

No.4 of 1975
4.1 Nature Conservation Ordinance 4 of 1975, 1990 amendment

NATURE CONSERVATION ORDINANCE, 1975.

(Assented to 19 June 1975)
(English text signed by the Administrator)
(Date of commencement 20 June 1975.)

ORDINANCE

To consolidate and amend the laws relating to the conservation of nature; the establishment of game parks and nature reserves; the control of problem animals; and to provide for matters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President, in so far as such consent is necessary, previously obtained and communicated to the Assembly by message from the Administrator, as follows:-

ARRANGEMENT OF SECTIONS.

Section.

PRELIMINARY.

- 1. Definitions.
- 2. Nature Conservation and Tourism Division.

CHAPTER 1.

NATURE CONSERVATION BOARD.

- 3. Continued existence of Nature Conservation Board.
- 4. Constitution of board.
- 5. Qualifications and disqualifications of members.
- 6. Period of office.
- 7. Vacation of office.

8. Termination of membership.
9. Filling of vacancies.
10. Meetings of the board.
11. Functions, powers and duties of the board.
12. Remuneration, allowances and fees.

CHAPTER II.

GAME PARKS AND NATURE RESERVES.

13. Etosha National Park.
14. Establishment and objects of game parks and nature reserves.
15. Amendment of boundaries of game parks and nature reserves.
16. Withdrawal of declaration as a game park or nature reserve.
17. Powers of Executive Committee in relation to game parks and nature reserves.
18. Restriction of right to enter game parks and nature reserves and prohibition of certain acts therein.
19. Purposes for which permission to enter game parks and nature reserves may be granted.
20. Prohibition of hunting in game parks and nature reserves.
21. Killing of animals trespassing in game parks or nature reserves.
22. Establishment of private game parks and private nature reserves.

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- 23. Prohibition of hunting in private game parks.
- 24. Prohibition of picking of indigenous plants in private nature reserves.

CHAPTER III.

WILD ANIMALS.

- 25. Powers of Executive Committee in relation to hunting seasons and classification of game.
- 26. Hunting of specially protected game.
- 27. Hunting of protected game.
- 28. Hunting on Administration property.
- 29. Right of ownership to huntable game, huntable game birds and exotic game.
- 30. Hunting of huntable game under owner's authority.
- 31. Hunting of huntable game by owner or lessee of land.
- 32. Hunting of huntable game birds under owner's authority.
- 33. Hunting of huntable game birds by owner or lessee of land.
- 34. Hunting of exotic game and other wild animals.
- 35. Lease of hunting rights.
- 36. Hunting for the sake of trophies and possession and export of trophies.
- 37. Hunting of game to protect grazing, cultivated lands and gardens.
- 38. Hunting at night.
- 39. Powers of land owners in regard to persons found hunting and dogs.

40. Killing capturing and keeping of game and wild animals.
41. Capturing, transport and keeping of game for commercial purposes.
42. Restrictions in regard to tire-arms and capturing apparatus.
43. Use of vehicles and aircraft when hunting and capturing game.
44. Eggs of game birds.
45. Game for scientific purposes.
46. Donation of game and game meat.
47. Sale of game, game meat and the skins of game.
48. Transport of game and game meat.
49. Import and export of game and wild animals and their skins.
50. Prohibition of the removal of game found dead.
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PROBLEM ANIMALS.

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53. Declaration as problem animal.
54. Hunting of problem animals.
55. Compulsory control of black-backed jackal.
56. Provision of aids.
57. Training of hunters.

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1. Laws repealed.
2. Definition of the boundaries of the Etosha National Park.
3. Specially protected game.
4. Protected game.
5. Hunttable game.
6. Hunttable game birds.
7. Application for a game dealer's licence
8. Game dealer's licence.
9. Protected plants.

Handwritten notes:
1. 2. 3. 4. 5. 6. 7. 8. 9.

Handwritten note:
Adequate fence
- Any indicator to the boundary for
T2/04/99

PRELIMINARY.

* Definitions.

