
GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R.....

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**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT 10 OF 2004): THREATENED OR PROTECTED SPECIES REGULATIONS**

The Minister of Environmental Affairs and Tourism has in terms of section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), made the regulations relating to listed threatened and protected species as set out in the Schedule hereto.

SCHEDULE

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“bow” means an instrument consisting of a body and string designed to launch and propel an arrow;

“bred in captivity” or **“captive bred”**, in relation to a specimen of a listed threatened or protected animal species, means that the specimen was bred in a controlled environment;

“captive breeding operation” means a facility where specimens of a listed threatened or protected animal species are bred in a controlled environment for –

- (a) conservation purposes; or
- (b) commercial purposes;

“commercial purposes”, in relation to a restricted activity involving a specimen of a listed threatened or protected species, means that the primary purpose of the restricted activity is to obtain economic benefit, including profit in cash or in kind, and is directed towards trade, exchange or another form of economic use or benefit;

“controlled conditions” means an artificial or a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production and includes nurseries;

“controlled environment” means an enclosure designed to hold specimens of a listed threatened or protected species in a way that –

- (a) prevents them from escaping;
- (b) facilitates intensive human intervention or manipulation in the form of the provision of –
 - (i) food or water;
 - (ii) artificial housing; or
 - (iii) health care; and
- (c) facilitates the intensive breeding or propagation of a listed threatened or protected species,

but excludes fenced land on which self-sustaining wildlife populations of that species are managed in an extensive wildlife system;

“**darting**”, in relation to a live specimen of a listed threatened or protected species, means to shoot the specimen with a projectile loaded with a tranquillising, narcotic, immobilising, or similar agent;

“**extensive wildlife system**” means a system that is large enough, and suitable for the management of self-sustaining wildlife populations in a natural environment which requires minimal human intervention in the form of –

- (a) the provision of water;
- (b) the supplementation of food, except in times of drought;
- (c) the control of parasites; or
- (d) the provision of health care.

“**game farm hunting permit**” means a permit issued by the issuing authority to the landowner of a registered game farm, authorising a person authorised by the landowner to carry out a specific restricted activity, namely the hunting of a listed threatened or protected species on that landowner’s registered farm, and the transport and possession of the dead specimen of a listed threatened or protected species subsequent to the hunt;

“**hunt**” in relation to a specimen of a listed threatened or protected species, includes –

- (a) to intentionally kill such species by any means, method or device whatsoever;
- (b) to capture such species by any means, method or device whatsoever with the intent to kill;
- (c) to search for, lie in wait for, pursue, shoot at, tranquillise or immobilise such species with the intent to kill; or
- (d) to lure by any means, method or device whatsoever, such species with the intent to kill, but excludes the culling of a listed threatened or protected species in a protected area or on a registered game farm or the culling of a listed threatened or protected species that has escaped from a protected area and has become a damage causing animal;

“**hunting client**” means a person who –

- (a) is not resident in the Republic; and

- (b) pays or rewards a professional hunter for, or in connection with, the hunting of a listed threatened or protected species;

“kept in captivity” or “captive kept”, in relation to a specimen of a listed threatened or protected species, means that the species is kept in a controlled environment for a purpose other than –

- (a) transfer or transport;
- (b) quarantine; or
- (c) veterinary treatment;

“listed large predator” means a specimen of any of the following listed threatened or protected species:

- (a) Cheetah (*Acinonyx jubatus*);
- (b) Spotted hyaena (*Crocuta crocuta*);
- (c) Brown hyaena (*Parahyaena brunnea*);
- (d) Wild dog (*Lycaon pictus*);
- (e) Lion (*Panthera leo*); or
- (f) Leopard (*Panthera pardus*);

“professional hunter” means a person who is licensed in terms of provincial legislation as a professional hunter;

“put and take animal” means a live specimen of a captive bred listed large predator, or a live specimen of *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) that is released on a property irrespective of the size of the property for the purpose of hunting the animal within a period of twenty four months;

“wild specimen” means a specimen that is living and growing in natural conditions with or without human intervention.

24. (1) The following are prohibited activities involving a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros):

- (a) The hunting of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) that is a put and take animal;

- (b) the hunting of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) in a controlled environment;
- (c) the hunting of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) under the influence of any tranquilising, narcotic, immobilising or similar agent; and
- (d) the hunting of a listed large predator released in an area adjacent to a holding facility for listed large predators; and
- (e) the hunting of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) by making use of a gin trap;
- (f) the hunting of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros), unless the owner of the land on which the animal is to be hunted provides an affidavit or other written proof indicating –
 - (i) the period for which the species to be hunted has been on that property, if that species was not born on that property; and
 - (ii) that the species to be hunted is not a put and take animal;
- (g) the breeding in captivity of a listed large predator, unless the prospective breeder provides a written undertaking that no predator of that species will be bred, sold, supplied or exported for hunting activities that are considered prohibited activities in terms of paragraphs (a) to (e) of this subregulation;
- (h) the sale, supply or export of a live specimen of a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) bred or kept in captivity unless the person selling, supplying or exporting the animal provides an affidavit or other written proof indicating –
 - (i) the purpose for which the species is to be sold, supplied or exported; and
 - (ii) that the species is not sold, supplied or exported for hunting activities that are considered prohibited activities in terms of paragraphs (a) to (e) of this subregulation;
- (i) the purchase or acquisition of a live specimen of a listed large predator species, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) bred or kept in captivity unless the person purchasing or acquiring the species provides an affidavit or other written proof indicating –
 - (i) the purpose for which the species is to be purchased or acquired; and

