

ON 2
29 January 1999

MPUMALANGA NATURE CONSERVATION ACT, 1998 REGULATIONS

In terms of section 86 of the Mpumalanga Nature Conservation Act, 1998 (Act No 10 of 1998), the Member of the executive Council responsible for Environmental Affairs in Mpumalanga hereby makes the Regulations as set out hereunder.

NM PHOSA
Member of the Executive Council
For Environmental Affairs and Tourism

PRELIMINARY

1. Definitions.

In these Regulations, unless the context otherwise indicates:

Aircraft means any aeroplane, helicopter, microlight aeroplane, airship, hot air balloon, hanglider or paraglider;

the Act means the Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998);

poison-pellet means -

- (a) a piece of meat;
- (b) any other animal tissue; or
- (c) any other substance,

which lures certain species of wild animals by virtue of its edibility, smell or taste, which has a mass of not more than 75 gm and in which only strychnine poison is placed according to the prescription of a veterinarian as defined in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);

trophy means any part of a wild animal hunted by a client which he or she retains as a taken or memento of the hunt;

wild animal for the purpose of Chapter 2, includes an exotic animal,

and any other word or expression shall have the meaning attached thereto in the Act.

CHAPTER I MATTERS RELATING TO WILD ANIMALS

2. Permit or licence for hunting of game.

- (1) A permit or licence contemplated in -
 - (a) the proviso to section 5(1);

- (b) the proviso to section 6(1);
- (c) section 7(1);
- (d) paragraph (a) of the proviso to section 8(1);
- (e) paragraph (a) of the proviso to section 9(1),

of the Act, shall be in the form approved by the Board from time to time and subject to the conditions contained therein.

- (2) A permit or licence referred to in subregulation (1) shall not be issued without the prior written authority of the Board.
- (3) The fees payable for the issue of a permit or licence referred to in subregulation (1) to a person who -
 - (a) is not the owner;
 - (b) is not a relative of the owner;
 - (c) does not hunt on behalf of the owner,

of the land on which he or she hunts, shall be as set out in Schedule 1 to these Regulations.

3. **Poisoning of game or wild animals which are not game.**

- (1) A permit contemplated in section 21(1) of the Act for the hunting of a wild animal which is not game by making use of poison or a device for shooting poison shall only be issued to a person who is the holder of a certificate issued by the Board in which he or she is declared to be competent to use a device contemplated in that section.
- (2) The Board may designate an officer or employee of the Board to advise whether an applicant is competent to use a device referred to in subregulation (1).
- (3) In order to advise the Board as contemplated in subregulation (2), the officer or employee concerned may test an applicant and subject him or her to practical tests.
- (4) The holder of a permit referred to in subregulation (1) shall not hunt a wild animal which is not game, unless -
 - (a) he or she has obtained the prior written permission of the owner or the occupier of the land on which he or she wishes to hunt;
 - (b) the owner or the occupier of the land contemplated in paragraph (a) and every owner or occupier of land bordering on such land have, at least 12 hours beforehand, being -
 - (i) notified by him or her of the place where and the date and approximate time when the hunt will commence, the duration thereof and the danger attached thereto;
 - (ii) requested by him or her to convey the information contemplated in subparagraph (i) in person to every other person on the land of such owner or occupier;

- (c) he or she has erected a special warning board as approved by the Board at every recognised public access to the land on which he or she wishes to hunt, beforehand.
- (5) The holder of a permit referred to in subregulation (1) shall -
 - (a) after he or she has hunted, remove every device used and the poison not used from the land on which he or she hunted, or destroy the poison in an efficient manner;
 - (b) record the -
 - (i) name and registration number of the land on which he or she hunted;
 - (ii) name of the owner or occupier of the land on which he or she hunted
 - (iii) purpose of the hunt;
 - (iv) kind of poison used;
 - (v) kind and number of devices used;
 - (vi) places where the poison and devices were set; and
 - (vii) time and date when every device and the poison were removed, or the poison was destroyed in terms of paragraph (a),

in a register which he or she shall keep for that purpose.

- (6) No person shall place any poison whatsoever in a carcass of an animal or in any part thereof which can poison another animal or bird: Provided that -
 - (a) the landowner or person appointed by such landowner in writing may lay a poison-pellet where there are wild animals which are not game which cause or may cause damage to stock;
 - (b) no person shall lay a poison-pellet or cause it to be laid unless it is concealed in such a manner under vegetation or is so covered with plant debris or a layer of soil or sand, that it can only be traced by the smell thereof.

4. **Permit for possession of elephant tusks and rhinoceros horns.**

- (1) An application for a permit contemplated in section 22(1) of the Act shall show
 - (a) the identity number, name and home address of the applicant;
 - (b) the number of elephant tusks or rhinoceros horn in the applicant's possession;
 - (c) the mass in grams of each such elephant tusk or rhinoceros horn in the applicant's possession;
 - (d) particulars of when and how the applicant came into possession of each such elephant tusk or rhinoceros horn.
- (2) If the elephant tusk or rhinoceros horn in respect of which the application contemplated in subregulation (1) is made, has already been marked and registered in terms of these Regulations or any other relevant legislation, whether repealed or current, applying or having applied in any part of the Republic of South Africa, such application shall be accompanied by proof of such marking and registration.
- (3) If the Board is satisfied that the applicant lawfully came into possession of the elephant tusk or rhinoceros horn in respect of which the application is made, or that he or she reasonably

believed that his or her acquisition or possession of such elephant tusk or rhinoceros horn was lawful, it shall have the relevant tusk or horn -

- (a) marked with the symbols, letters, figures or numbers allocated by it (unless it has already been marked as contemplated in subregulation (2)); and
 - (b) registered at its offices in the manner it may deem fit, and provide the applicant with a permit for the possession of such tusk or horn containing proof of such marking and registration.
- (4) If the possessor of an elephant tusk or rhinoceros horn which is marked and registered as contemplated in subregulation (3) wishes or intends to cut it up, cut out or processes it in any manner, or have it cut up, cut out or processed in any manner, he or she shall apply to the Board in writing for permission prior to such cutting or processing and at the same time advise the Board of the registered mark of such tusk or horn.