1. In this Ordinance, unless the context otherwise indicates -

(i) "adequate fence" in relation to a farm means -

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

(i) with training post planted in at most 500 metres from each other

(ii) with middle post of iron or hardwood which -

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

(bb) in the case of hardwood posts, are at least 100 millimetres in diameter at the thin end; and

(cc) are planted in to a depth of at least 600 millimetres and at most 20 metres from the nearest straining post and from each other;

(iii) with iron droppers, or droppers of hardwood which are at least 35 millimetres in diameter at the thin end;

(iv) with at least five galvanised steel wire strands or, three galvanised steel wire strands and jackal-proof fencing; and

(v) with gates which are at least of the same height as the boundary fence and are of such a nature that they do not in any manner impair the efficacy of the boundary fence, but does not include such a boundary fence in which a game-trap has been constructed or of which any portion has been removed, damaged, cut, flattened or raised or is in such a bad state of repair that the efficacy of such boundary fence is impaired;

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

ref = section 1

(c) with the consent of the Cabinet, kill any live-stock or domestic animal found in a game park or a nature reserve, other than any such live-stock or domestic animal which is in the lawful possession or under the lawful charge of an officer or which is being conveyed through such game park or nature reserve in accordance with the provisions of section 18

[A27/86/7]

Establishment of private game parks and private such conditions as it may deem necessary nature reserves.

22. (1) (a) Subject to the provisions of subsections (2), (3), (4) and (5) the Executive Committee may at any time and subject to expedient declare any area a private game park or private nature reserve for the period determined by it or until the declaration of the area concerned as a private game park or private nature reserve is withdrawn.

(b) Any such declaration of an area as a private game park or a private nature reserve shall be made known by notice in the Official Gazette.

(2) An area shall only be declared a private game park or a private nature reserve on the written application of the owner of the land concerned.

(3) (a) No area shall be declared a private game park or a private nature reserve unless a notice of the application to do so has at least three months previously at the cost of the applicant been published in the Official Gazette and in two newspapers circulating in the Territory.

(b) The notice referred to in Paragraph (a) shall request any person who wishes to object to the declaration of the area concerned as a private game park or a private nature reserve to lodge his objections with the person or officer mentioned in the notice within a period mentioned in the notice, which objection shall be submitted to and considered by the Executive Committee together with the application concerned.

(4) (a) The Executive Committee may at any time withdraw the declaration of an area as a Private game park or a private nature reserve.

(b) Any such withdrawal of the declaration of an area as a private game park or a private nature reserve shall be made known by notice in the Official Gazette.

(5) The declaration of an area as a private game park or a private nature reserve shall in no way derogate from the provisions of Chapter IV and shall apply subject to the provisions of the said Chapter IV.

Prohibition of hunting in private game parks.

23. (1) Notwithstanding anything to the contrary in this Ordinance contained, but subject to the provisions of Chapter IV, no person shall without the written approval of the Executive Committee hunt any game or any other wild animal or bird in a private game park: Provided that the owner of the land concerned may at any time hunt any game or any other wild animal or bird on such land except specially Protected and Protected game.

CHAPTER III.

WILD ANIMALS.

Power, of Executive Com-
mittee in relation to hunting
seasons, and classification of game

25. (1) The Executive Committee may from time to time-
- (a) in any year determine hunting seasons during which game mentioned in Schedule 5 or 6 or Schedules 5 and 6 or any species or sex thereof may be hunted in terms of the provisions of section 30 or 32 or sections 30 and 32, as the case may be, but subject to the other provisions of this Ordinance;
 - (b) ~~restrict the number of any species or sex of game which may be hunted during a hunting season;~~
 - (c) amend Schedules 3, 4, 5 and 6 by deleting the name of any species or sex of game or by transferring such name from any such schedule to another or by adding to any such schedule the name of any species or sex of wild animal which is not included in any of the said schedules.
- (2) Any determination of a hunting season, restriction of a species or sex of game which may be hunted during a hunting season or amendment of Schedule 3, 4, 5 or 6 in terms of subsection (1) shall be made known by notice in the Official Gazette.
- (3) Any hunting season or amendment of any such schedule may, subject to the provisions of subsection (4), be made applicable to the entire Territory or to any part or parts of the Territory defined in such notice.
- [GN 90/88]
- (4) No amendment of such schedules whereby the name of any species or sex of game is transferred from Schedule 5 or Schedule 6 to Schedule 3 or Schedule 4 or whereby the name of any species or sex of wild animal is added to Schedule 3 or Schedule 4 shall be applicable in respect of -

(a) any farm; or

(b) any piece of land

1000 hectares
which is not less than one thousand hectares in extent and is enclosed with a game-proof fence.

