi</i>
Ground Hornbill	<i>Bucorvus leadbeateri</i>
Yellow-breasted Pipit	<i>Anthus chloris</i>
White winged flufftail	<i>Sarothrura ayresi</i>

AMPHIBIANS

Gill's Clawed Toad	<i>Xenopus gilli</i>
Micro Frog	<i>Microbatrachella capensis</i>
Hogsback Frog	<i>Anhydrophryne rattrayi</i>
Amatole Toad	<i>Bufo amatolica</i>

TORTOISES

Geometric Tortoise	<i>Geochelone (-Testudo) geometrica</i>
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FISH

Border Barb	<i>Barbus trevelyani</i>
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INVERTEBRATES

Giant Earthworm	<i>Microchaetus microchaetus</i>
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SCHEDULE 2 — PROTECTED WILD ANIMALS

Common Name

Scientific Name

MAMMALS

Springbok ewe	<i>Antidorcas marsupialis</i>
Mountain Reedbuck ewe	<i>Redunca fulvorufa</i>
Bushbuck ewe	<i>Tragelaphus scriptus</i>
Kudu cow	<i>Tragelaphus strepsiceros</i>
Grey Duiker ewe	<i>Sylvicapra grimmia</i>
Steenbok ewe	<i>Raphicerus campestris</i>

All other mammal species (other than families Cricetidae and Muridae), both male and female, except those mentioned in Schedule 1 and in Schedule 3, are protected wild animals.

AMPHIBIANS

All frogs and toads except those mentioned in Schedule 1.

REPTILES

All Lizards

All tortoises and turtles except those mentioned in Schedule 1.

All snakes.

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Common Name

Scientific Name

BIRDS

All birds (including sea birds) except —

- (a) birds mentioned in Schedules 1 and 3; and
- (b) the following:-

Pied Crow	<i>Corvus alba</i>
House/Black Crow	<i>Corvus splendens</i>
European Sparrow	<i>Passer domesticus</i>
European Starling	<i>Sturnus vulgaris</i>
Indian Mynah	<i>Acridotheres tristis</i>
Mute Swan	<i>Cygnus olor</i>
Feral Pigeon	<i>Columba livia</i>
Mallard Duck	<i>Anas platyrhynchos</i>

INSECTS

All species of LEPIDOPTERA.

All species of HYMENOPTERA.

SCHEDULE 3 — HUNTABLE WILD ANIMALS

Common Name

Scientific Name

MAMMALS

Blesbok ram and ewe	<i>Damaliscus dorcas phillipsii</i>
Bushbuck ram	<i>Tragelaphus scriptus</i>
Grey duiker ram	<i>Sylvicapra grimmia</i>
Impala ram and ewe	<i>Aepyceros melampus</i>
Kudu bull	<i>Tragelaphus strepsiceros</i>
Mountain Reedbuck ram	<i>Redunca fulvorufula</i>
Springbok ram	<i>Antidorcas marsupialis</i>
Steenbok ram	<i>Raphicerus campestris</i>
Fallow Deer bull and cow	<i>Cervus dama</i>
Himalayan Thar ram and ewe	<i>Hemitragus jemlahicus</i>
Indian Black Buck ram and ewe	<i>Antilope cervicapra</i>
Barbary Sheep ram and ewe	<i>Ammotragus lervia</i>
Mouflon ram and ewe	<i>Ovis musimon</i>
Cape Hare	<i>Lepus capensis</i>
Scrub Hare	<i>Lepus saxatilis</i>
Vervet Monkey	<i>Cercopithecus pygerythrus</i>
Caracal	<i>Felis caracal</i>
Black-backed Jackal	<i>Canis mesomelas</i>
Bushpig	<i>Potamochoerus porcus</i>
Baboon	<i>Papio ursinus</i>

BIRDS

Red Knobbed Coot	<i>Fulica cristata</i>
Helmeted Guineafowl	<i>Numida meleagris</i>
Egyptian Goose	<i>Alopochen aegyptiacus</i>
Spurwing Goose	<i>Plectropterus gambensis</i>
Yellow-billed Duck	<i>Anas undulata</i>
Francolins, Partridges and Quail	Family : PHASIANIDAE
Cape Turtle Dove	<i>Streptopelia capicola</i>
Rock Pigeon	<i>Columba guinea</i>
Laughing Dove	<i>Streptopelia senegalensis</i>