5. Licence for hunting of ordinary game during open season.

- (1) A licence contemplated in paragraph (d) of the proviso to section 7(1) of the Act for the hunting of -
 - (a) mammals which are ordinary game, shall be in the form approved by the Board from time to time;
 - (b) birds which are ordinary game, shall be in the form approved by the Board from time to time.
- (2) No person shall hunt more than 20 birds which are ordinary game on one day, unless he or she is the holder of a permit which authorises him or her to do so.
- (3) The fees set out in Schedule 1 to these regulations shall be payable for the issue of a licence referred to in subregulation (1)(a).
- (4) The amount of R100-00 shall be payable for the issue of a licence referred to in subregulation (1)(b).

6. Licence for sale of game meat.

- (1) A licence contemplated in paragraph (b) of the proviso to section 23(1) of the Act, shall be in the form as determined by the Board.
- (2) The amount of R100-00 shall be payable for the issue of a licence referred to in subregulation (1).

7. Licence to act as a game dealer.

- (1) A licence contemplated in paragraph (a) of the proviso to section 16(4) of the Act shall be in the form approved by the Board from time to time and subject to the conditions contained therein.
- (2) The Board may designate an officer or employee of the Board to advise whether an applicant is competent to capture, keep and transport wild animals.

- (3) In order to advise the Board as contemplated in subregulation (2), the officer or employee concerned may test an applicant and submit him or her to practical tests.
- (4) The amount of R1000-00 shall be payable for the issue of a licence referred to in subregulation (1).
- (5) The game dealer concerned shall record -
 - (a) the species, number and sex of game and other wild animals which he or she captured, bought, sold, bred, exchanged or bartered, disposed of or obtained and of those which died;
 - (b) the name and registration number of the land on which he or she captured, bought, obtained and disposed of or sold the game or other wild animal,
 - (c) the name and address of the owner of the land on which he or she captured, bought, obtained and disposed of or sold the game or other wild animal;in a register that he or she shall keep for that purpose.

8. **Requirements when a wild animal is wounded.**

When any person reports in terms of section 5(2), 6(2), 8(2), or 13(2) of the Act that he or she has wounded or presumably wounded an elephant, rhinoceros, hippopotamus, buffalo, lion, leopard, cheetah or spotted hyena, he or she shall state -

- (a) his or her name and residential address;
- (b) the species, of wild animal which has been wounded or has presumably been wounded;
- (c) the time when and the place where the wild animal concerned has been wounded or has presumably been wounded and the name of the farm on which the incident occurred;
- (d) the calibre of the firearm used;
- (e) whether the wild animal was pursued and, if so, particulars of the pursuit.

9. **Conveyance or keeping of live wild animals or exotic animals in certain conditions.**

Any person keeping in captivity any live wild animal or exotic animal in terms of section 30(2) of the Act shall comply for the purposes of section 30(2)(e) of the Act, with such requirements as the Board may from time to time determine.

10. **Transfer of hunting-rights.**

An owner of land who transfers any of his or her hunting-rights in terms of section 38(1) of the Act shall do so by means of a document containing:

- (a) his or her name and residential address;
- (b) the registered name, number and area of his or her land;
- (c) the name and residential address of the person to whom the hunting-rights are transferred;

- (d) particulars of the species, number and sex of the wild animals in respect of which the hunting-rights are transferred;
- (e) the date on which and period for which the hunting-rights are transferred;
- (f) his or her signature and the date thereof;
- (g) the signature of the person to whom the hunting-rights are transferred and the date thereof.

CHAPTER II

MATTERS RELATING TO PROFESSIONAL HUNTERS AND HUNTING-OUTFITTERS

11. Permit to act as professional hunter, hunting-outfitter or as a Director of a professional hunting school.

- (1) A permit contemplated in -
 - (a) section 41 (1)(a) of the Act, shall be in the form approved by the Board from time to time;
 - (b) section 41(1)(b) of the Act, shall be in the form approved by the Board from time to time;
 - (c) section 41(1)(c) of the Act, shall be in the form approved by the Board from time to time, and subject to the conditions contained therein.
- (2) The Board may issue a permit referred to in -
 - (a) subregulation (1)(a) if it is of the opinion that the applicant:
 - (i) possesses the necessary knowledge, ability, skill and experience;
 - (ii) is of or above the age of 21 years
 - (iii) is a South African citizen;
 - (iv) has successfully completed a prescribed course at an authorised professional hunting school;
 - (b) subregulation (1)(b) if it is of the opinion that the applicant:
 - (i) complies with the requirements referred to in paragraph(a)(i), (ii), (iii) and (iv);
 - (ii) can provide the services and conveniences referred to in regulation 17 and that those services and conveniences comply with the requirements as determined by the Board.
 - (c) subregulation (1)(c) if it is of the opinion that the applicant:
 - (i) complies with the requirements referred to in subregulations 2(a) and (b);
 - (ii) possesses the necessary communication and presentation skills;
 - (iii) possesses the necessary experience in marketing hunting overseas;
 - (iv) has extensive practical experience as a professional hunter and hunting- outfitter;
 - (v) is competent to test the knowledge, ability, skill and experience in respect of professional hunting and the occupation of hunting-outfitter.
- (3) Any person who applies for a permit referred to in subregulation (1)(a) or (b), shall submit such references, documents, securities or insurance policies as the Board may require.
- (4) The amount of R100-00 shall be payable for the issue of a permit referred to in subregulation (1)(a), R500-00 for a permit referred to in subregulation (1)(b) and R1000-00

for a permit contemplated in subregulation (1)(c) and shall be annually renewable: Provided that no fee shall be payable for the issue of a permit referred to in -

- (a) subregulation (1)(a) to an applicant who:
 - (i) acts as a professional hunter on land of which he or she is the owner;
 - (ii) is the holder of a permit referred to in subregulation (1)(b);
- (b) subregulation (1)(b) to an applicant who:
 - (i) acts as a hunting-outfitter on land of which he or she is the owner;
 - (ii) is the holder of a permit referred to in subregulation (1)(a).

