

[English text signed by the Premier]

**KWAZULU-NATAL NATURE CONSERVATION MANAGEMENT
AMENDMENT ACT, 1999
NO. 5 OF 1999**

Assented to on 1999-05-26

GENERAL EXPLANATORY NOTE:

[] *Words in bold type in square brackets indicate omissions from existing enactments.*

_____ *Words underlined with solid line indicate insertion in existing enactments.*

ACT

To amend the KwaZulu-Natal Nature Conservation Management Act, 1997 (Act No. 9 of 1997) so as to insert certain additional definitions; to amend the definition of "protected area"; to provide for the appointment of honorary officers; to provide for the conservation of plants and animals; to provide for the control of hunting; to provide a procedure for the issue and enforcement of permits; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Province of KwaZulu-Natal, as follows:

Amendment of section 1 of Act 9 of 1997

1. Section 1 of the KwaZulu-Natal Nature Conservation Management Act, 1997 (Act No. 9 of 1997) (hereinafter referred to as "the principal Act"), is amended:

(a) by inserting the following definition after the definition of "affected officials":

"approved" means approved by the Minister;

- (b) *by inserting the following definitions after the definition of "Board":*
- (i) *"candidate protected area" means an area declared by the Minister as a candidate protected area under section 48; and*
 - (ii) *"capture" includes immobilise;*
- (c) *by inserting the following definition after the definition of "Chief Executive Officer":*
- "client" means a person who pays or rewards a landowner, professional hunter or hunting-outfitter, or his or her agent, for or in connection with the hunting of an animal;*
- (d) *by inserting the following definition after the definition of "the Constitution":*
- "convey" means to transport by means of a mechanised mode of transport, including a motor vehicle, boat, train or an aircraft;*
- (e) *by inserting the following definition after the definition of "Department":*
- "Director of a Professional Hunting School" means a person who conducts prescribed courses to educate and assess prospective professional hunters and hunting-outfitters;*
- (f) *by inserting the following definitions after the definition of "employees":*
- (i) *"environment" means the physical, natural and living environment;*
 - (ii) *"export" means to transfer from a place in the Province to a place outside the Province; and*
 - (iii) *"gather" means to pick, uproot, cut, damage, destroy or remove, whether wholly or partially;*
- (g) *by inserting the following definitions after the definition of "Gazette":*
- (i) *"growing in the wild" in relation to an indigenous plant means growing in a place other than one where the plant has been intentionally cultivated; and*
 - (ii) *"harm" includes injure and kill;*

- (h) *by inserting the following definition after the definition of "heritage resource":
 "honorary officer" means a person appointed as an honorary officer by the Board;";*
- (i) *by inserting the following definitions after the definition of "House of Traditional Leaders":*
- (i) *"hunt" in relation to an animal other than a domestic animal means:*
- (a) *to capture or harm or attempt to capture or harm by any means, including but not limited to the use of weapons, snares, lures, bait or an animal trained for the purpose of hunting; or*
- (b) *to search for, lie in wait for or intentionally disturb, drive or pursue, with the intention to capture or harm;";*
- (ii) *"hunting-outfitter" means a person who organises for reward the hunting of an animal for a client;";*
- (iii) *"hybrid" means the off-spring of two animals or plants of different species or variety;";*
- (iv) *"implement" in relation to the capture or harm of an aquatic animal means any net, lure, hook, harpoon, spear, trap or other apparatus;";*
- (v) *"import" means to transfer from a place outside the Province to a place within the Province;";*
- (vi) *"indigenous" means naturally occurring in South Africa, whether permanently or during migration;";*
- (vii) *"indigenous animal" includes both living and dead indigenous animals, and any part or produce of the animal, but excludes a domestic animal;";*
- (viii) *"indigenous plant" includes both living and dead indigenous plants, and any part or produce of the plant, but excludes a plant which is a noxious weed under any law;";*
- (ix) *"introduce" means to release an animal into or establish a plant in*

an area to which it is not indigenous, but, in the case of a plant, excludes a domestic garden;?; and

(x) *? ?licence? means a licence issued under this Act;?;*

(j) *by inserting the following definitions after the definition of ?nature conservation?:*

(i) *? ?net? excludes a butterfly net;?;*

(ii) *? ?officer? means a person appointed as an officer by the Board, permanently or temporarily;?; and*

(iii) *? ?official? in relation to the Conservation Service includes a public servant who has been seconded to the Conservation Service;?;*

(k) *by inserting the following definition after the definition of ?organ of State?:*

? ?owner? in relation to land means the person in whose name that land is registered, or his, her or its authorised representative;?;

(l) *by inserting the following definitions after the definition of ?Parliament?:*

(i) *? ?part or produce?-*

(a) *in relation to an animal, means any part of an animal, whether alive or dead, and includes any derivative, fat or blood, whether fresh, preserved, processed or manufactured, and also any tooth, tusk, bone, head, horn, shell, claw, hoof, hide, skin, hair, embryo or other immature stage, egg or egg shell, feather or other durable portion of an animal, whether preserved, processed, manufactured or not; and*

(b) *in relation to a plant, means the seed, spore, pollen or tissue culture of the plant, whether preserved, processed, manufactured or not;?; and*

(ii) *? ?permit? means a permit issued under this Act;?;*

(m) *by inserting the following definition after the definition of ?Portfolio Committee?:*

? ?possession? means to have custody or control of an animal, a plant or a hybrid, or any part or produce of the animal, plant or hybrid, and includes to keep on one?s person, or in any container, object, vehicle or property, or to have planted or placed unplanted on any land, or in the process of being

~~relocated, the animal, plant, hybrid, part or produce;?~~

(n) *by inserting the following definition after the definition of "prescribed":*

~~"professional hunter" means a person who is qualified, in the prescribed manner, as a professional hunter and who offers or agrees to escort a client for reward to enable the client to hunt an animal;?~~

(o) *by the substitution for the definition of "protected area" of the following definition:*

~~"protected area" means any area:~~

~~(a) declared or proclaimed as [such in terms of] a protected area under section 3; [or]~~

~~(b) listed in the Second Schedule [to this Act]; or~~

~~(c) proclaimed in terms of:~~

~~(i) national legislation and assigned to the province; or~~

~~(ii) provincial legislation,~~

~~: Provided that the section 47(2) powers shall not apply in respect of protected areas defined under paragraph (c) of this definition;?~~

(p) *by inserting the following definitions after the definition of "Secretary":*

~~(i) "sell" includes donate, offer, advertise, display, expose for sale, exchange or dispose of to any person in any manner, whether for a consideration or otherwise;?~~

~~(ii) "snare" means a noose of string, wire or other material which can be used to capture or harm an animal;?~~

~~(iii) "special protective measure" means a prohibition or restriction on the hunting of an animal or hybrid, or on the gathering of a plant or hybrid;?~~

~~(iv) "specially protected indigenous animal" means an animal, alive or dead, or any part or produce of the animal, as listed in the Fourth Schedule;?~~

~~(v) "specially protected indigenous plant" means a plant, alive or dead, or part or produce of that plant, listed in the Sixth Schedule;? and~~

(vi) *? ?species? includes a subspecies of plant or animal?;*

(q) *by inserting the following definition after the definition of ?this Act?:*

(i) *? ?traditional healer? means a traditional medicine man or woman who utilises traditional medicines in effecting cures, and includes iZangoma, iziNyanga and abaThandazi?;*

(ii) *? ?traditional hunter? means a person, on foot, who hunts an animal using a dog or a traditional weapon, but not by means of a firearm?;*
and

(iii) *? ?trap? means a steel spring jaw trap, a gin trap, a trap utilising a trapdoor, a caged trap, a commercially manufactured fish trap and a trapgun?;*

(r) *by inserting the following definitions after the definition of ?tribal authority?:*

(i) *? ?trophy? means any part or produce of an animal which has been preserved and which may be used for the purposes of display?;*

(ii) *? ?weapon? means -*

(a) a firearm and ammunition therefor; and

(b) any other instrument or projectile, capable of being used to capture or harm an animal; and?; and

(iii) *? ?year? means any period of twelve consecutive months.?*

Re-numbering of section 3 of Act 9 of 1997

2. *Section 3 is deleted from Chapter 2 of the principal Act and inserted, as amended, in the new Chapter 6, as section 47.*

Amendment of section 4 of Act 9 of 1997

3. *Section 4 of the principal Act is amended:*

- (a) *by the substitution for subsection (5) of the following subsection:*

?(5) An invitation [contemplated in] under subsection (4)(a) must specify:

- (a) the method of submission; [and]*
- (b) [a] the date by which [such] nominations are to reach the Minister; and*
- (c) that the need for the Board to reflect broadly the demographic composition of the province will be considered by the selection committee when compiling the short list, and by the Minister when appointing the Board members. ?; and*

- (b) *by the insertion of the following paragraph after subsection (7)(e):*

?(f) The need for the Board to reflect broadly the demographic composition of the province must be considered by the selection committee when compiling the short list, and by the Minister when appointing the Board members. ?.

