

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3009

3 February 2023

#### NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

#### REGULATIONS PERTAINING TO THREATENED OR PROTECTED TERRESTRIAL SPECIES AND FRESHWATER SPECIES

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby make the Regulations pertaining to threatened or protected terrestrial species and freshwater species in terms of section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), as set out in the Schedule hereto.



**BARBARA DALLAS CREECY**  
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

## **SCHEDULE**

### **TABLE OF CONTENTS**

#### **SECTION A PROVISIONS RELATING TO LISTED THREATENED OR PROTECTED SPECIES**

##### **CHAPTER 1 INTERPRETATION AND PURPOSE OF THESE REGULATIONS**

1. Definitions
2. Purpose and application of these Regulations
3. Activities prescribed as restricted activities

##### **CHAPTER 2 PERMIT SYSTEM FOR LISTED THREATENED OR PROTECTED SPECIES**

###### **Part 1**

###### **Carrying out restricted activities and types of permits**

4. Carrying out a restricted activity
5. Types of permits
6. Ordinary permits
7. Standing permits

###### **Part 2**

###### **Permit application procedure**

8. Application for a permit
9. Compulsory information to be submitted with certain applications
10. Submission of permit applications
11. Time frame for an issuing authority to request additional information

###### **Part 3**

###### **Consideration of permit applications**

12. Restricted activities requiring a risk assessment
13. Risk assessment report
14. General requirements applicable to the person who will carry out a risk assessment
15. Disqualification of the risk assessment report
16. Identification of risk factors
17. Factors to be taken into account by the issuing authority when considering a permit application
18. Additional factors to be taken into account by the issuing authority when considering an application for a hunting permit
19. Additional factors to be taken into account by the issuing authority when considering an application for an export permit in respect of a rhinoceros hunting trophy

###### **Part 4**

###### **Issuing of permits**

20. Decision on a permit application and issuance of a permit

21. Circumstances in which a permit must be refused
22. Contents of a permit
23. Compulsory conditions applicable to the holder of a permit
24. Compulsory conditions applicable to a captive breeding facility, rehabilitation facility, temporary holding facility and commercial exhibition facility
25. Compulsory conditions applicable to a sanctuary
26. Compulsory conditions applicable to a scientific institution
27. Compulsory conditions applicable to a wildlife translocator
28. Area of validity of a permit
29. Period of validity of a permit

#### **Part 5**

#### **Marking and genotyping of specimens of listed threatened or protected species**

30. Compulsory marking of specimens
31. Restricted activities requiring the collection of DNA for genotyping

#### **Part 6**

#### **Requirements relating to elephant ivory, rhinoceros and rhinoceros horn**

32. Requirements for a permit authorizing possession of elephant ivory
33. Requirements for a permit authorizing possession of rhinoceros horn
34. Additional requirements involving live specimens of *Diceros bicornis* or *Ceratotherium simum* and rhinoceros horn

### **CHAPTER 3**

### **REGISTRATION OF CAPTIVE BREEDING FACILITIES, REHABILITATION FACILITIES, SANCTUARIES, TEMPORARY HOLDING FACILITIES, SCIENTIFIC INSTITUTIONS, COMMERCIAL EXHIBITION FACILITIES, NURSERIES, GAME FARMS AND WILDLIFE TRANSLOCATORS**

#### **Part 1**

#### **Registration of persons or facilities**

35. Compulsory registration of a captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility, nursery and wildlife translocator
36. Voluntary registration as a game farm
37. Issuing authorities for registration of persons or facilities
38. Application for registration
39. Compulsory information to be submitted with an application for the registration of a captive breeding facility
40. Compulsory information to be submitted with an application for the registration of a sanctuary, rehabilitation facility, temporary holding facility or commercial exhibition facility
41. Compulsory information to be submitted with an application for the registration of a nursery
42. Compulsory information to be submitted with an application for the registration as a wildlife translocator
43. Compulsory information to be submitted with an application for the registration as a scientific institution
44. Compulsory information to be submitted with an application for the registration of a game farm
45. Submission of applications for registration
46. Applications affecting rights of other persons

47. Time frame for an issuing authority to request additional information

**Part 2**

**Consideration of registration applications**

48. Factors to be taken into account by the issuing authority when considering a registration application  
49. Decision on a registration application and issuance of the registration  
50. Circumstances in which registration must be refused