SCHEDULE 4

DAILY BAG LIMIT : HUNTABLE WILD ANIMALS

Common Name

Daily bag limit

Blesbok ram	1
Bushbuck ram	1
Grey Duiker ram	1
Impala ram	1
Kudu bull	1
Mountain Reedbuck ram	1
Springbok ram	1
Steenbok ram	1
Crowned Guineafowl	3

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Common Name	Daily bag limit
<i>Egyptian Goose</i>	2
<i>Spurwing Goose</i>	2
<i>Partridges, Greywing Francolin and Quail</i>	6 in all
<i>Yellow-billed Duck</i>	2

SCHEDULE 5 — SPECIALLY PROTECTED FLORA

Common Name	Family/Order	Scientific Name
Aloe	LILIACEAE	<i>Aloe buhrii</i> <i>Aloe erinaceae</i> <i>Aloe pillansii</i> <i>Aloe humilis</i> <i>Aloe aristata</i> <i>Aloe variegata</i> <i>Aloe longistyla</i> <i>Aloe ciliaris</i>
Fire Lily — all species		<i>Cyrtanthus</i> spp.
Red Hot Poker		<i>Kniphofia citrina</i> <i>Kniphofia fibrosa</i> <i>Kniphofia praecox</i> <i>Kniphofia rooperi</i>
Crinum Lily	GESNERIACEAE	<i>Crinum campanulatum</i>
Cape Gloxinia		<i>Charadrophila capensis</i>
Cycad — all species	ZAMIACEAE	<i>Encephalartos</i> spp.
Mimetes	PROTEACEAE	<i>Mimetes capitulatus</i> <i>Mimetes stokoei</i>
Protea		<i>Protea simplex</i> <i>Protea multibracteata</i>
Stangeria	STANGERACEAE	<i>Stangeria eriopus</i>
Orchids	ORCHIDACEAE	<i>Huttonia pulchra</i> <i>Neobulbosia virginea</i> <i>Herschelia venusta</i> <i>Corycium alticola</i> <i>Disperis oxyglossa</i> <i>Liparis capensis</i>
Disa orchids — all species	ORCHIDACEAE	<i>Disa</i> spp.
Satyrium orchids — all species		<i>Satyrium</i> spp.
Eulophia orchids — all species		<i>Eulophia</i> spp.
Mystacidium		<i>Mystacidium</i> spp.
Orchids — all species		<i>Calanthe natalensis</i> <i>Cotyledon flanaganii</i> <i>Dierama pulcherrimum</i> <i>Gladiolus oppositiflorus</i> <i>Greyia flanaganii</i> <i>Lachenalia campanulata</i> <i>Syringodea flanaganii</i> <i>Cassipourea flanaganii</i>
Harebell		<i>Umthiza listerana</i>
Gladiolus		<i>Cassine crocea</i>
Greyia		
Lachenalia		
Syringodea		
Umthiza		

SCHEDULE 6 — PROTECTED FLORA

All plant species, excepting those mentioned in Schedule 5, 7, 8, are protected flora.

SCHEDULE 7 — UNPROTECTED FLORA

Grasses — all species	GRAMINEAE
Reeds — all species	

SCHEDULE 8 — NOXIOUS AQUATIC GROWTHS

Parrot's Feather	<i>Miriophyllum</i> spp.
Water Fern	<i>Salvinia</i> spp.
Water Hyacinth	<i>Eichhornia</i> spp.

SCHEDULE 9

NATIONAL NATURE RESERVES

1. Tsoiwana Game Reserve

Definition of area

The area bounded as follows:-

From the point where the north-western boundary of the farm Otterford joins the Swart Kei river in a south-easterly direction along the Swart Kei river to the point where the southern boundary of the farm Vrisgewaagd meets the Swart Kei river; thence in a north-easterly and northerly direction along the southern and eastern boundaries of the said farm Vrisgewaagd; thence in a north-easterly direction along the south-eastern boundary of the farm Donnybrook for approximately 500 metres; thence due North to the road leading from Romanslaagte police station; thence in a north-westerly direction along the said road to its junction with the road leading from Upper Didimana administrative area; thence along the said road in a north-westerly direction until its junction with the farm road to Thorn Camp; thence due South along the said road for approximately 750 metres; thence due West for a distance of approximately 750 metres; thence due South for a distance of approximately 500 metres; thence due West to the eastern boundary of the farm Thibet Park; thence due South for approximately 250 metres to the bed of a dry watercourse; thence in a north-westerly direction along the said watercourse for approximately 800 metres to its confluence with a similar watercourse; thence in a direct line in a west-southwesterly direction to the watercourse leading towards Thibet Park cottage; thence down the said watercourse to the Tarkastad road; thence along the said road in a general south-westerly direction to the Swart Kei river; thence up the said river to the point of commencement.