Amendment of section 5 of Act 9 of 1997

4. *Section 5 of the principal Act is amended by substituting the following subsection for section 5(2)(e):*

- ?(e) arrange with any insurer for the provision of insurance cover for the Chief Executive Officer and other members of the Board, and for officers, honorary officers and employees of the Conservation Service, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties; ?.*

Re-numbering of sections 21, 22, 23 and 24 in Chapter 4 of Act 9 of 1997

5. *Section 21 is re-numbered as section 24, and amended in accordance with paragraph 6 of this Amendment Bill.
Consequentially, sections 22, 23 and 24 of the principal Act are re-numbered sections 21, 22 and 23, respectively.*

Amendment of section 21 of Act 9 of 1997

6. *Section 21 of the principal Act {now re-numbered section 24} is amended by the insertion of the following subsection after subsection (5):*

~~?(6) Subject to the terms and conditions deemed appropriate by it, the Board may:~~

- ~~(a) appoint a person as an honorary officer of the Conservation Service;~~*
- ~~(b) grant to or impose upon an honorary officer the powers, duties and functions as the Board deems fit: Provided that the powers, duties and functions may not exceed those granted to or imposed upon an officer: Provided further that different powers, duties and functions may be granted to or imposed upon different honorary officers or classes of honorary officer; and~~*
- ~~(c) rescind, extend or vary any appointment, power, duty or function under paragraphs (a) and (b). ?.~~*

Re-numbering of sections 25 to 39 of Act 9 of 1997

7. *Sections 25 to 39, both inclusive, of the principal Act are re-numbered sections 32 to 46, respectively.*

Insertion of sections 25 to 31 in Chapter 4 of Act 9 of 1997

8. *The following sections are inserted in the principal Act after the re-numbered section 24:*

~~?Powers of honorary officers~~

25. *~~(1) For the purposes of sections 26, 29, 30 and 31, any reference to an officer includes an honorary officer.~~*

- (2) *For the purposes of section 28, any reference to an officer includes an honorary officer to whom the powers of arrest have been granted by the Board.*

Issue of firearms

26. *The Board may, subject to the provisions of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), issue to an officer the firearms and ammunition or other weapons which it deems necessary for the proper exercise or performance by the officer of his or her powers and duties.*

Designation of officers with powers of arrest

27. (1) *Subject to any other law, the Board may, for the purposes of this Act, designate any officer as an officer with powers of arrest.*
- (2) *A certificate of designation, in the prescribed form, issued by the Board, and certifying that an officer has been designated as an officer with powers of arrest, shall be prima facie proof of the designation.*

Arrest without a warrant

28. *An officer designated under section 27(1) as an officer with powers of arrest may arrest without a warrant any person suspected upon reasonable grounds of having contravened this Act, on condition that the officer has reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant.*

General powers of officers

29. (1) *An officer may-*
- (a) *demand of a person found performing or reasonably suspected of having performed an act for which a permit, permission or other authority is required under this Act, that the person produces the permit, permission or other authority;*
- (b) *demand the name and place of residence of a person committing or reasonably suspected of committing an offence under this Act;*
- (c) *inspect and examine any weapon, trap, snare, vehicle, implement, boat, device, instrument or other article reasonably suspected of being*

used or having been used for any purpose in contravention of this Act, and seize and take possession of the article; and

(d) seize and take possession of an animal, plant, or hybrid, or any part or produce of the animal, plant or hybrid, in respect of which an offence under this Act has or is reasonably suspected of having been committed.

(2) An officer may, if he or she has reasonable grounds to believe that:

(a) evidence of the commission of an offence under this Act is to be found on any land or premises;

(b) an application for the issue of a search warrant would be successful; and

(c) the delay in obtaining a search warrant would defeat the object of a search,

enter upon the land or premises without permission and without a search warrant, and search the land, premises or any building, tent, camping place, vehicle or receptacle and take possession of any article which he or she believes will afford evidence of the commission of the offence.

(3) An officer acting under subsection (2) must, within a reasonable time of the entry, report to the Conservation Service the circumstances connected with the entry, search or seizure.

Identification when officer not in uniform

30. If an officer is not wearing the uniform of the Conservation Service when effecting the arrest of a person or exercising any authority under this Act, he or she must produce proof of appointment as an officer.

Exemption of officers and other specified persons from any of the provisions of this Act

31. (1) The Minister may, on the recommendation of the Board, subject to the terms, conditions and period of validity which he or she deems fit, in writing exempt any officer or person from a provision of this Act or of any notice, proclamation or regulation issued or made under this Act.

(2) The Minister may, after consultation with the Board, in writing revoke,

extend, amend or substitute an exemption granted under subsection (1). ?

Consequential re-numbering of sections 40, 41, 42, 43, 44, 45, 46 and 47, and Chapters 6 and 7 of Act 9 of 1997

9. *Sections 40, 41, 42, 43, 44, 45, 46 and 47 of the principal Act are re-numbered sections 83, 84, 88, 89, 90, 91, 92 and 93, respectively, and Chapters 6 and 7 of the principal Act are re-numbered Chapters 12 and 13, respectively.*

Insertion of new Chapters 6, 7, 8, 9, 10, 11 and 12 in Act 9 of 1997

10. *The following Chapters are inserted in the principal Act after the re-numbered section 46; section 3 of the principal Act is amended by the re-numbering thereof as section 47, and the substitution for the section of the following section:*

?CHAPTER 6: PROTECTED AREAS

Protected areas

- ~~47.~~ (1) *[The Minister must, in consultation with the Board and the Portfolio Committee, prescribe categories of protected areas, together with objectives of each category.]*

The categories of protected areas, and the objectives of each category, are listed in the Third Schedule.

- (2) *The Minister may, by notice in the Gazette:*

- (a) *proclaim an area described in [such] the notice to be a protected area, and specify the category of the protected area;*
 (b) *amend the boundaries of a protected area;*
 (c) *assign a name or names to a protected area, and vary or withdraw [such] the name or names; and*
 [(d) *subject to the provisions of this Act and any other applicable law, designate or vary the designation of the category of a protected area; and*
 (e)](d) *subject to the prior approval of [the] Parliament by [way of a] resolution, deproclaim a protected area in whole or in part, or vary the proclaimed category of a protected area.*

- (3) (a) *Subject to paragraph (b), the Minister must, by notice in the Gazette, proclaim which category listed in the Third Schedule is the relevant category for each protected area listed in the Second Schedule.*

- (b) *Different parts of a protected area listed in the Second Schedule may be proclaimed under different categories.*

~~[(3)](4)~~ *In exercising the [discretion referred to in] subsection (2) and (3) discretionary powers, the Minister must only act:*

- (a) on the recommendation of the Board;*
- (b) after consultation with the Portfolio Committee;*
- (c) in consultation with the owners of any [land] affected land [thereby];*
- (d) in consultation with the tribal authority within whose jurisdiction [any such] the land is situated; and*
- (e) after consultation with the holders of any other real rights in and to the land.*

Candidate protected areas

48. *(1) The Minister, upon the recommendation of the Board, may by notice in the Gazette declare any area defined in the notice to be a candidate protected area.*

(2) A declaration under subsection (1) may only be made for the purpose of protection of the area in question pending investigation into the desirability of its declaration as a protected area under section 47.

(3) The Board must immediately undertake the investigation under subsection (2) and must, within sixty days of publication of the notice referred to in subsection (1), recommend in writing to the Minister whether or not the area in question should be set aside as a protected area.

(4) The provisions of this Act relating to protected areas apply to candidate protected areas.

Suspension of activities in protected areas

49. *(1) The Minister may, after consultation with the Portfolio Committee and the Board, suspend any activity or act in any or all protected areas or in a part or parts of those protected areas.*

(2) A suspension under subsection (1) may be for an indefinite or specified period and may at any time be withdrawn, extended, renewed or varied.

(3) If the Board, a local board or an official of the Conservation Service makes written representation to the Minister for the withdrawal or variation of a suspension under subsection (1), the Minister must, within sixty days of

having received the representation and after consultation with the Portfolio Committee, confirm, amend or withdraw the suspension.