12. **Testing-team.**

- (1) A testing-team appointed in terms of section 41(4) of the Act shall -
 - (a) test the knowledge, ability, skill and experience of any person who:
 - (i) applies or reapplies for a permit to act as a professional hunter or hunting- outfitter;
 - (ii) is the holder of a permit to act as a professional hunter or hunting-outfitter;
 - (iii) wishes to operate in the professional hunting and the trophy-hunting industries;
 - (b) determine whether any person referred to in paragraph (a)(i) or (ii) is able to provide the services and conveniences referred to in regulation 17(1) and whether those services and conveniences comply with the requirements as determined by the Board.
- (2) The South African Professional Hunting Committee may advise the Board, which shall not be bound in any way thereby, to exempt any person from the provisions of section 41(4) of the Act.

13. **Leader of testing-team.**

- (1) The Board shall appoint a member of a testing-team as the leader thereof.
- (2) The procedure at a testing by a testing-team shall be as determined by the leader thereof and he or she shall:
 - (a) co-ordinate and regulate the activities of the members of the testing-team; and
 - (b) record the results achieved by every person tested and report thereon to the Board within 14 days of completion of the test.

14. **Keeping of register by professional hunter.**

- (1) A professional hunter shall keep a register as prescribed in which he or she shall record:
 - (a) his or her name and business address;
 - (b) the name and permanent postal address of the client;
 - (c) the name and business address of the hunting-outfitter who presented or organised the hunt for the client;

- (d) the province and place where, and the date on which the escorting of the client commenced and terminated:
 - (e) the name, registration number and magisterial district of every farm hunted on, hunting permit number and the name and residential address of every owner;
 - (f) the species, number, sex and format of trophy to be exported and the date on which each of those animals was killed or wounded.
- (2) The register contemplated in subregulation (1) shall consist of pages which are numbered consecutively and of which:
- (a) every page shall consist of an original and three copies with the same number;
 - (b) the original page and the first two copies shall be perforated in such a manner that it can be removed easily from the register.
- (3) After a professional hunter has recorded the particulars contemplated in subregulation (1) in the register, he or she and the client shall sign the original page and the three copies thereof, and he or she shall:
- (a) hand the original page forthwith to the client;
 - (b) within 14 days forward the first and second copies to the appropriate hunting-outfitter;
 - (c) retain the third copy in the register for a period of 3 years for record purposes.
- (4) A professional hunter and his or her client shall append their signatures to every alteration on the original page and three copies thereof on which the particulars contemplated in subregulation (1) have been recorded.

15. Requirements to be complied with by a professional hunter.

A professional hunter

- (a) who knows or suspects that his or her client has contravened any provision of the Act or these Regulations, shall report it forthwith at the police station or the office of the nature conservator nearest to the place where the offence has or has presumably been committed;
- (b) shall not act as such unless he or she is in the employment of a hunting-outfitter or is the hunting-outfitter himself or herself;
- (c) shall not escort more than two clients during the hunting of a wild animal other than a bird;
- (d) shall at all times be present during the hunting of a wild animal by his or her client and shall supervise the hunting of such a wild animal;
- (e) shall at his or her discretion destroy any wild animal that has been wounded by a client in order to alleviate undue suffering of such wild animal.

16. Document to be carried regarding transferred hunting-rights.

A professional hunter shall carry the document contemplated in regulation 10 or a certified copy thereof with him or her when he or she escorts a client on land of which the owner has

transferred his or her hunting-rights in terms of section 38(1) to the hunting-outfitter who presents or organises the hunt for the client.

17. Requirements with which the facilities and services provided and rendered by a hunting-outfitter shall comply.

- (1) The hunting outfitter shall make provision for:
 - (a) the escorting services of a professional hunter;
 - (b) hunting, skinning, handling and dispatch services;
 - (c) accommodation, washing and sanitary conveniences;
 - (d) catering facilities;
 - (e) appropriate transport;
 - (f) cleaning and refuse removal services;
 - (g) first aid and fire-fighting services, and
 - (h) staff services.
- (2) The services, facilities and conveniences referred to in subregulation (1) shall comply with such requirements as the Board may determine on the permit as contemplated in regulation 11 (1)(b).

18. Agreement between hunting-outfitter and client.

- (1) A hunting-outfitter shall, before the commencement of the provision or rendering of any facility or service to a client, conclude a written remuneration agreement with the client containing:
 - (a) the name and permanent postal address of the client;
 - (b) the name and business address of the hunting-outfitter;
 - (c) the name and business address of the professional hunter who will escort the client;
 - (d) the address to which trophies are to be sent;
 - (e) particulars of the place of the commencement and termination of the liabilities of the hunting-outfitter to the client;
 - (f) particulars of the species and sex of the wild animals offered for hunting and the tariffs for every species of wild animal killed or wounded;
 - (g) the tariffs for the available services and conveniences;
 - (h) the duration of the hunt and the daily tariff.