2. Lennox Sebe Game Reserve

Definition of area

The area bounded as follows:

Beginning at a point A located in the middle of the Kat River at co-ordinates Y + 23330 X + 3649025 on the Lo27° System. Thence in a North-Westerly direction to a point on the northern boundary of the Farm Remainder of Bothas Kloof No. 209 in the Administrative District of Victoria East, 100 metres from its intersection with the middle of the Kat River. Thence in a north-easterly direction along the northern boundary of the said farm Bothas Kloof No. 209 to where the boundary between the farms, Remainder and Portions of 2 Bothas Kloof No. 209 meets the southern boundary of the farm No. 209 on the south west of a farm road.

Thence generally in an easterly, northerly and north-easterly direction along the southern and eastern side of the said road to where it intersects the boundary between the farms, Portion 1 of the Farm Klipfontein No. 205 and Nottingham No. 215. Thence in a south easterly direction along the north-eastern boundary of the farm Nottingham No. 215 until it intersects the Alice to Breakfast Vlei Road and then along the south-western side of the said road to a point B at co-ordinates: Y + 14410 X + 3648520. Then at right angles across the said road to the boundary between the farms Nottingham No. 215 and Portion 1 (Branksome) of Brakfontein No. 216.

Thence in a south-easterly direction along the said boundary until it is intersected by the northern boundary of the farm Portion 1 of Fort Wiltshire No. 217. Thence generally in an easterly direction along the said boundary and the northern boundary of the farm, Remainder of Fort Wiltshire No. 217 until it intersects the middle of the Keiskamma River. Thence downstream along the middle of the said river to a point C at co-ordinates: Y + 7058 X + 3648660. Thence generally in a south-easterly direction through the following co-ordinated points:-

	Y	X
D.	+ 6460	+ 3649140
E.	+ 6405	+ 3649175
F.	+ 5870	+ 3649460
G.	+ 5720	+ 3650200
H.	+ 5485	+ 3650130
J.	+ 5135	+ 3650195
K.	+ 5000	+ 3650245
L.	+ 4135	+ 3650925
M.	+ 3755	+ 3652210

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	Y	X
N.	+ 3827	+ 3652562
P.	+ 3812	+ 3653180
Q.	+ 3965	+ 3653395
R.	+ 4035	+ 3653810

Thence in a westerly direction to a point S at the co-ordinates Y + 4565 X + 3653680 which is located on the western side of a farm road on the farm Naudes Hoek No. 224. Thence generally in a south-westerly, southerly and easterly direction along the western and southern side of the said road until it intersects the main King William's Town to Breakfast Vlei Road. Thence in a general southerly direction along the western side of the said main road until it joins the Alice to Peddie Road. Thence in a south-westerly direction across the said road to a Point T at co-ordinates Y + 5012 X + 3662030 which is on the eastern boundary of the farm Breakfast No. 234. Thence in a southerly direction along this boundary until it intersects the Breakfast Vlei to Committee Drift Road.

Thence generally in a south-westerly, southerly and westerly direction along the western and northern side of the said road to a point U at co-ordinates Y + 8250 X + 3665965 and then westwards to a Point V which intersects the ESCOM Power Line at co-ordinates Y + 8600 X + 3665925. Thence in a westerly direction along the said Power Line to a point on Committee Hill where the boundaries of the farms Bosch Plaats No. 236, Committuys No. 237 and Tyefu No. 20 meet. Thence in a westerly direction along the northern boundary of the farm Tyefu No. 29 to the north-western beacon of the said farm. Thence generally in a western and north-western direction through the following co-ordinated points:-

W.	Y + 12190 X + 3666395;	Y + 12910 X + 3666070
X.	Y + 12500 X + 3666135;	Y + 13512 X + 3666585

the last point Z being located in the middle of the Great Fish River. Thence upstream along the middle of the Great Fish River to its confluence with the Kat River. Thence upstream along the middle of the Kat River to the point of beginning.