- (ii) that the species is not purchased or acquired for hunting activities that are considered prohibited activities in terms of paragraphs (a) to (e) of this subregulation.

(2) Subregulation (1) does not apply to a listed large predator, *Ceratotherium simum* (White rhinoceros) or *Diceros bicornis* (Black rhinoceros) bred or kept in captivity which –

- (a) has been rehabilitated in an extensive wildlife system; and
- (b) has been fending for itself in an extensive wildlife system for at least twenty four months.

Prohibited methods of hunting

26. (1) An issuing authority considering an application for the hunting of a listed threatened or protected species may not authorise the following methods of hunting, unless it is for the management of damage causing animals in accordance with regulation **14**:

- (a) Listed threatened or protected species, may not be hunted by means of –
 - (i) poison;
 - (ii) traps, except as provided for in subregulation (2);
 - (iii) snares;
 - (iv) dogs, except as provided for in subregulation (3);
 - (v) darting, except as provided for in subregulation (4);
 - (vi) a weapon which, after it has been discharged, automatically reloads and fires when the trigger thereof is pulled or held in a discharged position;
 - (vii) a weapon discharging a rim firing cartridge of .22 of an inch or smaller calibre;
 - (viii) shotguns, except for the hunting of birds; and
 - (ix) airguns;
- (b) listed threatened or protected species may not be hunted by luring it, by means of –
 - (i) bait, except in the case of -
 - (aa) lions, leopards and hyena, where dead bait may be used;
 - (bb) listed threatened or protected marine and other aquatic species; and
 - (aa) invertebrates to be collected for scientific purposes;
 - (ii) sounds;
 - (iii) smell; or

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- (iv) any other induced luring method;
- (c) except as provided for in subregulation (4), (5), (6) or (7) the animal may not be hunted by using –
 - (i) flood or spotlights;
 - (ii) motorised vehicles; or
 - (iii) aircraft; and
- (d) the animal may not be hunted if it is –
 - (i) under the influence of any tranquillising, narcotic, immobilising or similar agent; or
 - (ii) trapped against a fence or in a small enclosure where the animal does not have a fair chance of evading the hunter.

- (2) Subregulation (1)(a)(ii) does not prevent the use of traps for the purpose of –
 - (a) the hunting and / or catching of listed threatened or protected marine and other aquatic species;
 - (b) collecting invertebrates for scientific purposes; and
 - (c) trapping listed threatened or protected terrestrial vertebrate species for scientific, veterinary or management purposes.

- (3) Subregulation (1)(a)(iv) does not prevent the use of dogs for the purpose of –
 - (a) tracking a wounded animal; or
 - (b) flushing, pointing and retrieving listed threatened or protected species.

- (4) Subregulation (1)(a)(v) and (c) does not prevent the darting of an animal by a veterinarian or a person authorised by a veterinarian in writing and in possession of a valid permit, whether on foot or from a motorised vehicle or aircraft, to immobilise or tranquillise the animal for the purpose of –
 - (a) carrying out a disease control procedure or a scientific experiment or for management purposes;
 - (b) veterinary treatment of the animal; or
 - (c) translocating or transporting the animal.

- (5) Notwithstanding subregulation (1)(c) –

- (a) an aircraft may be used for -
 - (i) tracking an animal in an area where the hunt takes place over long ranges;
 - (ii) culling; and
- (b) a motorised vehicle may be used for –
 - (i) tracking an animal in an area where the hunt takes place over long ranges;
 - (ii) culling;
 - (iii) allowing a physically disabled or elderly person to hunt.

(6) Subregulation (1)(a) and (b) does not prevent the use of the hunting methods or luring methods described in these subregulations for the purpose of controlling damage causing animals in accordance with regulation **14**.

(7) Subregulation (1)(c) does not prevent the use of flood or spotlights for the purpose of –

- (a) controlling damage causing individuals;
- (b) culling of listed threatened or protected species; or
- (c) hunting of leopards and hyenas.

(8) An issuing authority may not issue a permit to hunt a listed large predator, *Ceratotherium simum* (white rhinoceros), *Crocodylus niloticus* (Nile crocodile), *Diceros bicornis* (black rhinoceros) or *Loxodonta africana* (African elephant) by means of or by the use of a bow and arrow.