Offences and penalties in respect of protected areas

50. (1) *A person in a protected area who intentionally, negligently or without the authority of the Board:*
- (a) *gathers any indigenous plant, indigenous plant community or indigenous vegetation;*
 - (b) *hunts an indigenous animal;*
 - (c) *damages or defaces any movable or immovable property belonging to the Conservation Service;*
 - (d) *disturbs the natural peace and tranquility of the area in a manner which diminishes or detracts from the ordinary enjoyment of the area by visitors;*
 - (e) *lights a fire in any place other than one specifically set aside for the lighting of fires, or leaves any fire unattended;*
 - (f) *introduces an animal;*
 - (g) *introduces a plant;*
 - (h) *performs any act which is or could be dangerous or prejudicial to the well-being of any form of life;*
 - (i) *discards waste at any place other than a place or in a receptacle specifically set aside for the collection of waste;*
 - (j) *causes pollution of the atmosphere, soil, surface water or subterranean water;*
 - (k) *deposits or spreads any chemical or other compound which does or could cause the injury, illness or death of any animal or harm any plant;*
 - (l) *constructs, develops or erects any structure, whether permanent or temporary, in any place other than a place specifically set aside for that activity; or*

(m) damages, defaces or collects any natural object or cultural artefact, commits an offence and is liable to imprisonment for a period not exceeding five years, or a fine, or to both imprisonment and a fine.

(2) Where the offence under subsection (1) relates to:

- (a) an indigenous animal, the section 57 penalties are applicable; and*
- (b) an indigenous plant, the section 65 penalties are applicable.*

CHAPTER 7: INDIGENOUS ANIMALS

Classification of indigenous animals

51. An animal listed in-

- (a) the Fourth Schedule is a specially protected indigenous animal; and*
- (b) the Fifth Schedule is a protected indigenous animal.*

Specially protected and protected indigenous animals

52. No person may capture, harm, hunt, purchase, release, sell or translocate a specially protected indigenous animal or a protected indigenous animal, except under the authority of a permit issued by the Conservation Service and in accordance with any special protective measures under section 55.

Possession of specially protected and protected indigenous animals

53. A person found in possession of a specially protected indigenous animal or a protected indigenous animal about which there is a reasonable suspicion that:

- (a) the animal has not been lawfully acquired from a person entitled to sell it;*
or

- (b) *the possession of the animal is not authorised by a relevant permit, and who is unable to give a satisfactory account of his or her possession, commits an offence.*

Export, import, introduction and transport of indigenous animals

54. *No person may export, import, introduce or transport an indigenous animal, except under the authority of a permit issued by the Conservation Service and in accordance with any special protective measures under section 55.*

Special protective measures

55. (1) *Notwithstanding any other power granted to the Minister to formulate policy on matters related to nature conservation, the Minister may direct the Board to formulate and propose specific policy, protective measures or special conditions prescribing actions taken under sections 52, 54 and 66 to promote or ensure the conservation of any protected or specially protected indigenous animal and the ecosystems and environments upon which the animal is dependant for survival.*
- (2) *The Minister in, consultation with the Board, may by proclamation in the Gazette for the purpose of this Chapter provide for the coming into existence of the special protective measures under subsection (1), whether in relation to the whole of the province or a specified area or areas of the province.*

Destruction of marauding animals

56. *An animal not under the immediate control of its owner or the person having lawful custody of the animal, which attacks, attempts to attack or is in pursuit of an indigenous animal, may be immediately destroyed by the owner of the land on which the attack or pursuit takes place, the relevant tribal authority or an officer.*

Offences and penalties in respect of indigenous animals

57. (1) *A person who contravenes this Chapter or the relevant regulations commits an offence and is liable:*
- (a) *if the contravention is in relation to a specially protected indigenous*

animal, to imprisonment for a period not exceeding fifteen years, a fine or both imprisonment and a fine; or

(b) if the contravention is in relation to a protected indigenous animal, to imprisonment for a period not exceeding ten years, a fine or both imprisonment and a fine.

(2) Section 300 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) shall apply in respect of a person convicted of a contravention of this Chapter.

(3) Where an animal involved in an offence under this Chapter was not the property of a person who may apply for a compensation award under section 300 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the animal shall be deemed to belong to the Conservation Service for the purposes of the compensation award only.

CHAPTER 8: INDIGENOUS PLANTS

Classification of indigenous plants

58. A plant listed in-

(a) the Sixth Schedule is a specially protected indigenous plant; and

(b) the Seventh Schedule is a protected indigenous plant.

Specially protected indigenous plants

59. No person may gather, export, import, introduce, purchase, sell, relocate or translocate a specially protected indigenous plant except under the authority of a permit issued by the Conservation Service and in accordance with any special protective measures under section 63.

Possession of specially protected indigenous plants

60. A person found in possession of a specially protected indigenous plant about which there is a reasonable suspicion that:

- (a) the plant has not been lawfully acquired from a person entitled to sell it; or*
 - (b) the possession of the plant is not authorised by a relevant permit,*
- and who is unable to give a satisfactory account of his or her possession, commits an offence.*

Protected indigenous plants

61. (1) *No person may:*

- (a) gather a protected indigenous plant growing in the wild; or*
- (b) convey, export or sell a protected indigenous plant,*

except under the authority of a permit issued by the Conservation Service and in accordance with any special protective measures under section 63.

(2) A person may only purchase a protected indigenous plant from a person who is legally entitled to sell the plant.

Written permission of owner or tribal authority to gather or transport indigenous plants

62. (1) *No person may gather or transport an indigenous plant growing in the wild except with the prior written permission of:*

- (a) the owner of the land on which it was gathered or from which it was transported; or*
- (b) the relevant tribal authority.*

(2) The person under subsection (1) must produce the written permission when called upon to do so by an officer, a member of the South African Police Services or a peace officer.

Special protective measures

63. (1) *Notwithstanding any other power granted to the Minister to formulate policy on matters related to nature conservation, the Minister may direct the Board*

to formulate and propose specific policy, protective measures or special conditions prescribing actions taken under sections 59 and 61 to promote or ensure the conservation of any protected or specially protected indigenous plant and the ecosystems and environments upon which the plant is dependant for survival.

- (2) *The Minister, in consultation with the Board, may by proclamation in the Gazette for the purpose of this Chapter provide for the coming into existence of the special protective measures under subsection (1), whether in relation to the whole of the province or a specified area or areas of the province.*

Traditional Healers

64. (1) *Subject to sections 62 and 68, a traditional healer may only:*
- (a) *gather a specially protected or protected indigenous plant growing in the wild;*
 - (b) *hunt an indigenous animal; or*
 - (c) *possess a specially protected or protected indigenous animal, or a specially protected or protected indigenous plant,*
if he or she is the holder of the relevant permit under sections 77 and 78.
- (2) *The Minister, on the recommendation of the Board and after consultation with the House of Traditional Leaders, may prescribe:*
- (a) *the requirements which must be satisfied by an applicant before a permit under this section may be issued; and*
 - (b) *the conditions which must be complied with by the holder of a permit under this section.*

Offences and penalties in respect of indigenous plants

65. (1) *A person who contravenes this Chapter commits an offence and is liable:*
- (a) *if the contravention is in relation to a specially protected indigenous plant, to imprisonment for a period not exceeding fifteen years, a fine or both imprisonment and a fine; or*
 - (b) *if the contravention is in relation to a protected indigenous plant, to*

imprisonment for a period not exceeding ten years, a fine or both imprisonment and a fine.