SCHEDULE 10

MINIMUM SIZE OR MASS OF FISH

PART 1 : MARINE OR FLUVIO-MARINE SPECIES:

	Minimum size or mass
Blacktail (<i>Diplodus sargus</i>)	200mm
Bream, blue-eyed (<i>Gymnocrotaphus curvidens</i>)	250mm
Bream, bronze (<i>Pachymetopon grande</i>)	250mm
Bream, river (<i>Acanthopagrus berda</i>)	250mm
Bream, silver (<i>Rhabdosargus tricuspidens</i>)	150mm
Dageraad (<i>Chrysoblephus cristiceps</i>)	250mm
Damba or Galjoen (<i>Coracinus capensis</i>)	350mm
Geelbek (<i>Atratoscion aequidens</i>)	400mm
Grunter, pignose (<i>Lithognathus lithognathus</i>)	400mm
Grunter, spotted (<i>Pomodosys commersonni</i>)	400mm
Hottentot (<i>Pachymetopon blochii</i>)	220mm
Kob or kabeljou (<i>Argyrosomus hololepidotus</i>)	400mm
Kob, squaretail (<i>Argyrosomus thorpei</i>)	400mm
Leervis or garrick (<i>Lichia amia</i>)	600mm
Mullet (Family <i>Mugilidae</i>)	150mm
Rockcod, spotted (<i>Epinephelus andersoni</i>)	300mm
Rockcod, white-edged (<i>Epinephelus albomarginatus</i>)	300mm
Rockcod, yellow-belly (<i>Epinephelus guaza</i>)	300mm
Roman, red (<i>Chrysoblephus laticeps</i>)	250mm
Scotsman (<i>Polysteganus praeorbitalis</i>)	250mm
Seventy-four (<i>Polysteganus undulosus</i>)	250mm
Shad or elf (<i>Pomatomus saltator</i>)	300mm
Silverfish (<i>Argyrozona argyrozona</i>)	250mm
Skipjack (<i>Elops saurus</i>)	500mm
Slinger (<i>Chrysoblephus puniceus</i>)	250mm
Snapper, red (<i>Lutianus argentimaculatus</i>)	400mm
Snoek (<i>Thynnites atun</i>)	600mm
Soldier (<i>Cheimerus nufar</i>)	250mm
Steenbras, black (<i>Cymatoceps nasutus</i>)	400mm
Steenbras, red or copper (<i>Petrus rupestris</i>)	400mm

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	Minimum size or mass
Steenbras, silver (<i>Sparodon durbanensis</i>)	400mm
Strepie, golden (<i>Sarpa salpa</i>)	150mm
Stumpnose, Cape (<i>Rhabdosargus holubi</i>)	200mm
Stumpnose, Natal (<i>Rhabdosargus sarba</i>)	250mm
Stumpnose, red (<i>Chrysoblephus gibbiceps</i>)	250mm
Stumpnose, white (<i>Rhabdosargus globiceps</i>)	300mm
Tuna, yellowfin (<i>Thunnus albacora</i>)	3,2kg
Tuna, bluefin (<i>Thunnus thynnus</i>)	6,4kg
Tuna, big-eye (<i>Thunnus obesus</i>)	3,2kg
Abalone or Perlemoen (family <i>Haliotis</i>)	115mm
Alikreukel, all species including <i>Turbo sarmaticus</i>	64mm
Giant crab (<i>Scylla serrata</i>)	115mm
Oyster (all indigenous species)	50mm
Sand mussel (<i>Mactra glabrata</i>)	35mm
Venus Ear or other "siffie"	32mm
Rock lobster (<i>Panulirus homarus</i>)	65mm

PART 2 : FRESHWATER SPECIES

Black bass (all species)	250mm
Springer, freshwater	150mm
Trout (all species)	300mm
Yellowfish (all species)	300mm
Marron (<i>Cherax tenuimanus</i>)	76mm

For the purposes of this Schedule —

- abalone, alikreukel, sand mussel, oyster and Venus ear shall be measured by passing them through a ring with an inner diameter of the size prescribed;
- giant crabs shall be measured across the broadest part of the back;
- marron shall be measured from the tip of the rostrum to the posterior edge of the carapace along the middorsal line; and
- all other fish shall be measured from the tip of the snout to the end of the tail or caudal fin.

