

Statutory Instrument No. 23 of 1968**THE FAUNA CONSERVATION PROCLAMATION, 1961****THE FAUNA CONSERVATION (TRIBAL TERRITORIES CONTROLLED HUNTING AREAS) REGULATIONS, 1968**

(Published on 5th April, 1968)

In the exercise of the powers vested in him by section 11 as read with section 93 of the Fauna Conservation Proclamation, 1961 (Proclamation No. 22 of 1961), the Minister of Commerce, Industry and Water Affairs hereby makes the following regulations —

Title, Application and Commencement

1. (1) These regulations may be cited as the Fauna Conservation (Tribal Territories Controlled Hunting Areas) Regulations, 1968, and shall apply in relation to —

- (a) The Kwando Controlled Hunting Area;
- (b) The Savuti Controlled Hunting Area;
- (c) The Khwai Controlled Hunting Area;
- (d) The Matsebe Controlled Hunting Area;
- (e) The Rakops Controlled Hunting Area;
- (f) The Shashi Controlled Hunting Area;
- (g) The Sepopa Controlled Hunting Area;
- (h) The Kuki West Controlled Hunting Area;
- (i) The Jao Controlled Hunting Area;
- (j) The Santantadibe Controlled Hunting Area;
- (k) The Maqwee Controlled Hunting Area;
- (l) The Chitabe Controlled Hunting Area;
- (m) The Khurunxaraga Controlled Hunting Area;
- (n) The Kuki East Controlled Hunting Area;
- (o) The Sua Pan Controlled Hunting Area;
- (p) The Lebung Controlled Hunting Area;
- (q) The Chief's Island Controlled Hunting Area;
- (r) The Moremi Controlled Hunting Area.

and shall come into operation upon the commencement of the Fauna Conservation (Amendment) Act, 1967.

(2) The provisions of these regulations shall not apply to any member of any tribe when hunting on the tribal territory of such tribe.

Interpretation

2. (1) In these regulations, unless the context otherwise requires —

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“controlled hunting area” means controlled hunting area declared as such under the provisions of Statutory Instrument No. 22 of 1968.

“guide” means guide approved by the licensing officer;

“licensing officer” means licensing officer designated by the Chief Game Warden by notice in the *Gazette* in relation to any controlled hunting area;

“permit” means permit issued under these regulations.

Hunting by Certain Persons in a Controlled Hunting Area

3. Notwithstanding anything to the contrary in these regulations it shall be lawful for any person —

(a) who is the holder of a bird licence issued under the provisions of section 17 of the Fauna Conservation Proclamation, 1961, to hunt birds in accordance with that licence within a controlled hunting area;

(b) who is a public officer and who holds either a permit issued under the provisions of section 35 (a) of the Proclamation or a licence issued under Part II of that Proclamation to hunt any animal (not being a conserved animal) within a controlled hunting area while on duty.

Hunting by Other Persons in Controlled Hunting Area

4. Subject to the provisions of regulation 3 no person shall hunt any animal within a controlled hunting area unless he is —

(a) in possession of such licence or permit as would be required by him for hunting such animal were the area not a controlled hunting area; and

(b) he is in possession of a permit issued under the provisions of regulation 6 authorizing the hunting of such animal in that controlled hunting area.

Number and Species of Animals which may be Hunted in any Area to be Determined by the Chief Game Warden

5. (1) The Chief Game Warden shall, after consultation with the appropriate District Council, determine the number and species of animals which may be hunted during any hunting season in a controlled hunting area, and shall notify the licensing officer thereof and shall further publish any such determination in the *Gazette*.

(2) The licensing officer shall post a notice at his office and at such other places as he may determine containing the substance of any notification which he has received in accordance with subregulation (1).

Permits to Hunt in Controlled Hunting Areas

6. (1) A permit to hunt in a controlled hunting area shall be issued by a licensing officer and shall be in the form prescribed in the First Schedule.

(2) A permit shall not be issued save —

(a) on production of proof that he is entitled under the provisions of the Proclamation to hunt the animal in respect of which a permit is applied for; and

(b) on payment of the fees prescribed in the Second Schedule;

Provided that the Chief Game Warden may direct the licensing officer to waive any such fee in the case of a lessee of hunting rights within the controlled hunting area; and

(c) on payment of such sum of money as may be required under the provisions of regulation 10.

(3) A permit issued under the provisions of subregulation (1) shall authorize the hunting within the controlled hunting area to which it relates of animals of the number, species and sex specified in the permit during the period of validity of the permit, which shall be seven days, which period shall commence and terminate at midday on a Friday.

(4) A permit issued under the provisions of subregulation (1) shall not be transferable.

Duty of Licensing Officer

7. A licensing officer shall in the exercise of his functions under these regulations comply with such directions as may be given him being directions consistent with the provisions of these regulations, by the Chief Game Warden.