- (2) The provisions of an agreement contemplated in subregulation (1) may be amended or substituted by a subsequent agreement entered into in writing by the hunting-outfitter and his or her client.
- (3) An agreement contemplated in subregulation (1) or (2) shall be drawn up in duplicate and -
 - (a) the hunting-outfitter and his or her client shall sign the original document and the copy thereof; and
 - (b) the hunting-outfitter shall -
 - (i) hand the original document forthwith to the client; and
 - (ii) retain the copy for a period of 3 years for record purposes.
- (4) In the case of any dispute arising from such an agreement, the South African law will be applicable and the relevant Provincial Division of the High Court will exercise jurisdiction over this matter.

19. Obtaining of licences, permits, exemptions, documents and permissions.

- (1) A hunting-outfitter shall be responsible for:
 - (a) obtaining a licence, permit, exemption, document or permission in terms of which his or her client is authorised to -
 - (i) hunt a wild animal;
 - (ii) convey a trophy in or to export or remove it from any relevant province;
 - (b) packing of trophies and the despatching thereof to the address referred to in regulation 18(1)(d) as soon as it is ready for despatching;
 - (c) obtaining the first and second copies of the professional hunter's register as contemplated in regulation 14(3)(b), whereafter he or she shall sign both copies and -
 - (i) forward the first copy within 30 days after the end of the hunt to the Board, or if the hunt took place in more than one province, a certified photocopy thereof to the nature conservation authority in each of the relevant provinces, the receipt of which by the relevant authority shall be considered a prerequisite to any application for the exportation of trophies being processed;
 - (ii) retain the second copy for a period of 3 years for record purposes.

20. Professional hunting schools.

A director of a professional hunting school shall -

- (a) co-ordinate and regulate the activities of every person presenting lectures;
- (b) record the results achieved by every person tested and report in writing therein within 14 days of completion of the course to the Board.

21. Advertising as hunting-outfitter.

No persons shall advertise his or her preparedness to act as a hunting outfitter, or allow his or her preparedness to so act to be advertised, and no person shall advertise the preparedness of any other person to act as a hunting-outfitter, unless -

- (a) the hunting-outfitter is a holder of -
 - (i) a permit in terms of section 41(1)(b) of the Act; and
 - (ii) hunting rights in respect of the land on which he or she presents or organises the hunt;
- (b) the species, number and sex of wild animals advertised for hunting purposes are found in a free and natural state on the land contemplated in paragraph (a)(ii);
- (c) he or she has obtained the written approval of the Board beforehand.

CHAPTER III MATTERS RELATING TO FISHERIES

22. Licence for angling.

- (1) A licence contemplated in section 56 of the Act shall be in the form as approved by the Board from time to time and subject to the conditions contained therein.
- (2) The amount payable for the issue of a licence referred to in subregulation (1) shall be R20-00.

23. Number and size of fish which may be caught and retained in certain waters.

- (1) No person shall catch and retain more fish of the species referred to in column A of Schedule 3 to these regulations than the number indicated in column B of the said Schedule in the waters defined in column D of the said Schedule on one day or catch and retain any such fish shorter than the length indicated in column C of the said Schedule, unless he or she is the holder of a permit which authorises him or her to do so.
- (2) Any person who catches more fish or fish which are shorter than he or she is authorised to catch in terms of subregulation (1) shall return forthwith the fish too many or too short to the waters in which it was caught without inflicting injuries to it in addition to the injuries inflicted during the catching thereof.
- (3) For the purposes of subregulation (1):
 - (a) "day" means the period from twelve o' clock midnight on any day to twelve o' clock midnight on the following day;
 - (b) the length of a fish shall be measured on the horizontal plane from the tip of the snout to the fork of the tail.

24. Prohibition of making of feeding areas.

No person shall make a feeding area in waters by placing any animal, vegetable or other substance therein to lure fish by virtue of the edibility, smell or taste thereof.

25. Angling competitions.

- (1) No person shall arrange, advertise, organise, control, manage or hold an angling competition for indigenous fish, unless he or she is in possession of a permit which authorises him or her to do so.
- (2) The amount payable in respect of the permit referred to in subregulation (1) is -
 - (a) R50-00 if the total cash value of the prizes for the angling competition amount to R300-00 or less;
 - (b) R500-00 if the total cash value of the prizes for the angling competition exceeds R300-00;
 - (c) R1000-00 for a Provincial league competition,

26. Pollution of waters.

A substance is regarded injurious to aquatic and associated biota if:

- (a) the substance has a negative impact on one or more fish species in waters or in any part thereof;
- (b) the substance has reduced the biological condition of waters, or any part thereof, below the biological condition class of the reference site, which biological condition class refers to the classes as determined by the South African Scoring System (SASS);
- (c) it can be proven that the substance has killed fish or riparian vegetation in waters or part thereof,
- (d) it can be proven that the substance has killed, caused the disappearance of, or inhibited the natural biotic processes of a species associated with waters or a part thereof.

**CHAPTER IV
MATTERS RELATING TO BOATS**

27. Permit to use a boat in certain waters.

- (1) No person shall use a boat in waters on land used by the Board for the purposes of the Act, unless he or she is the holder of a permit which authorises him or her to do so.
- (2) A permit contemplated in subregulation (1) shall be in the form as approved by the Board from time to time and subject to the conditions contained therein.
- (3) An application for a permit contemplated in subregulation (1) shall contain -
 - (a) the name and address of the owner of the boat;
 - (b) and indication -
 - (i) of the make of the boat;
 - (ii) whether the boat is a motor boat, sailing boat, catamaran, row boat, powerboat, aqua motor cycle, ski-boat, canoe, flat bottomed-boat or other kind of boat;
 - (iii) of the material of which the boat is constructed;
 - (iv) of the length and width, in metres, of the boat;
 - (v) of the number of motors, the horsepower of every motor and an indication whether the motors are inboard or outboard motors, if the boat is propelled by a motor or motors;

- (vi) of the maximum number of persons which can be conveyed safely by the said boat;
 - (vii) of the number of seats on the boat;
 - (viii) of the number and type of life belts or life jackets on the boat;
- (c) the signature of the owner of the boat and the date of the application.
- (4) The amount payable for the issue of a permit contemplated in subregulation (1) shall
- (a) R50-00 in the case of a motorized boat; and
 - (b) R30-00 in the case of any other boat.
- (5) The permit shall be valid from the date of issue to 31 December of the same year.