SCHEDULE 11

DAILY BAG LIMIT FOR FISH AND EXCLUSIONS THEREFROM

PART 1 : DAILY BAG LIMIT FOR CERTAIN FISH:

A daily bag limit of five fish in the aggregate in respect of all the undermentioned species, but subject to the provisions of section 54(1)(b) of this Act.

Baardman (*Umbrina canariensis* and *ronchus*)
 Bream, blue-eyed (*Gymnocrotaphus curvidens*)
 Bream, bronze (*Pachymetopon grande*)
 Bream, river (*Acanthopagrus berda*)
 Dageraad (*Chrysoblephus cristiceps*)
 Damba or Galjoen (*Coracinus capensis*)
 Englishman (*Chrysoblephus anglicus*)
 Leervis or Garrick (*Lichia amia*)
 Milkfish (*Parascorpius typus*)
 Parrotfish or Cape Knifejaw (*Oplegnatus conwayi* and *robinsoni*)
 Rockcod, spotted (*Epinephelus andersoni*)
 Rockcod, white-edged (*Epinephelus albomarginatus*)
 Rockcod, yellowbelly (*Epinephelus guaza*)
 Roman, red (*Chrysoblephus laticeps*)
 Scotsman (*Polysteganus praeorbitalis*)
 Seventy-four (*Polysteganus undulosus*)
 Shad or elf (*Pomatomus saltator*)
 Slinger (*Chrysoblephus puniceus*)
 Soldier (*Cheimerius nufar*)
 Steenbras, black (*Cymatoceps nasutus*)
 Steenbras, red or copper (*Petrus rupestris*)
 Steenbras, silver (*Sparodon durbanensis*)
 Stumpnose, red (*Chrysoblephus gibbiceps*)
 Sole (*Austrogllossus pectoralis*)
 Kob (*Argyrosomus hololepidotus*)
 Spotted Grunter (*Pomadasys commersonni*)

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PART 2 : FISH EXCLUDED FROM BAG LIMIT

Billfish (Family *Istiophoridae*)
 Carpenter (*Argyrozona argyrozona*)
 Golden Strepie (*Sarpa salpa*)
 Lizard fish (Family *Synodontidae*)
 Mackerel (*Scomber japonicus*)
 Maasbanker (*Trachurus trachurus*)
 Mullet (Family *Mugilidae*)
 Sandsoldier or red tjor-tjor (*Pagellus natalensis*)
 Snoek (*Thyrsites atun*)
 Squid (*Loligo reynaudii*)
 Steentjie (*Spondyllosoma emarginatum*)
 Tuna (Tribe *Thunnini*)
 Yellowtail (*Seriola lalandii*)
 Cartilaginous fishes (all species)

PART 3 : DAILY BAG LIMIT FOR BAIT ORGANISMS AND OTHER FISH

(a) Marine or fluvio-marine species:

Abalone or Perlemoen (Family <i>Haliotis</i>)	5 in all
Alikreukel, all species including <i>Turbo sarmaticus</i>	10 in all
Armadillo, all species including the giant chiton (<i>Dinoplox gigas</i>)	5 in all
Bloodworm (<i>Arenicola</i> spp.)	5 in all
Crab, giant (<i>Scylla serrata</i>)	2
Cuttlefish (<i>Sepia officinalis vermiculata</i>)	1
Knifebait or razor clam (<i>Solen</i> spp.)	20
Limpet, all species (<i>Patella</i> spp.)	20 in all
Mussel, brown or black, all indigenous species	25 in all
Octopus (<i>Octopus granulatus</i>) or catfish	1
Oyster (all indigenous species)	25 in all
Periwinkle, all species including <i>Oxystele variegata</i> and <i>Turbo crenatus</i>	50 in all
Polychaete worm (<i>Polychaeta</i> spp.) including shingle, coral and flat worms	20 in all
Prawn, all species including <i>Callinassa</i> spp. and <i>Upogebia africana</i>	60 in all
Red bait or ascidian (<i>Pyura stolonifera</i>)	0,5kg Shells
Rock lobster (<i>Panulirus homarus</i>)	5
Sandmussel (<i>Macra glabrata</i>)	25
Seacrab, all indigenous species other than the Giant crab	10 in all
Sea cucumber (Class <i>Holothuroidea</i>)	10
Sea urchin, all indigenous species (Class <i>Echinoidea</i>)	10 in all
Sole (<i>Austroglossus pectoralis</i>)	5

