

National Parks Act 1975

ACT NO. 11 OF 1975

[Date of Assent: 21-8-75]

[Commencement:]

ACT

To provide for the establishment and maintenance of national parks for the conservation of wild animal and fish life: the preservation of vegetation and objects of historical or scientific interest and for the enjoyment of visitors to such parks; to provide for the control, management and maintenance of such parks and for incidental matters.

Enacted by the Assembly

Short title
and
commence-
ment

1. This Act may be cited as the National Parks Act 1975, and shall come into operation on a date to be fixed by the Minister by notice in the Gazette.

Interpreta-
tion

2. In this Act, unless the context otherwise requires —

“animal” includes reptiles, amphibia, mammals, birds, insects and fish;

“Board” means the Board of Trustees appointed under the provisions of section 5;

“hunt” means —

(a) kill, injure, shoot at, capture, follow or search for;

(b) wilfully disturb or molest by any method; or

(c) lie in wait for with intent to kill, capture, injure or shoot at;

“national park” means any area of land constituted as a national park under the provisions of section 3;

“Minister” means the Minister responsible for the administration of this Act;

“vegetation” includes any form of vegetable matter alive or dead.

Setting aside
of land for
national
parks

3. (1) Whenever it is necessary to set aside land to be a national park, the King, acting in accordance with the advice of the Minister, shall declare that land to be so required.

(2) The provisions of Part IX of the Administration of Land Act 1973 (Act No. 16 of 1973) shall apply *mutatis mutandis* to any declaration made in terms of subsection (1).

Application

4. The Minister shall by notice in the Gazette declare any land set aside in terms of section 3(1) to be subject to the provisions of this Act.

5. (1) For the purposes of controlling, managing and maintaining national parks the Minister shall appoint a Board of Trustees which shall —

- (a) be a body corporate to be known by the name of the Lesotho National Parks Board of Trustees, with perpetual succession;
- (b) in its corporate name be capable of suing and being sued;
- (c) be capable of holding, purchasing or otherwise acquiring for the purposes of a national park any movable property and or alienating such property and, with the approval of the Minister, be capable of acquiring immovable property.

(2) The Board shall consist of nine persons appointed by the Minister by a notice in the Gazette.

(3) The chairman of the Board shall likewise be appointed by the Minister by a notice in the Gazette and shall be one of the persons appointed under subsection (2) of this section.

(4) In the absence of the chairman at any meeting of the Board the trustees present shall elect one of their number to be chairman for the purpose of that meeting.

(5) The following provisions shall apply in respect of persons appointed under the provisions of subsection (2) of this section —

- (a) a member of the Board of Trustees shall hold office for a period of three years as from the date of his appointment or for such lesser period as the Minister may determine except in the case of a member appointed to fill a vacancy on the Board occasioned otherwise than by effluxion of time, who shall hold office for the unexpired portion of the period for which his predecessor was appointed;
- (b) a member whose period of office has expired, shall be eligible for re-appointment;
- (c) if any member of the Board dies, is absent from Lesotho for a period of more than twelve months, is declared bankrupt, is convicted of a crime involving dishonesty, is convicted for an offence under the provisions of this Act and is sentenced to imprisonment or a fine exceeding R500, is found to be of unsound mind, is unable in the opinion of the Minister to perform the duties of his office satisfactorily, or resigns his office, the post of such member shall be deemed to be vacant and the Minister may appoint another member in his place.

(6) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(7) At any meeting of the Board five members shall form a quorum for the transaction of business.

(8) A decision of the majority of the members present and voting at a meeting of the Board shall be deemed to be the de-

cision of the Board; in the event of an equality of votes the chairman of the meeting shall have a casting vote as well as his original vote.

(9) The Board may from time to time make rules of the transaction of its business, including the power to appoint, from among its number, committees to which it may delegate authority to carry out such portions of the work committed to it as it may from time to time determine.

**Advisory
committee**

6. The Board may call to its meetings, or generally seek the advice of persons whose knowledge may be valuable on particular subjects or it may establish an advisory committee consisting of such persons.

**Duty of
Board**

7. (1) It shall be the duty and function of the Board to control, manage and maintain national parks.

(2) The Board may within a national park —

(a) construct such roads, bridges, airfields, buildings and fences, provide water supplies and carry out such other works as it may consider necessary for the purposes of such national park;

(b) take such steps as will ensure the preservation and security of animals and vegetation;

(c) reserve or set aside any portions of such park as breeding places for animals, and as nurseries for vegetation;

(d) establish amenities for visitors.

(3) The Board may sell or exchange animals and vegetation in a national park and may by purchase, exchange or otherwise acquire any such animals or vegetation which it considers desirable to introduce into a national park.

(4) The Board shall control and manage any object of aesthetic, geological, prehistoric, archaeological, historical or scientific interest within a national park.