28. Introduction of boat on certain land and use thereof.

Any person who introduces a boat on to land contemplated in regulation 27(1) or uses it in waters on such land, shall do so at his or her own risk.

29. Conveyance for reward.

- (1) No persons shall let a boat for use or convey any person for reward therein in waters on land contemplated in regulation 27(1), unless he or she is the holder of a permit which authorises him or her to do so.
- (2) The amount payable for the issue of a permit contemplated in subregulation (1) shall be R1000-00.
- (3) The permit shall be valid from the date of issue to 31 December of the same year.

30. Prohibited acts relating to boats.

No person shall, in waters on land contemplated in regulation 27(1):

- (a) launch a boat or remove it from the waters at any other place than a place set aside or designated for that purpose for that type of boat;
- (b) use a boat at any other place than a place set aside, demarcated, zoned, reserved or designated for that purpose;
- (c) use a boat in such a manner that it constitutes or may constitute a danger to any other person or boat, or causes or may cause disturbance to any person angling from the banks of the waters;
- (d) occupy a position on a boat which is being navigated which constitutes or may constitute danger to himself or herself or any other person on the boat;
- (e) jump or dive from the boat which is being navigated, or swim away from a boat;
- (f) navigate a boat or be in control thereof, unless he or she is of or above the age of 16 years: Provided that any person who is under the age of 16 years may with the prior written permission of the officer of the Board in control of the land concerned navigate a boat or be in control thereof for the purpose of participating in a recognised official competition for juniors;

- (g) use a boat during the night, unless -
 - (i) he or she has obtained the prior written permission of the officer of the Board in control of the land concerned
 - (ii) he or she uses the boat subject to conditions contained in the permission contemplated in subparagraph (i);
 - (iii) the boat is equipped with efficient lamps;
- (h) leave a drifting boat or a boat which is not moored, unmanned;
 - (i) moor a boat to any other boat or at any other place than a place set aside or assigned for that purpose, unless he or she has obtained the prior written permission of the officer of the Board in control of the land concerned;
- (j) use a boat with an internal combustion motor, unless it is equipped with an efficient silencer;
- (k) use a boat with only one motor, unless it is equipped with two efficient oars and rowlocks;
- (l) use a boat, unless it is equipped with an efficient -
 - (i) water pump or bailing apparatus; and
 - (ii) life belt or life jacket for every person on board;
- (m) convey more persons in a boat than the number indicated in the permit issued in terms of regulation 27(1) in respect of the boat;
- (n) use a boat propelled by an air-screw, unless he or she is the holder of a permit which authorises him or her to do so.

31. **Rules relating to boats.**

Any person who uses a boat in waters on land contemplated in regulation 27(1) -

- (a) shall not, if it is a motor boat, navigate it nearer than 50 metres from the banks of the waters or nearer than 15 metres from any other boat, unless he or she navigates from the place where his or her boat was moored or to the place where he or she wishes to moor his or her boat;
- (b) shall navigate anti-clockwise when he or she navigates from the place where his or her boat was moored or to the place where he or she wishes to moor his or her boat;
- (c) shall not, if it is a motor boat, overtake any other boat at such a speed or in such a manner that the slipstream of his or her boat shall endanger the other boat;
- (d) shall steer to the right, or to starboard, when he or she approaches any other boat from the front;
- (e) may, if it is a motor boat, subject to paragraph (a) and when it is safe to do so, overtake any other boat navigating in the same direction, by navigating on the left side, or port-side, of the other boat and by maintaining the same speed and direction until he or she has overtaken the other boat safely;
- (f) shall -

- (i) not change his or her speed or direction when any other boat approaches his or her boat from the left, or port-side;
- (ii) change his or her direction in such a manner when any other boat approaches his or her boat from the right, from starboard, that his or her boat passes the other on the rear;
- (g) shall, if it is a -
 - (i) motor boat, yield the right of way to any other boat;
 - (ii) rowing boat or a canoe, yield the right of way to a sailing boat;
- (h) shall not, when he or she has the right of way, impede the navigation of any other boat unnecessarily.
- (i) shall visibly display the permit issued in terms of subregulation 27(1).

32. Rules relating to water skiing

- (1) Any person in charge of a boat towing a skier in waters on land contemplated in regulation 27(1) shall see to it that:
 - (a) a red flag with a size of a least 500mm x 500mm is displayed in a prominent manner on the boat from the time that the towing of the skier commences until it is terminated;
 - (b) there is either a second person on board to keep the skier under observation or that the boat is equipped with an efficient rear view mirror in which the skier and the ski-area can be observed;
 - (c) the boat is steered anti-clockwise when he or she wishes to turn it about;
 - (d) the skier is not towed with a steel wire or steel rope.
- (2) Any person who skies in water on land contemplated in regulation 27(1) shall:
 - (a) wear a life belt or jacket when he or she skies: Provided that any person who participates in an officially recognised ski-competition in such waters, may ski without a life belt or jacket;
 - (b) not make use of any apparatus with which he or she can glide in the air above the surface of the waters, unless he or she has obtained the written permission of the Board beforehand.