- (2) *Section 300 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) shall apply in respect of a person convicted of a contravention of this Chapter.*
- (3) *Where a plant involved in an offence under this Chapter was not the property of a person who may apply for a compensation award under section 300 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the plant shall be deemed to belong to the Conservation Service for the purposes of the compensation award only.*

CHAPTER 9: HUNTING

Hunting of specially protected and protected indigenous animals prohibited

66. *No person may hunt a specially protected indigenous animal or a protected indigenous animal, except under the authority of a permit issued by the Conservation Service and in accordance with any special protective measures under section 55.*

Restricted hunting methods

67. *No person may hunt from a vehicle or aircraft, or by means of using an animal, electrical device, explosive, net, noose, poison, snare, trap or artificial light, unless he or she is the holder of a permit issued by the Conservation Service which authorises the use of the relevant means of hunting.*

Written authority from owner of land or tribal authority

68. *No permit issued under this Act may authorise the holder to enter upon any land to execute any action under the permit unless he or she has the written authority of the owner or relevant tribal authority to do so.*

Operating as a professional hunter, a hunting-outfitter or director of a professional hunting school

69. (1) *No person may act as:*

- (a) a professional hunter;*
 - (b) a hunting-outfitter; or*
 - (c) a Director of a Professional Hunting School,*
unless he or she is the holder of the relevant permit.
- (2) The Minister, on the recommendation of the Board, may prescribe:*
- (a) the requirements which must be satisfied by an applicant before a permit under subsection (1) may be issued; and*
 - (b) the conditions which must be complied with by the holder of a permit under subsection (1).*

Hunting of specially protected or protected indigenous animals by a client

- 70. (1) A client may not hunt a specially protected indigenous animal or a protected indigenous animal unless:*
- (a) the hunt has been organised by a hunting-outfitter; and*
 - (b) the client is escorted by a professional hunter.*
- (2) A professional hunter must ensure that the client does not contravene this Act or the conditions of any applicable permit under sections 77 and 78, and the client must comply with any lawful instruction issued by the professional hunter.*

Permission from owner of land or tribal authority to hunting-outfitters

- 71. (1) A hunting-outfitter must not undertake or arrange the hunting of an animal for a client unless the hunting-outfitter has the prior written permission of:*
- (a) the owner of the land upon which the hunting is to be undertaken; or*
 - (b) the relevant tribal authority.*
- (2) The written permission under subsection (1) must specify:*
- (a) the name of the property and the area in which it is located;*

- (b) *the species of animal to be hunted; and*
- (c) *the numbers of each gender which may be hunted.*

Traditional hunters

72. (1) *Subject to section 71, a person may only undertake or participate in a traditional hunt if he or she is the holder of the relevant permit under sections 77 and 78.*
- (2) *A traditional hunting permit is only valid for:*
- (a) *one specified traditional hunt;*
 - (b) *the specified period, being the maximum duration of the hunt; and*
 - (c) *a traditional hunt in a specified area.*
- (3) *The Minister, on the recommendation of the Board and after consultation with the House of Traditional Leaders, may prescribe:*
- (a) *the requirements which must be satisfied by an applicant before a permit under this section may be issued; and*
 - (b) *the conditions which must be complied with by the holder of a permit under this section.*

Offences and penalties in respect of hunting

73. (1) *A person who:*
- (a) *contravenes this Chapter or fails to comply with the conditions of a permit under sections 77 and 78; or*
 - (b) *when applying for a permit under sections 77 and 78, knowingly makes a false statement,*
- commits an offence and is liable to imprisonment for a period not exceeding ten years, a fine or both imprisonment and a fine.*
- (2) *A permit issued under this Act and held by a person convicted of an offence under subsection (1) shall be deemed to be cancelled from the date:*

- (a) of conviction;*
 - (b) on which an appeal against the conviction is refused; or*
 - (c) on which the conviction is upheld on review,*
- whichever is the later date.*
- (3) A person who was the holder of a permit cancelled under subsection (2) may not re-apply for another permit within three years from the date of cancellation.*

CHAPTER 10: NON-INDIGENOUS SPECIES AND HYBRIDS

Special protective measures in respect of certain non-indigenous animals, non-indigenous plants or hybrids

- 74. The Minister, in consultation with the Board, may prescribe special protective measures in respect of a non-indigenous animal, non-indigenous plant or hybrid.*

Release of non-indigenous animals or hybrids, or introduction of non-indigenous plants or hybrids

- 75. (1) Subject to subsection (2), no person may import or introduce a non-indigenous plant or animal or hybrid unless he or she is in possession of a permit issued by the Conservation Service.*
- (2) The Minister may by notice in the Gazette exempt a non-indigenous plant or animal or hybrid and any area defined in the notice from subsection (1).*

Offences and penalties in respect of non-indigenous species and hybrids

- 76. A person who contravenes this Chapter commits an offence and is liable to imprisonment for a period not exceeding ten years, a fine or both imprisonment and a fine.*

CHAPTER 11: PERMITS

Issue of permits

77. *A permit may only be issued by the Chief Executive Officer or a person authorised thereto in writing by the Chief Executive Officer, and is subject to the prescribed conditions and payment of the prescribed fees.*

Validity of permits

78. (1) *A permit issued under this Act:*
- (a) *is valid only for the purpose and the period for which it is issued;*
 - (b) *is not transferable from the person to whom it was issued;*
 - (c) *must be issued in legible script without alteration; and*
 - (d) *shall not be valid unless:*
 - (i) *the date, official stamp of the Conservation Service and the signature of the person under section 77 are recorded on the front of the permit; and*
 - (ii) *it bears the full names, identity number, physical address and signature of the person to whom the permit is issued.*
- (2) *Only the original permit constitutes proof of the issue of the permit.*

Production of permit

79. *A person claiming to act under a permit issued under this Act must, whenever so required by a magistrate, officer or peace officer:*
- (a) *produce the original permit to the magistrate, officer or peace officer;*
 - (b) *sign his or her name for the purposes of comparison with the signature appearing on the permit; and*
 - (c) *produce proof as to his or her identity.*

False declaration

80. ~~*A person who knowingly makes a false declaration, statement or report for the purposes of obtaining a permit or other authority under this Act, commits an offence.*~~

Offences and penalties in respect of permits

81. ~~*A person who contravenes this Chapter or the relevant regulations commits an offence and is liable to imprisonment for a period not exceeding two years, a fine or both imprisonment and a fine.*~~

CHAPTER 12: GENERAL*Amendment of Schedules*

82. ~~*Subject to the prior approval of Parliament by resolution, the Minister may, on the recommendation of the Board, by means of a notice published in the Gazette and with effect from a date specified in the notice, substitute or amend any of the Schedules. ?*~~

Re-numbering of section 40 of Act 9 of 1997

11. ~~*Section 40 of the principal Act is re-numbered as section 83.*~~

Amendment of section 41 of Act 9 of 1997

12. ~~*Section 41 of the principal Act is amended by the re-numbering thereof as section 84, and by the insertion of the following paragraphs after subsection (2)(h):*~~

- ~~*?(I) the utilisation or disposal of things seized by or forfeited to the Conservation Service under this Act;*~~
- ~~*(j) the requirements and conditions applicable to the granting of permits to a professional hunter, hunting-outfitter, director of a professional hunting school, traditional healer or traditional hunter;*~~
- ~~*(k) special protective measures in respect of an indigenous animal, indigenous plant, non-indigenous animal, non-indigenous plant or hybrid;*~~

(l) the format of the certificate of designation of an officer as an officer with powers of arrest under section 27(3); and

(m) the conditions and fees applicable to the issue of a permit under section 77?

Insertion of sections 85, 86 and 87 in Act 9 of 1997

13. *The following sections are inserted in the principal Act after section 84:*

?Offences and penalties

85. *A person who-*

- (a) contravenes or fails to comply with this Act or a regulation for which a penalty has not been provided;*
- (b) hinders or obstructs a member of the Board or the Conservation Service in the exercise of his or her powers and duties; or*
- (c) fails to comply with a lawful demand made by an officer under this Act, or intentionally gives false or misleading information in response to the demand;*

commits an offence and is liable to imprisonment for a period not exceeding five years, a fine, or both imprisonment and a fine.

Forfeitures

86. (1) *When a person is convicted of an offence under this Act, the court:*

- (a) must declare forfeited to the Conservation Service:*
 - (i) any animal, plant, hybrid, or part or produce of the animal, plant or hybrid, in respect of which an offence was committed; and*
 - (ii) any weapon, explosive, trap, snare, poison or other article used by the person in the commission of an offence; and*
- (b) (i) may, in the case of a first conviction; and*
- (ii) must, in the case of second or subsequent conviction;*

declare forfeited to the Conservation Service any vehicle, vessel, boat, craft, float or aircraft and any right, title and interest of the person in or to the vehicle, vessel, boat, craft, float or aircraft used in the

commission of the offence.

- (2) *The Chief Executive Officer must:*
- (a) *cancel the licence, permit or other authority issued to the person convicted;*
 - (b) *make a declaration that the person is ineligible to obtain a similar licence, permit or authority under this Act for a period not exceeding three years; and*
 - (c) *, in writing, inform the person concerned.*
- (3) *A forfeiture under subsection (1) shall be in addition to any other penalty or condition of sentence imposed by the court.*
- (4) *Notwithstanding subsections (1) and (2), the Minister may, if a written representation to the Minister is received by the Chief Executive Officer within twenty-one days of the date on which forfeiture, cancellation or disqualification is ordered:*
- (a) *authorise, upon the terms and conditions as he or she may determine, the return to the owner of any item declared forfeited under subsection (1); and*
 - (b) *authorise a person to apply for the issue or grant of a permit or other authority cancelled under subsection (2) prior to the expiration of the relevant period.*

Fines and fees

87. *All fines and estreated bail money recovered in respect of offences or alleged offences under this Act shall be payable to the Conservation Service. ?*

Re-numbering of section 42 of Act 9 of 1997

14. *Section 42 of the principal Act is re-numbered section 88.*

Re-numbering of Chapter 7 and sections 43, 44, 45 and 46 of Act 9 of 1997

15. Chapter 7 of the principal Act is re-numbered Chapter 13, and sections 43, 44, 45 and 46 of the principal Act are re-numbered sections 89, 90, 91 and 92, respectively.