**Part 3**

**Issuing of registration certificates**

51. Contents of a registration certificate  
52. Compulsory conditions applicable to the holder of a registration  
53. Area of validity of a registration  
54. Period of validity of a registration

**CHAPTER 4**

**DUTIES OF HOLDERS OF PERMITS AND REGISTRATIONS**

55. Duties of a permit holder  
56. Duties of a holder of a registration

**CHAPTER 5**

**RENEWAL, AMENDMENT AND CANCELLATION OF PERMITS AND REGISTRATIONS**

**Part 1**

**Renewal and amendment of permits and registrations**

57. Renewal of a permit  
58. Consideration of, and decision on an application for renewal of a permit  
59. Amendment of a permit or registration  
60. Application for amendment by the holder of a permit or registration  
61. Consideration of and decision on an application for amendment  
62. Amendment of a permit or registration on initiative of the issuing authority

**Part 2**

**Cancellation of permits and registrations**

63. Cancellation of a permit or registration  
64. Cancelled permit and registration certificate to be returned to the issuing authority  
65. Permit or registration may not be transferred  
66. Lost or stolen permit or registration certificate

**Part 3**

**Reporting on permits by issuing authorities**

67. Register to be established and maintained by issuing authorities

**CHAPTER 6**  
**RECOGNITION OF ASSOCIATIONS OR ORGANISATIONS ASSOCIATED WITH REGISTERED PERSONS OR FACILITIES**

- 68. Recognition of associations or organisations
- 69. Codes of responsible conduct and good practice
- 70. Benefits applicable to members of recognised associations or organisations
- 71. Withdrawal of recognition of associations or organisations

**CHAPTER 7**  
**PROHIBITION OF SPECIFIC RESTRICTED ACTIVITIES UNDER CERTAIN CIRCUMSTANCES**

- 72. Prohibition of the conveyance, movement or translocation of a specimen of a listed threatened or protected animal species under certain circumstances
- 73. Prohibition of the hunting of a specimen of a listed threatened or protected species under certain circumstances
- 74. Prohibition of the catching of a listed threatened or protected species under certain circumstances
- 75. General circumstances relating to the prohibition to import, export or re-export a specimen of a listed threatened or protected species
- 76. Specific circumstances relating to the prohibition to possess and trade in specimens of listed threatened or protected species that are also included in Appendix 1 of CITES

**CHAPTER 8**  
**THE REGULATION OF SPECIFIC RESTRICTED ACTIVITIES INVOLVING CERTAIN LISTED THREATENED OR PROTECTED SPECIES**

- 77. Culling of specimens of listed threatened or protected species
- 78. Darting of specimens of listed threatened or protected species
- 79. General considerations with regards to the conveyance, movement or otherwise translocation of live specimens of listed threatened or protected species
- 80. Specific considerations with regards to the conveyance, movement or otherwise translocation of certain live specimens of listed threatened or protected species between registered game farms
- 81. Hunting of a specimen of *Diceros bicornis* or *Ceratotherium simum*
- 82. Selling of a live specimen of *Ceratotherium simum* or *Diceros bicornis*
- 83. Regulation of restricted activities involving a specimen of *Loxodonta africana*
- 84. Regulation of restricted activities involving specimens of listed threatened or protected freshwater fish species

**CHAPTER 9**  
**MANAGEMENT OF SPECIMENS OF LISTED THREATENED OR PROTECTED ANIMAL SPECIES THAT ARE DAMAGE-CAUSING ANIMALS**

- 85. Duty of care
- 86. Management measures

**CHAPTER 10  
SCIENTIFIC AUTHORITY  
Part 1**

**Establishment, composition and operating procedures**

- 87. Establishment of the Scientific Authority
- 88. Composition of the Scientific Authority
- 89. Chairperson and deputy chairperson
- 90. Term of office
- 91. Removal from office
- 92. Replacement of members
- 93. Filling of vacancies
- 94. Meetings of the Scientific Authority
- 95. Expert advisors
- 96. Participation in meetings by way of electronic or other media
- 97. Procedures
- 98. Quorum and decisions