26. (1) No person other than the lawful holder of a permit granted by the Executive Committee shall at any time hunt any specially protected game.

(1) No person other than the lawful holder of a permit granted by the Executive Committee shall at any time hunt any specially protected game.

(2) A permit granted in terms of this section authorises the lawful holder thereof subject to the conditions, requirements and restrictions imposed by or under this Ordinance to hunt the number and species of specially protected game mentioned therein at the time and place mentioned therein.

(3) Any person who contravenes or fails to comply with any provision of subsection (6) or (7), shall be guilty of an offence.
[A. 27 / 86 / 9 (c) (6) (7) and (8) added]

Hunting an Administration process

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

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

(c) Any person who contravenes or fails to comply with any provision of paragraph (a) or any condition, requirement or restriction of any written permission granted thereunder , shall be guilty of an offence and liable on conviction to a fine not exceeding R 4 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment.

(2) (a) Any person who hunts any huntable game, huntable game bird or exotic game or any other wild animal under the written permission of the Cabinet granted in terms of this section, on land, including communal land, owned by the Government of the Territory or a representative authority, shall at all times have such written permission in his possession while he is so hunting.

(b) Any person who contravenes or fails to comply with any provision of paragraph (a) shall be guilty of an offence.
[A. 27 / 86 / 10]

Right of ownership to hunt-
able game, huntable game
birds, and exotic game .

29. (1) The owner of -

(a) a farm which is enclosed with a game-proof fence or an adequate fence;

(b) any piece of land which is not less than one thousand hectares in extent and enclosed with a game-proof fence.

shall, subject to the provisions of this Ordinance, be the owner of all huntable game, huntable game birds and exotic game on such farm or piece of land as long as such huntable game, huntable game birds and exotic game are lawfully on such farm or piece of land and as long as such farm or piece of land remains to be enclosed in that manner.

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(3) For the purposes of the provisions of this section excluding the provisions of subsection (1) (b), "lessee" shall include the lessee of a farm or land, who is not the owner of the hunttable game, hunttable game birds and exotic game on such farm or land.

[A 5/83/4]

(4A) Any person who, whether personally or through any other person (a) without the consent of the owner or lessee of a farm or piece of land, drives or in any other manner forces or lures any game or other wild animals to seek from such farm or piece of land to any other farm or piece of land;

(2) Removes, damages, lures, lures or lures any game, hunttable game or other wild animals from any farm or piece of land in such a manner as to allow a game to escape from such land, without the consent of the owner or lessee of such farm or piece of land, to any other farm or piece of land or to allow game animals to pass or escape from such farm or piece of land to any other farm or piece of land.

shall be guilty of an offence and liable on conviction to a fine not exceeding R 4 000 or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment.

[A 27/86/18]

Courting, pursuing and keeping

game for commercial purposes

(1) Subject to the provisions of sections 40(1) (b) and 40(2) no person shall capture, transport or keep game or any other wild animal for commercial purposes unless he is licensed as a game dealer. Provided that the provisions of this subsection shall by no means prohibit any person who has captured or is keeping game or any other wild animal for commercial purposes in terms of the provisions of section 40(1) (b) or 40(2), from transporting such game for commercial purposes.

(2) Application for a game dealer's licence shall be made in the form set out in Schedule 7.

(3) A game dealer's licence shall be granted by the Executive Committee, and shall be issued in the form set out in Schedule 8.

(4) A game dealer's licence -

(a) shall be valid for the period from the first day of April in any year or, if it is issued after that day, from the day of issue, up to and including the thirty-first day of March following that day; Provided that a game dealer's licence which was issued for the calendar year 1975, in terms of an ordinance repealed by section 90, shall remain valid up to and including the thirty-first day of March, 1976;

(b) may be renewed annually; and

(c) shall not be transferable.