Substitution of section 47 of Act 9 of 1997

16. *The following section is substituted for section 47 of the principal Act:*

?Short title [and date of commencement]

93. *This Act [is] shall be called the KwaZulu-Natal Nature Conservation [Management] Act, [No. 9 of 1997] 1999. ? [and comes into force on a date to be fixed by the Minister by notice in the Gazette: Provided that the Minister may determine different dates for the commencement of different sections of this Act.]*

Insertion of section 94 in Act 9 of 1997

17. *The following section is inserted after section 93 of the principal Act:*

?Commencement

94. (1) *This Act comes into operation on a date fixed by the Minister by notice in the Gazette.*

(2) *The Minister may determine different dates for the coming into operation of different sections of the Act. ?*

Substitution of the First Schedule of Act 9 of 1997

18. *The following Schedule is substituted for the First Schedule of the principal Act:*

?FIRST SCHEDULE***LAWS REPEALED******PART A. Ordinances of the Provincial Council of Natal***

<i>No. and year of law</i>	<i>Short title</i>	<i>Extent of repeal</i>
<i>No. 15 of 1974</i>	<i>Nature Conservation Ordinance, 1974</i>	<i>the whole</i>
<i>No. 32 of 1974</i>	<i>Nature Conservation Amendment Ordinance, 1974</i>	<i>the whole</i>
<i>No. 27 of 1975</i>	<i>Nature Conservation Amendment Ordinance, 1975</i>	<i>the whole</i>
<i>No. 14 of 1976</i>	<i>Nature Conservation Amendment</i>	<i>the whole</i>

	<i>Ordinance, 1976</i>	
<i>No. 31 of 1976</i>	<i>Nature Conservation Second Amendment Ordinance, 1976</i>	<i>the whole</i>
<i>No. 4 of 1977</i>	<i>Nature Conservation Amendment Ordinance, 1977</i>	<i>the whole</i>
<i>No. 12 of 1978</i>	<i>Nature Conservation Expenditure Validation Ordinance, 1978</i>	<i>the whole</i>
<i>No. 18 of 1978</i>	<i>Nature Conservation Amendment Ordinance, 1978</i>	<i>the whole</i>
<i>No. 26 of 1978</i>	<i>Nature Conservation Second Amendment Ordinance, 1978</i>	<i>the whole</i>
<i>No. 44 of 1978</i>	<i>Nature Conservation Third Amendment Ordinance, 1978</i>	<i>the whole</i>
<i>No. 25 of 1979</i>	<i>Nature Conservation Amendment Ordinance, 1979</i>	<i>the whole</i>
<i>No. 3 of 1981</i>	<i>Nature Conservation Amendment Ordinance, 1981</i>	<i>the whole</i>
<i>No. 6 of 1982</i>	<i>Nature Conservation Amendment Ordinance, 1982</i>	<i>the whole</i>
<i>No. 17 of 1982</i>	<i>Nature Conservation Second Amendment Ordinance, 1982</i>	<i>the whole</i>
<i>No. 18 of 1983</i>	<i>Nature Conservation Amendment Ordinance, 1983</i>	<i>the whole</i>
<i>No. 27 of 1983</i>	<i>Natal Parks, Game and Fish Preservation Board (Validation of Lease) Ordinance, 1983</i>	<i>the whole</i>
<i>No. 26 of 1984</i>	<i>Nature Conservation Amendment Ordinance, 1984</i>	<i>the whole</i>
<i>No. 10 of 1985</i>	<i>Nature Conservation Amendment Ordinance, 1985</i>	<i>the whole</i>
<i>No. 35 of 1985</i>	<i>Nature Conservation Second Amendment Ordinance, 1985</i>	<i>the whole</i>
<i>No. 12 of 1986</i>	<i>Nature Conservation Amendment Ordinance, 1986</i>	<i>the whole</i>

PART B. Proclamations by the Administrator of Natal

<i>No. and year of proclamation</i>	<i>Extent of repeal</i>
<i>No. 9 of 1988</i>	<i>the whole</i>
<i>No. 10 of 1990</i>	<i>the whole</i>
<i>No. 11 of 1990</i>	<i>the whole</i>
<i>No. 21 of 1990</i>	<i>the whole</i>
<i>No. 70 of 1990</i>	<i>the whole</i>
<i>No. 63 of 1992</i>	<i>the whole</i>
<i>No. 44 of 1993</i>	<i>the whole</i>

PART C. Acts of the KwaZulu Legislative Assembly

<i>No. and year of law</i>	<i>Short title</i>	<i>Extent of repeal</i>
<i>No. 29 of 1992</i>	<i>KwaZulu Nature Conservation Act, 1992</i>	<i>the whole</i>

?

Amendment of the Second Schedule to Act 9 of 1997

19. *The Second Schedule to the principal Act is amended by the deletion of the words "PART A", and the deletion of the entire PART B.*

Insertion of the Third, Fourth, Fifth, Sixth and Seventh Schedules in Act 9 of 1997

20. *The following Schedules are inserted in the principal Act after the Second Schedule:*

THIRD SCHEDULE

PROTECTED AREA CATEGORIES

SOUTH AFRICAN CLASSIFICATION OF PROTECTED AREAS *		KWAZULU-NATAL PROTECTED AREA DESIGNATION
CATEGORY	DESCRIPTION	
Category 1	Scientific Reserves and Wilderness Areas	Scientific Reserve Wilderness Area
Category 2	National Parks and Equivalent Reserves	Provincial Park Game Reserve Nature Reserve
Category 3	Natural Monuments and Areas of Cultural Significance	Natural Heritage Site Site of Conservation Significance Sanctuary
Category 4	Habitat and Wildlife Management Areas	Private Nature Reserve Local Authority Nature Reserve
Category 5	Protected Land/seascapes	Protected Landscape Protected Natural Environment
Category 6	Sustainable Use Area	Conservancy Biosphere Reserve Commercial Game Ranch Community Conservation Area Controlled Hunting Area

* As per Notice 449 of 1994 in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), which sets out the definitions, objectives and criteria for selection and management of protected areas in South Africa.

A precis of the categories, objectives and criteria for selection is given in the table below:

CATEGORY	OBJECTIVES	CRITERIA FOR SELECTION AND MANAGEMENT
1 : Scientific Reserve	Maintain essential ecological processes Preserve biodiversity Protect cultural resources in an undisturbed state Representative example of natural/cultural environment for scientific study, environmental monitoring, education and maintenance of genetic resources	Outstanding ecosystem particularly susceptible to degradation Species in imminent danger of extinction Minimum size to ensure integrity No development except for the management of the ecosystem or species Access limited to management and essential research Managed by nationally recognized authority or institution
1 : Wilderness Area	Protect a largely undisturbed natural area which serves human physical and spiritual well-being	An enduring natural area of sufficient size to retain its natural character/provide a wilderness experience Little or no persistent evidence of human intrusion Natural processes take place without human intervention Access is non-mechanized and strictly controlled Uninhabited by man Retains an intrinsically wild appearance or character Managed by nationally recognized authority or institution

CATEGORY	OBJECTIVES	CRITERIA FOR SELECTION AND MANAGEMENT
2 : National Parks and Equivalent Reserves	Protect natural and scenic areas of provincial, national or international significance for spiritual, scientific, educational, recreational and tourism purposes Perpetuate, in a natural state, representative samples of physiographic regions, biotic communities and genetic resources and species, to provide ecological stability and diversity Protect cultural resources	Encompass outstanding and extensive examples of at least one of the recognized biomes of the province or country in a near natural state Sufficient size to sustain viable free-living populations of all wild plants and animals which occur naturally or which occurred in historical times Development must be reconcilable with the objectives of the area Controlled access by the public Managed by a competent nationally recognized authority
3 : Natural Monuments and Areas of Cultural Significance	Protect outstanding natural features and places Provide opportunities for interpretation, education, research and public appreciation	Contains one or more features of outstanding significance {rarity, uniqueness or representivity} Sites are not usually extensive Protect specific phenomena State owned and managed by provincial agencies, or owned and managed by non-profit trusts, corporations or private landowners who are committed to protecting their inherent features