Refusal of Permits

8. (1) A licensing officer shall refuse to issue a permit —

- (a) if its issue would result in the hunting of animals other than in accordance with a determination of the Chief Game Warden under regulation 5;
- (b) where by reason of the grant of any rights by the tribe to any person within the controlled hunting area, the applicant for the permit has no right of entry into the area for the purposes of hunting.

(2) A licensing officer may refuse to issue a permit where the applicant has been convicted of any offence under the Fauna Conservation Proclamation, 1961 or any statutory instrument thereunder, or under these regulations and may cancel any permit which has been issued, for the same reason, and, upon the holder of such permit being notified of such cancellation he shall, for the purposes of these regulations, be deemed not to be the holder of a permit.

Rights of Entry Conferred by a Permit

9. A permit shall not authorize the holder thereof to enter any part of a controlled hunting area in respect of which any rights have been granted by the tribe to any other person if such entry would be inconsistent with such grant.

Deposits

10. (1) Prior to issuing a permit to a non-resident under the provisions of regulation 6, the licensing officer may require the payment to him of such sum of money, not exceeding R300, as he may determine, as security for the due performance by the permit holder of his obligations under these regulations and the Fauna Conservation Proclamation, 1961.

(2) On the expiry of the period of validity of a permit, and in the event of the holder thereof having complied with the provisions of these regulations and of the Fauna

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Conservation Proclamation, 1961, the sum paid under the provisions of subregulation (1) shall, on application, be refunded to the person who made the payment.

Reporting to Police

11. Except with the written permission of the licensing officer the holder of a permit, not being a resident, shall report at a police station designated for the purpose by the Chief Game Warden by notice in the Gazette —

- (a) prior to hunting within a controlled hunting area in accordance with such permit;
- (b) after hunting within a controlled hunting area in accordance with such permit:

Provided that he shall so report by midday on the day on which his permit expires.

Guides

12. (1) Except with the written permission of the licensing officer no holder of a permit, other than a resident, may hunt in terms of such permit unless he is accompanied by a guide.

(2) Guides shall be entitled to remuneration at such rate as may from time to time be approved of by the Chief Game Warden.

Register of Animals to be Kept

13. The holder of a permit shall, upon killing or wounding an animal and in any event before such animal is abandoned, moved or cut up, as the case may be, endorse upon the reverse of his permit the species and sex of that animal.

Penalties

14. Any person who hunts or captures any animal in a controlled hunting area except in accordance with the provisions of these regulations shall be guilty of an offence and liable, on conviction, to the penalties prescribed in section 11 of the Proclamation.

FIRST SCHEDULE

THE FAUNA CONSERVATION (TRIBAL TERRITORIES CONTROLLED HUNTING AREAS) REGULATIONS, 1968

PERMIT TO HUNT IN TRIBAL TERRITORY IN A CONTROLLED HUNTING AREA

(not transferable)

(regulation 6)

In terms of regulation 6 of the Fauna Conservation (Tribal Territories Controlled Hunting Areas) Regulations 1968 permission is hereby granted to of to hunt the following number, sex and species of game animals in the Controlled Hunting Area during the period from noon, Friday the of 19..... to noon on Friday the of 19..... on payment of a fee of

This permit is issued subject to the condition that the holder is in possession of a valid game licence issued under the Fauna Conservation Proclamation, 1961 to cover all game animals for which this permit is issued.

Details of game killed or wounded must be entered on the register on the reverse of this permit before such game is either abandoned or cut up or the carcass removed.

Species	Sex	No.	Species	Sex	No.

The holder of this permit has paid a deposit of *

The holder of this permit has been exempted from the necessity of paying a deposit*

In terms of regulation 12(1) the holder of this permit must be accompanied by a guide.*

The holder of this permit is exempted from the necessity of being accompanied by a guide.*

The holder of this permit must report to a Police Station.*

The holder of this permit is exempted from the necessity of reporting to a Police Station.*

Date:
.....
 Licensing Officer

*Delete whichever is not applicable.

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(To be printed on reverse of the PERMIT TO HUNT IN TRIBAL TERRITORY IN A CONTROLLED HUNTING AREA)

REGISTER

<i>Species</i>	<i>Date</i>	<i>Time</i>	<i>Area</i>	<i>Signature</i>

SECOND SCHEDULE

(regulation 6 (2))

Fees

Persons ordinarily resident in the controlled hunting areas	Free
Person ordinarily resident in Botswana but outside the controlled hunting areas	R5.00
Persons not ordinarily resident in Botswana	R20.00

P.W. REARDON,
Permanent Secretary

Ministry of Commerce, Industry and Water Affairs,
GABERONES.
29th March, 1968