33. Powers of nature conservator and Board relating to certain boats.

- (1) A nature conservator may -
 - (a) order any person who uses a boat
 - (i) which does not comply with the requirements of; or
 - (ii) contrary to the provisions of,these Regulations in waters on land contemplated in regulation 27(1), to terminate the use of the boat and remove it from the waters;
 - (b) seize a boat which is

- (i) left unmanned contrary to regulation 30(h);
- (ii) moored contrary to regulation 30(i),
and remove it or cause it to be removed from the waters in which it was thus left or moored.
- (2) Any person who has been ordered in terms of subregulation (1)(a) to remove a boat, shall do so forthwith and shall not use the boat again in the waters from which it has been removed, unless he or she has obtained the prior written permission of the Board to do so.
- (3) The Board may recover the reasonable expenditure incurred in connection with the removal and storage of a boat seized in terms of subregulation (1)(b) from the owner thereof.
- (4) If the name and address of the owner of the boat seized in terms of subregulation (1)(b) is known to the Board, it shall notify the owner of such seizure.
- (5) If, the owner of the boat seized in terms of subregulation (1)(b) fails to take receipt of the boat within 90 days from the date of the notice contemplated in subregulation (4) or, if his or her name and address is not known to the Board, within 90 days from the date of seizure, the Board may declare the boat to be forfeited to the Board.

CHAPTER V MATTERS RELATING TO AIRCRAFT

34. **Height restricted flight zones over nature reserves.**

- (1) No aircraft may fly within, closer or lower than 1500 feet to the highest point on land used by the Board as set out in Schedule 5 to these Regulations, unless the pilot or person responsible for the aircraft is the holder of a permit which authorizes him or her to do so.
- (2) A permit contemplated in subregulation (1) shall be in the form as approved by the Board from time to time and subject to the conditions contained therein.
- (3) An application for a permit contemplated in subregulation (1) shall contain:
 - (a) the name, telephone number and address of the pilot and the owner of the aircraft;
 - (b) a description of the intended flight routing and time to be travelled by the aircraft;
 - (c) a description of:
 - (i) the manufacture and category of the aircraft;
 - (ii) the registration number and call sign of the aircraft;
 - (iii) whether the aircraft is an aeroplane, helicopter, turbo propeller aeroplane, turbojet aeroplane, microlight aeroplane, hot air balloon, airship, hanglider or paraglider;
 - (iv) the maximum number of persons which can be conveyed safely in the said aircraft;
 - (d) the intended purpose or the reason for the flight;
 - (e) the signature of the owner or authorized person in control of the aircraft and the date of application.
- (4) The amount payable for the issue of a permit contemplated in subregulation (1) shall be -

- (a) R1000 in the case of a motorized or jet propelled aircraft, helicopter, or any other category of aircraft which flies for commercial purposes;
- (b) issued at no charge wherein the concerned aircraft operates in the interest of the Board.
- (5) The permit shall be valid for the period indicated therein.
- (6) The permit shall be carried by and remain in the possession of the pilot at all times during the flight and shall be produced to a nature conservator or any person authorized by the Board immediately on request.

35. Prohibited acts relating to aircraft.

- (1) No permit as contemplated in regulation 34(1) shall be granted or refused, unless the responsible Ecologist for the land used by the Board, the reserve manager as well as other relevant parties, compile a recommendation and set of rules applicable to each permit.
- (2) No flights will be allowed in the peak breeding season of any bird or animal species on land used by the Board.
- (3) No person shall in the restricted airspace referred to in regulation 34(1),
 - (a) use or operate an aircraft at any other place than the place permitted, demarcated and zoned in terms of the conditions on the permit;
 - (b) use an aircraft in such a manner that it constitutes or may constitute a danger to any person, animal or bird, or causes or may cause a disturbance to any person, animal or bird;
 - (c) use the aircraft at night, unless the permit specifies such permission therein.

36. Rules relating to aircraft.

Any person operating or using an aircraft in terms of regulation 34(1), shall -

- (a) land the aircraft only at designated landing sites;
- (b) adhere strictly to the landing prescriptions and line of approach to the landing site as set out on the permit;
- (c) follow the shortest safe flight route in terms of the flight plan and permit conditions.

37. Emergency flights and landing.

- (1) The Regulations pertaining to height, landing sites and aircraft do not apply to emergency flights and operations.
- (2) The officer of the Board in control of the land concerned shall, within seven days of any emergency flight or operation contemplated in subregulation (1), inform the Board in full in writing thereof.

**CHAPTER VI
GENERAL**

38. Fees for issue of licenses, permits and exemptions.

Subject to the provisions of these Regulations, a fee may be payable for a licence, permit or exemption in accordance with Schedules 1 and 2.

39. Licenses, Permits, certificates and exemptions.

- (1) Subject to the provisions of these Regulations, the Board may, upon application, issue to any person a licence, permit, certificate or exemption provided for in the Act, which shall be valid for the period referred to in the said licence, permit, certificate or exemption and shall be subject to such conditions as the Board may deem fit to impose in any particular case. Provided that the Board may, subject to the constitutional requirements of lawful and procedurally fair administrative action and the furnishing, upon request, of reasons in writing -
 - (a) refuse to issue such a licence, permit, certificate or exemption;
 - (b) amend, suspend or cancel such licence, permit, certificate or exemption or amend, delete or add any condition it is authorised to amend delete, or impose.
- (2) The Board shall notify the holder of a licence, permit, certificate or exemption of the amendment, suspension or cancellation thereof or of the amendment, deletion or addition of any condition in terms of subregulation (1) and the holder shall submit the licence, permit certificate or exemption concerned forthwith to the Board.
- (3) A licence, permit, certificate or exemption issued contrary to the provisions of these Regulations shall be null and void and the holder thereof shall return it forthwith to the Board after such fact has come to his or her notice.