CATEGORY	OBJECTIVES	CRITERIA FOR SELECTION AND MANAGEMENT
4 : Habitat and Wildlife Management Areas	Protect biodiversity or physical features of the environment Scientific research, monitoring and educational use Production of harvestable, renewable natural resources	Protects biodiversity and natural habitats Protects habitat requirements for species, eg. breeding areas, migration routes, feeding areas Habitat manipulation may be required May be developed for public recreation
5 : Protected Land/seascapes	Ensure the harmonious interaction of people and nature Maintain biological and cultural diversity	Characterize the harmonious interaction of nature and culture Provide opportunities for public recreation and tourism Maintain accepted lifestyle and economic activity
6 : Sustainable Use Area	Ensure the long-term protection and maintenance of the biodiversity of an area, while ensuring sustainable use	Predominantly natural area, but can contain limited areas of modified ecosystems {not plantations} Large enough to absorb sustainable resource use Management in partnership with local community or custom Can provide buffers or links in a network of protected areas

FOURTH SCHEDULE**SPECIALLY PROTECTED INDIGENOUS ANIMALS****SCIENTIFIC****ENGLISH****MAMMALS**

<i>Amblysomus marleyi</i>	Marley's golden mole
<i>Chrysospalax villosus</i>	Rough-haired golden mole
<i>Cloeotis percivali</i>	Short-eared trident bat
<i>Scotoecus albofuscus</i>	Thomas's house bat
<i>Otomops martiensseni</i>	Large-eared free-tailed bat
<i>Chaerephon ansorgei</i>	Ansorge's free-tailed bat
<i>Proteles cristatus</i>	Aardwolf
<i>Lycaon pictus</i>	Wild Dog
<i>Mellivora capensis</i>	Ratel
<i>Poecilogale albinucha</i>	Striped weasel
<i>Aonyx capensis</i>	Clawless otter
<i>Lutra maculicollis</i>	Spotted-necked otter
<i>Felis serval</i>	Serval
<i>Felis lybica</i>	African wild cat
<i>Diceros bicornis</i>	Black rhinoceros
<i>Orycteropus afer</i>	Antbear
<i>Ourebia ourebia</i>	Oribi
<i>Neotragus moschatus</i>	Suni
<i>Manis temminckii</i>	Pangolin

BIRDS

All <i>Pelecanus</i> species	All pelicans
<i>Botaurus stellaris</i>	Bittern
<i>Ciconiidae</i> : all species	All storks
<i>Geronticus calvus</i>	Bald Ibis
<i>Polemaetus bellicosus</i>	Martial Eagle
<i>Terathopus ecaudatus</i>	Bateleur
<i>Torgos tracheliotus</i>	Lappetfaced Vulture
<i>Trigonoceps occipitalis</i>	Whiteheaded Vulture
<i>Gyps coprotheres</i>	Cape Vulture
<i>Gyps africanus</i>	Whitebacked Vulture
<i>Gypaetus barbatus</i>	Bearded Vulture
<i>Gypohierax angolensis</i>	Palmnut Vulture
<i>Necrosyrtes monachus</i>	Hooded Vulture
<i>Sarothrura ayresi</i>	Whitewinged Flufftail
<i>Gruidae</i> : all species	All cranes
<i>Neotis denhami</i>	Stanley's Bustard
<i>Columba delegorguei</i>	Delegorgue's Pigeon
<i>Poicephalus robustus</i>	Cape Parrot
<i>Scotopelia peli</i>	Pel's Fishing Owl
<i>Bucorvus leadbeateri</i>	Ground Hornbill
<i>Stactolaema olivacea</i>	Green Barbet
<i>Mirafra ruddi</i>	Rudd's Lark
<i>Hirundo atrocaerulea</i>	Blue Swallow

Zoothera guttata
Buphagidae: all species
Spermestes fringilloides

Spotted Thrush
 All oxpeckers
 Pied Mannikin

REPTILES

Dermochelys coriacea
Pelusios rhodesianus
Pelusios castanoides
Python sebae
Bitis gabonica
Scelotes guentheri
Cryptoblepharus boutonii
Tetradactylus breyeri
Cordylus giganteus
Pseudocordylus spinosus
Pseudocordylus langi
 All *Bradypodion* species

Leatherback turtle
 Black-bellied terrapin
 Yellow-bellied terrapin
 African rock python
 Gaboon viper
 Günther's burrowing skink
 Bouton's coral rag skink
 Breyer's long-tailed seps
 Giant sungazer
 Spiny crag lizard
 Lang's crag lizard
 All dwarf chamaeleons

AMPHIBIANS

Hyperolius pickersgilli
Leptopelis xenodactylus
Arthroleptella ngongoniensis
Cacosternum poyntoni

Pickersgill's reed frog
 Long-toed tree-frog
 Mist belt chirping frog
 Poynton's caco

BUTTERFLIES AND MOTHS

Stygionympha wichgrafi grisea
Ornipholidotos peucetia penningtoni
Durbania amakosa albescens
Iolais lulua
Lepidochrysops ketsi leucomacula
Orachrysops ariadne
Chrysoritis orientalis
Callioratis millari

Greyish Wichgraf's brown
 Pennington's white mimic
 Amakosa rocksitter
 White-spotted sapphire
 White-blotched ketsi blue
 Karkloof blue
 Eastern opal
 Millar's tiger moth

DRAGONFLIES

Pseudagrion umsingaziense
Syncordulia gracilis
Urothemis luciana

Umsingazi sprite
 Yellow syncordulia
 St Lucia basker

FRUIT CHAFERS

Ichneustoma nasula
Lamellothyrea descarpentriesi
Elaphinis pumila
Acrothyrea rufofemorata
Eudicella trimeni

MOLLUSCS*Laevicaulis haroldi***ONYCOPHORANS***Opisthopatus roseus*

FIFTH SCHEDULE**PROTECTED INDIGENOUS ANIMALS****SCIENTIFIC****ENGLISH****MAMMALS**

<i>Crocidura maquassiensis</i>	Makwassie musk shrew
<i>Suncus lixus</i>	Greater dwarf shrew
<i>Suncus infinitesimus</i>	Lesser dwarf shrew
<i>Chlorotalpa sclateri</i>	Sclater's golden mole
<i>Calcochloris obtusirostris</i>	Yellow-golden mole
<i>Eidolon helvum</i>	Straw-coloured fruit bat
<i>Nycteris hispida</i>	Hairy slit-faced bat
<i>Rhinolophus darlingi</i>	Darling's horseshoe bat
<i>Rhinolophus landeri</i>	Lander's horseshoe bat
<i>Rhinolophus blasii</i>	Peak-saddle horseshoe bat
<i>Rhinolophus swinnyi</i>	Swinny's horseshoe bat
<i>Myotis welwitschii</i>	Welwitsch's hairy bat
<i>Myotis tricolor</i>	Temminck's hairy bat
<i>Pipistrellus anchietae</i>	Anchieta's pipistrelle
<i>Chalinolobus variegatus</i>	Butterfly bat
<i>Laephotis wintoni</i>	Winton's long-eared bat
<i>Eptesicus rendalli</i>	Rendall's serotine bat
<i>Eptesicus hottentotus</i>	Long-tailed serotine bat
<i>Eptesicus zuluensis</i>	Somali serotine bat
<i>Nycticeius schlieffenii</i>	Schlieffen's bat
<i>Kerivoula argentata</i>	Damara woolly bat
<i>Kerivoula lanosa</i>	Lesser woolly bat
<i>Ceropthecus mitis</i>	Samango monkey
<i>Vulpes chama</i>	Cape fox
<i>Civettictis civetta</i>	Civet
<i>Paracynictis selousi</i>	Selous's mongoose
<i>Helogale parvula</i>	Dwarf mongoose
<i>Hyaena brunnea</i>	Brown hyaena
<i>Acinonyx jubatus</i>	Cheetah
<i>Panthera pardus</i>	Leopard
<i>Panthera leo</i>	Lion
<i>Felis nigripes</i>	Small spotted cat
<i>Loxodonta africana</i>	Elephant
<i>Ceratotherium simum</i>	White rhinoceros
<i>Dendrohyrax arboreus</i>	Tree dassie
<i>Giraffa camelopardalis</i>	Giraffe
<i>Connochaetes gnou</i>	Black wildebeest
<i>Alcelaphus buselaphus</i>	Red hartebeest
<i>Damaliscus lunatus</i>	Tsessebe
<i>Philantomba monticola</i>	Blue Duiker
<i>Cephalophus natalensis</i>	Red duiker
<i>Oreotragus oreotragus</i>	Klipspringer
<i>Syncerus caffer</i>	Buffalo
<i>Kobus ellipsiprymnus</i>	Waterbuck
<i>Hippopotamus amphibius</i>	Hippopotamus
<i>Paraxerus palliatus</i>	Red squirrel
<i>Pedetes capensis</i>	Springhare