(b) Freshwater species

Black bass, all species	10 in all
Trout, all species	10 in all
Yellowfish, all species	10 in all

SCHEDULE 12

CLOSE SEASONS FOR CERTAIN FISH

Species of fish	Close season (in the same year unless otherwise stated)
Damba or galjoen (<i>Coracinus capensis</i>)	1 September to the last day of February in next following year
Grunter, pignose (<i>Lithognathus lithognathus</i>)	1 September to 30 November
Seventy-four (<i>Polystegnus undulosus</i>)	1 September to 30 November
Steenbras, red or copper (<i>Petrus rupestris</i>)	1 September to 30 November
Trout (all species)	1 June to 31 August, provided that, if the first day of June falls on a Saturday or a Sunday, the close season shall commence on the next following Monday.
Rock lobster (<i>Panulirus homarus</i>)	1 November to 31 January in next following year.
Oyster (all indigenous species)	1 December to last day of February in next following year.
Abalone or Perlemoen (Family <i>Haliotis</i>)	1 August to 31 October.

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SCHEDULE 13

TROUT WATERS

The waters of —

1. Upper Tyume River — From above the Binfield Park Dam to the headwaters.
2. Amatole River — From Amatole village to headwaters in Zingcuka State forest.
3. Wolf River — From above Sandile dam to headwaters in Amatole mountains.
4. Mnyameni River — From Mnyameni Dam to headwaters in Malan forest.
5. Cata River — From Geju village to headwaters in Cata Forest including all headwaters' streams.
6. Rabula River — From confluence with Keiskamma River to the headwaters.
7. Buffalo River — The upper portion only of Rooikrantz Dam to the headwaters in Pirie Forest including Maden Dam.
8. Diep River — All stretches of Diepriver within or bounding Ciskei.
9. Krom River — All stretches of the Krom river within or bounding Ciskei.
10. Readsdales River — From Pleasant View to headwaters in Readsdales State Forest.

SCHEDULE 14

LICENCES

PART 1 : HUNTING LICENCES (issuable by a Receiver of Revenue):

<i>Description of licence</i>	<i>Licence fee</i>
Licence to hunt birds only	R5,00
Licence to hunt any huntable wild animals including birds	R10,00

PART 2 : ANGLING LICENCES:

<i>Description of licence</i>	<i>Licence fee</i>
Trout licence	R10,00
Inland waters angling licence (valid only for angling in inland waters outside trout areas)	R5,00
Marine angling licence (valid only for angling in the sea and in tidal rivers or tidal lagoons)	R10,00

PART 3 : NET LICENCES

<i>Description of licence</i>	<i>Licence fee</i>
Throw-net licence	R5,00
Crabnet licence	R10,00

SCHEDULE 15

LAWS REPEALED

(a) *Acts (South African and Ciskeian)*

No. and Year of law	Short title	Extent of repeal
Act 21 of 1935	Sea-shore Act, 1935	The whole
Act 60 of 1959	Sea-shore Amendment Act, 1959	The whole
Act 2 of 1963	Sea-shore Amendment Act, 1963	The whole
Act 45 of 1969	Sea-shore Amendment Act, 1969	The whole
Act 63 of 1970	Mountain Catchment Areas Act, 1970	The whole
Act 38 of 1972	Sea-shore Amendment Act, 1972	The whole
Act 46 of 1973	Sea Birds and Seals Protection Act, 1973	The whole
Act 58 of 1973	Sea Fisheries Act, 1973	The whole
Act 57 of 1975	General Law Amendment Act, 1975	Sections 42, 43, 44 & 45
Act 7 of 1976	Ciskeian Nature Conservation Act, 1976	The whole

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(a) Acts (South African and Ciskeian) (Continued)