(5) An amount of one hundred rand shall be payable by the holder of every new game dealer's licence and at any renewal of a game dealer's licence.

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Import and export of game
and wild animals and their skins.

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

- (a) the raw skin of any game or wild animal imported into the Territory from the Republic of South Africa; / NAMIBIA
- (b) the raw skin on any game carcass which is imported into the Territory or exported from the Territory under a permit granted in terms of this subsection or in accordance with the provisions of paragraph (c);
- (c) the raw meat of any game or wild animal imported into the Territory by the person for his own consumption or which has in accordance with the provisions of this Ordinance been lawfully hunted or purchased by or donated to the person so exporting it for his own consumption;
[A 27 / 36 / 21 (a)]

(2) (a) The Executive Committee may at any time in its discretion, place a prohibition on the import into the territory or the export from the Territory of the prepared or tanned skin, or any product manufactured therefrom, of any species of game or wild animal, or impose the conditions which it may in its discretion determine respect of the import into the Territory or the export from the Territory of any such skin or product.

(b) Any prohibition or condition imposed under paragraph (a) shall be made known by notice in the *Official Gazette*.

(3) A permit referred to in subsection (1) shall be granted upon payment of the fees (if any) determined by the Cabinet: Provided that the Cabinet may, if it is satisfied that the game, wild animal raw skin or raw meat to which such permit has a bearing, is destined for or required by a public museum, zoological garden or scientific institution, or for scientific purposes and that no profit will be derived therefrom, in its discretion, reduce such fees or exempt the person to whom the permit is granted from the payment of such fees.
[A 27 / 36 / 21 (b) . A 17 / 88]

(4) Any person who contravenes or fails to comply with any provision of this section, or any condition, requirement or restriction of any permit granted thereunder or a prohibition or condition imposed under this section, shall be guilty of an offence.

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SCHEDULE 3.

SPECIALLY PROTECTED GAME.

Subsection 22(31/00/13)
GN 75/87

- Mountain Zebra (*Equus zebra hartmannae*)
- ~~Giraffe~~ (*Giraffa camelopardalis*)
- ~~Klipspringer~~ (*Oreotragus oreotragus*)
- ~~Elephant~~ (*Loxodonta africana*)
- Rhinoceros (*Diceros bicornis*)
- Impala (*Aepyceros melampus*)
- Hippopotamus (*Hippopotamus amphibius*)
- Black-faced Impala (*Aepyceros petersi*)
- White Rhinoceros (*Ceratotherium simum*)
- Zebra (*Equus burchelli* species) *plain*
- ~~(Subs. 22(31/00/13))~~
- (GN 75/37 Zebra (*Equus burchelli* species))

SCHEDULE 4.

PROTECTED GAME.

(i) *Animals.*

- Aardwolf (*Proteles cristatus*)
- Bare-faced Fox (*Otocyon megalotis*)
- Roan Antelope (*Hippotragus equinus*)
- Tsesseby (*Damaliscus lunatus*)
- Dikdik (*Madoqua kirkii damarensis*)
- Blue Wildebeest (*Connochaetes taurinus*)
- Bushbuck (*Tragelaphus scriptus*)
- Duiker (*Sylvicapra grimmia*)
- Antbear (*Orycteropus afer*)
- Clawless Otter (*Aonyx capensis*)
- ~~Scaly Anteater (*Manis vom. minkii*)~~
- Cheetah (*Acinonyx jubatus*)
- Spotted-necked Otter (*Lutra maculicollis*)
- Hedgehog (*Erinaceus frontalis*)
- Monitor (*Varanus niloticus*; *Varanus niloticus*; *V. albigularis*)
- Leopard (*Panthera pardus*)
- Pythons (*Python sebae*, *Python anchietae*)
- Bush Baby (*Galago senegalensis*)
- Oribi (*Ourebia ourebi*)
- Honey Badger (*Mellivora capensis*)
- Reedbuck (*Redunca arundinum*)
- Red Hartebeest (*Alcelaphus buselaphus*)
- Silver Jackal (*Vulpes chama*)
- Tortoises (*Testudinidae*)
- Steinbok (*Rhaphicerus campestris*)