<i>Georychus capensis</i>	Cape molerat
<i>Otomys laminatus</i>	Laminated vlei rat
<i>Otomys sloggetti</i>	Sloggett's rat
<i>Tatera leucogaster</i>	Bushveld gerbil
<i>Mystromys albicaudatus</i>	White-tailed mouse
<i>Steatomys pratensis</i>	Fat mouse
<i>Steatomys krebsii</i>	Krebs's fat mouse
<i>Dasymys incomtus</i>	Water rat
<i>Grammomys cometes</i>	Mozambique woodland mouse
<i>Pronolagus rupestris</i>	Smith's rock hare
<i>Petrodromus tetradactylus</i>	Four-toed elephant shrew

BIRDS

<i>Ardeidae</i> : all species not in the Bittern Fourth Schedule	All herons, egrets and bitterns (except <i>Botaurus stellaris</i> listed in the Fourth Schedule)
<i>Scopus umbretta</i>	Hamerkop
<i>Threskiornithidae</i> : all species not in the Fourth Schedule	All ibises and spoonbills (except Bald Ibis <i>Geronticus calvus</i> listed in the Fourth Schedule)
<i>Phoenicopteridae</i> : all species	All flamingos
<i>Nettapus auritus</i>	Pygmy Goose
<i>Accipitridae</i> : all species not in the Fourth Schedule	All diurnal birds of prey (except all vultures listed in the Fourth Schedule)
<i>Pandion haliaetus</i>	Osprey
<i>Turnix hottentotta</i>	Blackrumped Buttonquail
<i>Sarothrura</i> : all species not in the Fourth Schedule	All flufftails (except Whitewinged Flufftail <i>Sarothrura ayresi</i> listed in the Fourth Schedule)
<i>Podica senegalensis</i>	African Finfoot
<i>Otididae</i> : all species not in the Fourth Schedule	All bustards and korhaans (except Stanley's Bustard <i>Neotis denhami</i> listed in the Fourth Schedule)
<i>Jacanidae</i> : all species	All jacanas
<i>Glareola pratincola</i>	Redwinged Pratincole
<i>Hydroprogne caspia</i>	Caspian Tern
<i>Poicephalus cryptoxanthus</i>	Brownheaded Parrot
<i>Musophagidae</i> : all species	All louries
<i>Tytonidae and Strigidae</i> : all species	All owls
<i>Caprimulgus natalensis</i>	Natal Nightjar
<i>Halcyon senegaloides</i>	Mangrove Kingfisher
<i>Smithornis capensis</i>	African Broadbill
<i>Zoothera gurneyi</i>	Orange Thrush
<i>Batis fratrum</i>	Woodwards' Batis
<i>Anthus brachyurus</i>	Shorttailed Pipit
<i>Hemimacronyx chloris</i>	Yellowbreasted Pipit
<i>Macronyx ameliae</i>	Pinkthroated Longclaw
<i>Nectarinia neergaardi</i>	Neergaard's Sunbird

Mandingoa nitidula
Hypargos margaritatus

Green Twinspot
Pinkthroated Twinspot

REPTILES

<i>Kinixys spekei</i>	Savanna hinged tortoise
<i>Kinixys natalensis</i>	Natal hinged tortoise
<i>Chelonia mydas</i>	Green turtle
<i>Eretmochelys imbricata</i>	Hawksbill turtle
<i>Caretta caretta</i>	Loggerhead turtle
<i>Leptotyphlops sylvicolus</i>	Forest thread snake
<i>Lycodonomorphus laevis natalensis</i>	Natal dusky-bellied water snake
<i>Lycodonomorphus whytei</i>	Whyte's water snake
<i>Lamprophis fuscus</i>	Yellow-bellied house snake
<i>Lycophidion variegatum</i>	Variegated wolf snake
<i>Lycophidion pygmaeum</i>	Pygmy wolf snake
<i>Natriciteres variegata</i>	Forest marsh snake
<i>Prosymna janii</i>	Mozambique shovelnout
<i>Amblyodipsas concolor</i>	Natal purple-glossed snake
<i>Amblyodipsas microphthalma</i>	White-lipped snake
<i>Homoroselaps dorsalis</i>	Striped harlequin snake
<i>Xenocalamus transvaalensis</i>	Transvaal quill-snouted snake
<i>Meizodon semiornatus</i>	Semiornate snake
<i>Philothamnus angolensis</i>	Angola green snake
<i>Dasypeltis medici</i>	East African egg-eater
<i>Montaspis gilvomaculata</i>	Cream-spotted mountain snake
<i>Scelotes inornatus</i>	Smith's burrowing skink
<i>Scelotes bourquini</i>	Bourquin's burrowing skink
<i>Scelotes fitzimensi</i>	Fitzimon's burrowing skink
<i>Mabuya homalocephala smithii</i>	Smith's red-sided skink
<i>Pedioplanis lineocellata lineocellata</i>	Ocellated sand lizard
<i>Tropidosaura cottrelli</i>	Cottrell's mountain lizard
<i>Tropidosaura montana natalensis</i>	Natal mountain lizard
<i>Cordylus warreni warreni</i>	Warren's girdled lizard
<i>Cordylus warreni barbertonensis</i>	Barberton girdled lizard
<i>Crocodylus niloticus</i>	Nile crocodile

AMPHIBIANS

<i>Bufo fenoulheti fenoulheti</i>	Northern pygmy toad
<i>Bufo garipeensis nubicolus</i>	Karoo toad
<i>Bufo pardalis</i>	Leopard toad
<i>Bufo pusillus</i>	Little toad
<i>Hemisus guttatus</i>	Spotted shovel-nosed frog
<i>Hyperolius marmoratus verrucosus</i>	Warty painted reed frog
<i>Afrivalus spinifrons</i>	Natal leaf-folding frog
<i>Strongylopus hymenopus</i>	Berg stream frog
<i>Leptopelis mossambicus</i>	Brown-backed tree frog
<i>Breviceps maculatus</i>	Spotted rain frog
<i>Breviceps verrucosus tympanifer</i>	Plaintive rain frog
<i>Arthroleptella hewitti</i>	Natal chirping frog
<i>Cacosternum striatum</i>	Lined caco
<i>Cacosternum nanum parvum</i>	Little bronze caco
<i>Natalobatrachus bonebergi</i>	Kloof frog
<i>Phrynobatrachus acridoides</i>	East African puddle frog
<i>Hildebrandtia ornata ornata</i>	Ornate frog

Pyxicephalus adspersus
Rana dracomontana
Rana vertebralis
Tomopterna marmorata

Giant bullfrog
 Drakensberg river frog
 Aquatic river frog
 Russet-backed sand frog

FRESHWATER FISH

Opsaridium peringueyi
Silhouettea sibayi
Oreochromis placidus
Ctenopoma intermedium
Eleotris melanosoma
Croilia mossambica
Redigobius dewaali
Myxus capensis
Hypseleotris dayi
Serranochromis meridianus
Chiloglanis emarginatus
Clarias theodorae
Nothobranchius orthonotus
Brycinus lateralis

Barred minnow
 Barebreast goby
 Black tilapia
 Blackspot climbing perch
 Broadhead sleeper
 Burrowing goby
 Checked goby
 Freshwater mullet
 Golden sleeper
 Lowveld largemouth
 Pongolo suckermouth
 Snake catfish
 Spotted killifish
 Striped robber

BUTTERFLIES

Dingana alaedeus
Dingana dingana
Acraea rabbaia
Acraea satis
Euryphura achlys
Durbania amakosa flavida
Aslauga australis
Iolus diametra natalica
Hypolycaena lochmophila
Capys penningtoni
Aloeides merces
Chrysoritis oreas
Chrysoritis phosphor borealis
Anthene minima
Lepidochrysops pephredo
Papilio euphranor
Spialia confusa confusa
Abantis bicolor
Metisella meninx
Metisella syrinx
Borbo ferruginea dondo
Fresna nyassae