No. and Year of law	Short title	Extent of repeal
Act 22 of 1976	Sea Fisheries Amendment Act, 1976.....	The whole
Act 41 of 1976	Mountain Catchment Areas Amendment Act, 1976	The whole
Act 57 of 1976	National Parks Act, 1976.....	The whole
Act 99 of 1977	Sea Fisheries Amendment Act, 1977.....	The whole
Act 86 of 1978	Fishing Industry Development Act, 1978.....	The whole
Act 10 of 1979	Ciskeian Nature Conservation Amendment Act, 1979	The whole
Act 60 of 1979	National Parks Amendment Act, 1979.....	The whole
Act 61 of 1979	Sea Fisheries Amendment Act, 1979.....	The whole
Act 14 of 1981	Ciskeian Nature Conservation Amendment Act, 1981	The whole
Act 100 of 1982	Environment Conservation Act, 1982.....	The whole
Act 22 of 1984	General Law Amendment Act, 1984	Sections 4 and 5

(b) Ordinances

No. and Year of Ordinance	Short title	Extent of repeal
No. 4 of 1978	Nature and Environmental Conservation Amendment Ordinance, 1978.....	The whole
No. 29 of 1980	Nature and Environmental Conservation Amendment Ordinance, 1980.....	The whole
No. 11 of 1981	Nature and Environmental Conservation Amendment Ordinance, 1981.....	The whole
No. 15 of 1983	Nature and Environmental Conservation Amendment Ordinance, 1983.....	The whole

(c) Government Notices

No. and year	Subject	Extent of repeal
R.1912 of 1973	Sea Fisheries	The whole
R.1597 of 1974	Sea Fisheries	The whole
R. 300 of 1975	Sea Fisheries	The whole
R.1252 of 1975	Sea Fisheries	The whole
R.2281 of 1975	Sea Fisheries	The whole
R.2351 of 1975	Sea Fisheries	The whole
R.2508 of 1976	Sea Fisheries	The whole
R.2210 of 1976	Sea Fisheries	The whole
R.2507 of 1976	Sea Fisheries	The whole
R. 825 of 1977	Sea Fisheries	The whole
R.1799 of 1977	Sea Fisheries	The whole
R.2667 of 1977	Sea Fisheries	The whole
R. 589 of 1978	Sea Fisheries	The whole
R.1499 of 1978	Sea Fisheries	The whole
R.1640 of 1978	Sea Fisheries	The whole
R. 16 of 1979	Sea Fisheries	The whole
R. 312 of 1979	Sea Fisheries	The whole
R.1283 of 1979	Sea Fisheries	The whole
R.2407 of 1979	Sea Fisheries	The whole
13 of 1980	Tsorwana Game Park	The whole
R.2507 of 1980	Sea Fisheries	The whole
R.1410 of 1981	Sea Fisheries	The whole
7 of 1983	Trout waters	The whole

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DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

GOVERNMENT NOTICE No. 70 OF 1987

NATURE CONSERVATION ACT, 1987

(ACT No. 10 OF 1987)

CISKEI STATUTES

<u>ACT</u>	<u>TITLE</u>	<u>REFERENCE</u>
1988		
1	Additional appropriation act	V. 16 (47) 19/8/88
2	Appropriation act	" (48) "
3	Unauthorised expenditure	" (49) "
4	Foreign states immunities act	" (50) "
5	National security amendment act	" (51) "
6	Sales tax amendment act	" (52) "
7	Income tax act	" (53) "
8	Public service amendment act	" (54) "
9	Immigration, emigration & aliens act	" (55) "
10	Technikon amendment act	" (56) "
11	Education amendment act	" (57) "
12	Pension law amendment act	" (58) "
13	Criminal law amendment act	" (59) "
14	Criminal procedure amendment act	" (60) "
15	Company tax amendment act	" (61) "
16	Ciskeian citizenship amendment act	" (62) "
17	Apprenticeship amendment act	" (63) "
18	Unemployment insurance act	" (64) "
19	Divorce amendment act	" (65) "
20	Inquests amendment act	" (66) "
21	State land disposal amendment act	" (67) "
22	Land survey act	" (68) "
23	Childship act	" (69) "
25	Municipal amendment act	" (82) 16/9/89
26	Customs & Excise amendment act	" (81) "
27	Enforcement of maintenance orders made in countries in Africa act	" (80) "
28	Oil pollution casualties act	" (79) "
29	Motor vehicle accidents amendment act	" (83) "