40. Prohibited acts on certain land.

- (1) No person shall, on land used by the Board for the purpose of the Act -
 - (a) present any public entertainment;
 - (b) collect money from the public;
 - (c) trade;
 - (d) distribute any pamphlet, book, handbill or other document;
 - (e) hold or address a meeting;
 - (f) introduce a wild animal or domestic animal,

unless he or she is the holder of a permit which authorises him or her to do so.
- (2) No person shall, on land contemplated in subregulation (1) -
 - (a) light a fire at any other place than a place set aside or designated for that purpose;
 - (b) throw away any burning object, refuse, litter, other object or harmful liquid at any other place than a place or container set aside or designated for that purpose;
 - (c) relieve nature at any other place than in the designated sanitary conveniences;

- (d) smoke in any building, boat, bus or other place in which an official notice prohibiting smoking, is displayed;
- (e) throw or roll a stone, rock or other object from a mountain or precipice;
- (f) feed or in any other manner lure or disturb a wild animal;
- (g) wash or dry laundry or eating utensils at any other place than a place set aside or designated for that purpose;
- (h) pollute the waters of any dam, river, watercourse, lake or place any offensive or harmful material, refuse or litter therein;
- (i) enter the waters of any dam, river, watercourse, lake or pan at any other place than a place set aside or designated as a swimming place;
- (j) use a gramophone, turntable, radio set, tape recorder, compact disc player, television set or similar device or musical instrument in such manner that it causes or may cause a disturbance to any other person or a wild animal;
- (k) make a noise or do anything which causes or may cause a hindrance, or disturbance to any other person or a wild animal;
- (l) be present contrary to any limitation or prohibition in terms of section 87(a)(iv) of the Act;
- (m) in any manner write, make or affix any name, letter, figure, symbol, drawing or other mark onto any building, road, tree or rock;
- (n) damage, alter, shift or in any way interfere with any notice board, beacon, buoy or mark;
- (o) drive a vehicle at any other place than a place designated as a road, or park a vehicle at any other place than a place designated as a parking place;
- (p) drive a vehicle in such manner that it constitutes or may constitute a danger to any other person or a wild animal;
- (q) be under the influence of intoxicating liquor or a drug having a narcotic effect or use or have in his or her possession any drug in contravention of section 4 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992);
- (r) behave in such a manner that his or her behaviour affects or may affect the safety or comfort of any other person adversely,

unless he or she has obtained prior written permission from the officer in charge of such land.

- (3) An officer of the Board may order any person who contravenes or fails to comply with subregulation (1) or (2) to leave the land and the person shall obey the order forthwith.
- (4) A fee of R50-00 shall be payable for a permit contemplated in regulation 40(1).

41. Retention and disposal of seized stock or other animal.

- (1) The owner of any stock or other animal seized in terms of section 90(1)(f) of the Act may at any time prior to the date of a sale in terms of subregulation (4) apply in writing to the officer in charge for the release thereof.
- (2) Upon receipt of any application in terms of subregulation (1) the officer in charge shall determine -
 - (a) the fees payable for the herding, tending and release of the stock or other animal concerned in accordance with Schedule 4 to these Regulations;
 - (b) whether any fees contemplated in section 86(1)(z)(ii),(iii) or (iv) of the Act are payable; and
 - (c) where applicable, the cost in connection with the sale of which notice has been given in terms of subregulation (5).
- (3) Upon receipt of the fees and costs contemplated in subregulation (2), the officer in charge shall issue a written authority for the release of the stock or other animal concerned.
- (4) If no application in terms of subregulation (1) is received within 14 days after the date of seizure, the stock or other animal concerned shall be sold at a public auction.
- (5) The officer in charge shall at least 7 days prior to a sale in terms of subregulation (4) give notice of the time, date and place thereof in English in an English newspaper and in one other official language in a newspaper in that official language circulating in the area in which the land on which the stock or other animal is retained, is situated: Provided that where a bilingual newspaper circulates in the area concerned, the officer in charge may cause a notice to be published therein in English and in another official language.
- (6) Subject to subregulation (7) the procedure at a sale in terms of subregulation (4) shall be determined by the Board.
- (7) The stock or other animal offered for sale in terms of subregulation (4) shall be sold for cash without reserve to the highest bidder: Provided that no officer in charge, nature conservator or other officer or employee of the Board shall, either personally or through any other person on his or her behalf, directly, or indirectly purchase such stock or other animal at the sale.
- (8) The officer in charge shall issue to a purchaser of any stock or other animal at a sale in terms of subregulation (4) a permit for the removal thereof.
- (9) The fees and costs received in terms of subregulation (3) and the proceeds of a sale in terms of subregulation (4) shall be paid into the Board's revenue fund or account.
- (10) If the owner of the stock or other animal sold in terms of subregulation (4) within 30 days after the date of the sale applies in writing to the Board, the Board may pay him or her the amount remaining after the fees and costs contemplated in subregulation (2) have been deducted from the proceeds of the sale.
- (11) No person shall remove any stock or other animal from the land on which it is retained in terms of section 90(1)(f) of the Act or sold in terms of subregulation (4), unless he or she is in possession of either a written authority issued in terms of subregulation (3) or a permit issued in terms of subregulation (8).

- (12) For the purpose of this regulation "officer in charge" means the officer in charge of the land on which any stock or other animal is seized and retained in terms of section 90(1)(f) of the Act.