Wakkerstroom widow
 Dingaan's widow
 Clear-wing acraea
 East Coast acraea
 Mottled green nymph
 Amakosa rocksitter
 Southern purple
 Natal Yellow-banded sapphire
 Coastal hairstreak
 Pennington's protea-butterfly
 Wakkerstroom copper
 Drakensberg daisy copper
 Scarce scarlet
 Little hairtail
 Estcourt blue
 Forest swallowtail
 Confusing sandman
 Bicoloured skipper
 Marsh sylph
 Bamboo sylph
 Ferrous skipper
 Variegated acraea hopper

DRAGONFLIES

Chlorolestes draconicus
Pseudagrion newtoni
Enallagma rotundipenne
Enallagma sinuatum

Drakensberg sylph
 Newton's sprite
 Scarce blue
 Mysterious blue

<i>Agriocnemis falcifera falcifera</i>	Sickle wisp
<i>Agriocnemis gratiosa</i>	Zanzibar wisp
<i>Agriocnemis pinheyi</i>	Pinhey's wisp
<i>Agriocnemis ruberrima ruberrima</i>	Red wisp
<i>Onychogomphus supinus</i>	Scarce hooktail
<i>Gynacantha zuluensis</i>	Zulu darner
<i>Hemicordulia asiatica</i>	Asian hemicordulia
<i>Orthetrum robustum</i>	Robust orthetrum
<i>Diplacodes deminuta</i>	Tiny percher
<i>Trithemis pluvialis</i>	River dropwing
<i>Zygomma atlanticum</i>	Cryptic zygomma
<i>Parazygomma flavicans</i>	Scarce zygomma
<i>Aethriamanta rezia</i>	Rezia

FRUIT CHAFERS

Pachnoda discolor
Uloptera planata
Cytothyrea rubriceps ichthyurus
Trichocephala brincki
Caelorrhina relucens
Lonchothyrea mozambica
Heteroclita raeuperi
Anoplocheilus globosus
Phoxomeloides laticincta
Taurhina splendens
Anisorrhina serripes
Raceloma jansonii
Raceloma natalensis
Diplognatha striata
Rhinocoeta cornuta
Xeloma aspersa
Xeloma leprosa
Cosmiophaenia rubescens
Rhabdotis semipunctata
Rhabdotis sobrina
Polystalactica furfurosa
Discopeltis bellula
Discopeltis tricolor tricolor
Pseudoclinteria cincticollis

MOLLUSCS

Chlamydephorus burnupi
Chlamydephorus dimidius

SIXTH SCHEDULE**SPECIALLY PROTECTED INDIGENOUS PLANTS****SCIENTIFIC***Encephalartos cerinus**Ocotea bullata**Warbugia salutaris***ENGLISH**

Cerinus cycad

Black stinkwood

Pepperbark tree

SEVENTH SCHEDULE**PROTECTED INDIGENOUS PLANTS****SCIENTIFIC****ENGLISH**

<i>Alberta magna</i>	Natal Flame Bush
<i>Albizia suluensis</i>	Zulu False-thorn
<i>Amaryllidaceae</i> : all species	All members of the Amaryllis family. This includes the genera Haemanthus, Scadoxus, Boophane, Clivia, Nerine, Brunsvigia, Crinum, Ammocharis, Cyrtanthus
<i>Aloe saundersiae</i>	Grass aloe
<i>Aloe cooperi</i>	Grass aloe
<i>Aloe aristata</i>	Grass aloe
<i>Aloe dominella</i>	Grass aloe
<i>Aloe minima</i>	Grass aloe
<i>Aloe modesta</i>	Grass aloe
<i>Aloe inconspicua</i>	Grass aloe
<i>Aloe kniphofioides</i>	Grass aloe
<i>Aloe myriacantha</i>	Grass aloe
<i>Aloe parviflora</i>	Grass aloe
<i>Aloe thraskii</i>	Dune aloe
<i>Atalaya natalensis</i>	Natal Krantz Ash
<i>Avicennia marina</i>	White Mangrove
<i>Barringtonia racemosa</i>	Brackwater Mangrove, Powder-puff Tree
All <i>Bersama</i> species	The White Ash trees
<i>Bowkeria citrina</i>	Yellow Shell-flower Bush
All <i>Brachystelma</i> species	Brachystelmas
<i>Breonadia salicina</i>	Matumi
<i>Bruguiera gymnorhiza</i>	Black Mangrove
All <i>Cassipourea</i> species	Onionwood trees
All <i>Ceropegia</i> species	Ceropegias
All <i>Catha</i> species	
All <i>Cyathea</i> species	Tree ferns
<i>Curtisia dentata</i>	Assegaai
All <i>Drosera</i> species	Sundews
All <i>Encephalartos</i>	Species including hybrids and excluding those listed as Specially Protected
	Cycads and their hybrids
All <i>Erica</i> species	Ericas
<i>Euphorbia bupleurifolia</i>	
<i>Euphorbia franksiae</i>	Herbaceous succulent euphorbias
<i>Euphorbia woodii</i>	
All <i>Eugenia</i> Species	Myrtles
<i>Ficus bizanae</i>	Pondo Fig
<i>Ficus trichopoda</i>	Swamp Fig, Hippo Fig
All <i>Gasteria</i> species	Gasterias
<i>Gerbera aurantiaca</i>	Hilton daisy
All <i>gladiolus</i> species	Gladiolii
All <i>Haworthia</i> species	Haworthias
<i>Hibiscus tilliaceus</i>	Lagoon Hibiscus
All <i>Huernia</i>	Succulent Asclepiads

<i>Hyacinthaceae</i> : all species	Lilies. Includes the genera <i>Eucomis</i> , <i>Scilla</i> , <i>Bowiea</i> , <i>Albuca</i> , <i>Thuranthos</i> , <i>Urginea</i> , <i>Galtonia</i> , <i>Drimia</i> , <i>Dipcadi</i> , <i>Ornithogalum</i> , <i>Drimiopsis</i>
<i>Hydrostrachys polymorpha</i>	Waterfall flower
<i>Impatiens flanaganiae</i>	Giant Wild Balsam
All <i>kniphofia</i> species	Red Hot Pokers
<i>Lauraceae</i> : all species not in the Sixth Schedule	Wild quince and stinkwood trees (except Black stinkwood <i>Ocotea bullata</i> listed in the Sixth Schedule)
<i>Lumnitzera racemosa</i>	Tonga Mangrove
All <i>Microsorium</i> species	Climbing Ferns
<i>Mimusops caffra</i>	Coastal Red Milkwood
<i>Milletia sutherlandii</i>	Giant Umzimbeet
<i>Milletia grandis</i>	Umzimbeet
<i>Newtonia hildebrandtii</i>	Lebombo Wattle
<i>Orchidiaceae</i> : all species	Orchids
<i>Oxyanthus pyriformis</i>	Natal Loquat
All <i>podocarpus</i> species	Yellowwood trees
All <i>proteaceae</i> species	Proteas, Faureas, Leucospermums, and Leucodendrons
<i>Prionium serratum</i>	Palmiet
<i>Prunus africana</i>	Red stinkwood
<i>Pseudosalacia streyi</i>	Rock lemon
<i>Raphia australis</i>	Raphia Palm
<i>Raspalia trigyna</i>	Raspalia
<i>Rhizophora mucronata</i>	Red Mangrove
<i>Rhyncocalyx lawsonioides</i>	Natal privet
All <i>selicornia</i> species	salt marsh and mangrove herbs
All <i>Sarcoconia</i> species	salt marsh and mangrove species
<i>Sandersonia aurantiaca</i>	Christmas Bells
All <i>Scaevola</i> species	
All <i>Scilla</i> species	Blue Squills
<i>Sideroxylon inerme</i>	White Milkwood
<i>Siphonochilus aethiopicus</i>	Wild Ginger
<i>Stangeria eriopus</i>	Stangeria
All <i>Stapelia</i>	succulent asclepiads
<i>Syzygium pondoense</i>	Pondo Waterwood
<i>Syzygium legatii</i>	
<i>Todea barbara</i>	False tree fern

Substitution of long title of Act 9 of 1997

21. The following long title is substituted for the long title of the principal Act:

ACT

To provide institutional structures for nature conservation in KwaZulu-Natal; to establish control and monitoring bodies and mechanisms; ~~to provide for the conservation of plants and animals; to provide for the control of hunting; to provide a procedure for the issue and enforcement of permits;~~ and to provide for [matters] incidental [thereto] matters.

Short title

22. This Act shall be called the KwaZulu-Natal Nature Conservation Management Amendment Act, 1999.

Commencement

23. (1) This Act comes into operation on a date fixed by the Minister by notice in the *Gazette*.
- (2) The Minister may determine different dates for the coming into operation of different sections of the Act.