**Board may
appoint
officers and
Servants**

8. (1) The Board may, from time to time, appoint such officers, including honorary officers, and servants as it may deem necessary for the carrying out of the objects of this Act, and may in its discretion, remove or dismiss such officers and servants.

(2) The officers and servants of the Board shall be paid such salaries, allowances, wages, gratuities and retiring benefits, as the Board may deem reasonable and proper.

(3) The Board may make provision for the payment to any member of the Board of any expenses reasonably incurred by such member in the exercise of his duties as a member and to any person who has given advice to the Board in terms of section 6.

**Revenue of
Board**

9. (1) The revenues of the Board shall include such monies as may be appropriated to it by the Assembly and such other monies as it may receive from voluntary subscriptions, donations, bequests, investments, grants or fees levied or revenue derived from any enterprise operated by or on behalf of the Board.

(2) The Minister may authorise the Board to borrow money subject to prior consultation with the Minister responsible for Finance.

10. (1) The Board shall keep a full and correct account of all moneys received and expended by it and shall, every twelve months, submit a report of its operations accompanied by an audited statement of its revenue and expenditure to the Minister.

Board to keep accounts

(2) The accounts of the Board shall be subject to an annual audit by the Auditor-General and shall be laid before the Assembly.

Hunting of animals

11. (1) No person shall without a permit in writing signed by the chairman of the Board or his duly authorised representative hunt, collect or disturb any animal, egg, nest or vegetation, within a national park or be in possession or control of any animal, egg, nest or vegetation within the confines of any such park or remove any animal, egg, nest or vegetation from such park:

Provided that —

(a) the provisions of this subsection shall not apply to any domestic animal or product lawfully introduced into a national park; and

(b) the chairman of the Board may delegate his powers under this subsection to any person in charge of a national park in order that such a person may grant permits for the hunting and destruction of any dangerous, destructive, diseased or sick animal whose presence in a national park is detrimental to the interests of the park.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R600 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

12. The Minister may, after there has been consultation with the Board, make regulations —

Regulations

(a) prescribing in respect of national parks the fees payable; the conditions under which any person may enter, travel through or reside in any such park;

(b) prohibiting or regulating the bringing into and possession within any national park of any weapon, explosive, trap or poison;

(c) prescribing the conditions under which all or any species of any animal may be photographed in any national park;

(d) prohibiting or regulating the lighting of fires in national parks;

(e) prescribing the conditions under which any domestic animal may be brought into a national park and prohibiting the bringing into any park of any wild animal;

- (f) prohibiting or controlling the cutting, damaging or removal of any fencing and vegetation within national parks;
- (g) prohibiting the destruction, defacing or removal of any object whether animate or inanimate in national parks;
- (h) prescribing conditions subject to which amenities may be operated or used;
- (i) for the purposes of carrying out the principles and objects of this Act.

Powers of officers of the board

13. (1) Any person authorised in writing for the purpose by the Board shall, in respect of any offence committed within a national park, have the powers of arrest conferred upon a police officer by the Criminal Procedure and Evidence Proclamation, and shall further have the power to arrest without a warrant within a national park, or outside a national park within a distance of five miles from the boundary thereof, any person suspected upon reasonable grounds of having contravened any of the provisions of this Act or of any regulations made thereunder.

(2) Any person authorised in writing in that behalf by the Board shall have the power to search without a warrant within a national park or outside a national park within a distance of five miles from the boundary thereof, any person suspected upon reasonable grounds of having contravened any of the provisions of this Act or of any regulations made thereunder.

(3) Any person authorised in writing in that behalf by the Board shall have the power to search without a warrant within a national park or outside a national park within a distance of five miles from the boundary thereof, any person, tent, place, premises, vehicle or receptacle whatsoever suspected upon reasonable ground of containing any animal, vegetation, or article which may afford any evidence of contravention of the provisions of this Act, or of any regulations made thereunder and may seize any such animal, vegetation or article so found.

Prospecting or mining

14. Subject to any rights lawfully acquired by any person before the commencement of this Act, and notwithstanding the provisions of any law for the time being in force in Lesotho relating to mining, no prospecting or mining for minerals shall be carried out on any land situated within a national park except with the consent in writing of the Minister, after consultation with the Board.

Indemnity to the board

15. No member of the Board shall incur any personal liability for any loss or damage caused by any act or omission in the administration of the affairs of the Board unless such loss or damage be occasioned by an intentionally wrongful act or gross negligence on his part.

Penalties

16. (1) Any person who contravenes any provisions of this Act or any regulation made thereunder shall be guilty of an offence and shall, on conviction be liable, where no other penalty

is specifically provided, to a fine not exceeding R400 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any domestic animal found unlawfully within a national park or doing any damage in a national park or in any way interfering within any game in a national park may be destroyed or impounded by any officer or servant of the Board.

(3) Any vegetation introduced into a national park in contravention of the provisions of this Act may, by order of the Board or any officer or servant of the Board duly authorised by it in that behalf, be destroyed.