42. Offences and penalties.

- (1) Any person -

- (a) who contravenes or fails to comply with any of these Regulations;
- (b) to whom a licence, permit, certificate or exemption has been issued in terms of regulation 39(1), who -
 - (i) contravenes or fails to comply with a condition to which the licence, permit, certificate or exemption is subject to, in terms of regulation 39(1);
 - (ii) fails to submit the said licence, permit, certificate or exemption to the Board in terms of regulation 39(2) or to return it to the Board in terms of regulation 39(3);
- (c) to whom a permit to act as a hunting-outfitter has been issued in terms of section 41(1)(b) of the Act, who fails to comply with the requirements determined in terms of regulation 18,

shall be guilty of an offence and shall, on conviction, be liable to a fine or to imprisonment for a period not exceeding 18 months or to both a fine and such imprisonment.

- (2) Notwithstanding the provisions of subregulation (1), any person convicted of a contravention of subregulation (1) in respect of specially protected game or specially protected plants shall be liable to a fine or to imprisonment for a period not exceeding 5 years or to both a fine and such imprisonment.

43. Short title and commencement.

These Regulations shall be called the Mpumalanga Nature Conservation Regulations 1999, and shall come into operation on the first day of February 1999.

SCHEDULE 1

FEEES PAYABLE FOR THE ISSUE OF A PERMIT OR LICENCE (REGULATION 2(3))

SPECIALLY PROTECTED GAME

Species	Tariff per head (R)
Elephant	5000,00
White rhinoceros	5000,00
Black rhinoceros	5000,00

PROTECTED GAME

MAMMALS

Honey-badger	160,00
Cape hunting dog	600,00
Brown hyaena	160,00
Mountain zebra	100,00
Hartmann's zebra	80,00
Hippopotamus	560,00

Giraffe	560,00
Nyala	110,00
Red duiker	160,00
Reedbuck	105,00
Mountain Reedbuck	95,00
Sable antelope	1590,00
Roan antelope	2680,00
Black wildebeest	95,00
Tsessebe	310,00
Lichtenstein's hartebeest	880,00
Klipspringer	160,00
Oribi	120,00
Steenbok	80,00
Sharpe's grysbok	220,00
Suni	130,00
Grey rhebok	105,00
Eland	560,00
Waterbuck	250,00
Blue Duiker	235,00

REPTILES

Crocodile	600,00
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BIRDS

All species of ducks, teals and geese excluding the yellow-billed duck, red-billed teal, Egyptian goose and the spurwinged goose	15,00
All species of quail	10,00
Rameron pigeon	5,00

ORDINARY GAME**MAMMALS**

All species of hares	5,00
Burchell's zebra	250,00
Bushbuck	55,00
Kudu	65,00
Gemsbok	90,00
Red hartebeest	55,00
Grey duiker	20,00
Blue wildebeest	120,00
Blesbok	30,00
Bontebok	60,00
Impala	20,00
Springbok	20,00

BIRDS

Spur-winged goose	10,00
Egyptian goose	6,00
Yellow-billed duck	5,00
Red-billed teal	5,00
Coqui partridge	5,00
Crested partridge	5,00
Greywing partridge	5,00

Shelly's partridge	5,00
Redwing partridge	5,00
Orange River partridge	5,00
Red-billed francolin	5,00
Natal francolin	5,00
Swainson's francolin	5,00
Red-necked francolin	5,00
Helmeted guinea-fowl	5,00
Red-knobbed coot	5,00
Rock pigeon	1,00

PROTECTED WILD ANIMALS

Spotted hyaena	90,00
Cheetah	310,00
Leopard	600,00
Lion	750,00
African buffalo	970,00

SCHEDULE 2

FEE PAYABLE FOR THE ISSUE OF EXEMPTIONS (REGULATION 38)

All exemptions R100,00 (in addition to any costs incurred by the Board during the exemption inspection concerned)

SCHEDULE 3

NUMBER AND SIZE OF CERTAIN SPECIES OF FISH WHICH MAY BE CAUGHT AND RETAINED IN CERTAIN WATERS (REGULATION 23(1))

Column A Species of fish
 Column B Number of fish which may be caught and retained on one day
 Column C The minimum length of fish which may be caught and retained
 Column d Waters in the Province in which the fish may be caught and retained

A	B	C	D
1. Yellowfish (Barbus species including Papermouth, Silver fish and Kalwerkop fish)	6	300mm	Any waters
2. Tiger fish (Hydrocynus species)	6	200mm	Any waters
3. Eels (All Anguilla species)	2	500mm	Any waters
4. Kurper (Oreochromis mossambicus, Serranochromis meridianus and Tilapia rendalii, [blue kurper], large mouth kurper and red-breasted kurper (all species)	20	150mm	The Komati, Crocodile, Olifants, Pongola, and Sabie rivers with all their tributaries and dams therein
5. Trout (Salmo trutta and Oncorhynchus mykiss species) brown trout and rainbow trout	6	200mm	Flyfishing waters

SCHEDULE 4

FEE PAYABLE FOR THE HERDING, TENDING AND RELEASE OF STOCK OR OTHER ANIMAL (REGULATION 41(2))

(a) For the first 24 hours or part thereof after seizure-

- (i) Large stock R5,00 per head
 - (ii) Small stock R2,00 per head
- (b) For every period of 24 hours or part thereof after the period referred to in paragraph (a)-
- (i) Large stock R2,50 per head
 - (ii) Small stock R1,00 per head

SCHEDULE 5

List of nature reserves to which regulation 34 refers.

1. Loskop Dam Nature Reserve
2. Blyde River Canyon Nature Reserve
3. Songimvelo Nature Reserve
4. Nooitgedacht Nature reserve
5. Origstad Dam Nature Reserve
6. Mthethomusha Nature Reserve
7. Mdala Nature Reserve
8. Mkhombo Nature Reserve
9. Mabusa Nature Reserve
10. S.S. Skosana Nature Reserve
11. Sterkspruit nature Reserve
12. Mahushe Shongwe Nature Reserve