**Part 2  
Setting of annual off-take limits**

- 99. Setting of annual off-take limits

**Part 3  
Non-detriment findings**

- 100. Provisions included in non-detriment findings

**SECTION B  
TRANSITIONAL PROVISIONS**

**CHAPTER 11  
PERMITS AND RESTRICTED ACTIVITIES IN TERMS OF THE REPEALED REGULATIONS**

- 101. Repeal of the Threatened or Protected Species Regulations, 2007
- 102. Continuation of restricted activities carried out, and permits and registration certificates issued, under the repealed Regulations
- 103. General transitional arrangement
- 104. Pending applications for permits, registration certificates and appeals
- 105. Specific transitional arrangements in respect of *Diceros bicornis michaeli*
- 106. Criminal prosecution in terms of the repealed Regulations

**CHAPTER 12  
OFFENCES AND PENALTIES**

- 107. Offences
- 108. Penalties
- 109. Short title and commencement of these Regulations



**Annexure 1 – Permit application form**

**Annexure 2 – Applications for renewal of permits; applications for amendment of permits or registrations**

**Annexure 3 – Processing fees**

**Annexure 4 – Ordinary permit**

**Annexure 5 – Standing permit**

**SECTION A  
PROVISIONS RELATING TO LISTED THREATENED OR PROTECTED SPECIES**

**CHAPTER 1  
INTERPRETATION AND PURPOSE OF THESE REGULATIONS**

**Definitions**

**1. (1)** In these Regulations—

**“airgun”** means—

- a) a device designed to discharge a projectile or pellet by means of compressed gas, and not a burning propellant; and
- b) which is used for the purpose of hunting a specimen of a listed threatened or protected species;

**“AIS Regulations”** means the Alien and Invasive Species Regulations, promulgated in terms of section 97 of the Biodiversity Act;

**“angling”** means the catching of a specimen of a listed threatened or protected species in an aquatic system by means of a line and hook, whether or not any rod, bait or fishing lure is used, or by means of a set line, and includes any such attempt or assistance, but excludes the catching of such specimen by jigging or snatching it;

**“applicable biodiversity legislation”** means legislation in terms of which biodiversity matters are regulated, either at a provincial level within a province or at a national level;

**“applicable provincial legislation”** means legislation in terms of which biodiversity matters are regulated at a provincial level within a province;

**“applicant”** means a person who applies for a permit or for registration in accordance with the provisions of these Regulations;

**“aquatic system”** means any area associated with rivers, streams, vleis, sponges, creeks, lakes, pans, or any other natural or man-made water impoundment;

**“arrow”** means a projectile launched by a bow of any description or by any other device capable of discharging such projectile;

**“artificially propagated”** means a listed threatened or protected plant species that is grown under controlled conditions, from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that have been derived from cultivated parental stocks;

**"bait"** means any natural or artificial substance to lure an animal, excluding a fishing lure used to catch fish;

**"Biodiversity Act"** means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), including any amendment thereof;

**"biodiversity survey"** means a scientific study of biodiversity in a given area to assess the species composition of the ecosystem(s) in that particular area;

**"botanical garden"** means an establishment where collections of listed threatened or protected plant species are cultivated and grown for—

- a) *ex situ* conservation purposes or scientific study; and
- b) display to the public;

**"bow"** means an instrument consisting of a body and string designed to launch and propel an arrow;

**"business"** means an enterprise, whether registered as a company or closed corporation or not, that is conducted by a person as a primary source of income;

**"cage trap"** means a cage with a trap door or doors, with or without a trigger that causes the door to shut, which is used to capture and restrain a live specimen of a listed threatened or protected animal species to prevent it from escaping;

**"captive-bred"** means a specimen of a listed threatened or protected animal species that was bred and born in a controlled environment;

**"captive breeding facility"** means a facility that is a controlled environment where specimens of a listed threatened or protected animal species are bred;

**"CAS number"** means the number allocated to a case docket when a criminal investigation is registered with the South African Police Services;

**"catch or capture"** means to employ any means, method or device whatsoever to—

- a) secure possession or take into possession, or gain control over;
- b) attempt to secure possession or take into possession, or gain control over; or
- c) search for, pursue, drive, lie in wait for, lure or allure, discharge a missile or injure with the intent to catch or capture;

a specimen of a listed threatened or protected animal species, irrespective of whether such control or possession is intended to be temporary or permanent, and irrespective of whether such control or possession is with the intent to kill such specimen subsequent to its capture, but excludes angling;

**"certificate of adequate enclosure"** means a document, issued either in terms of applicable provincial legislation or in terms of the Game Theft Act, in relation to land that has been fenced in accordance with the requirements of such applicable provincial legislation, and in a manner that prevents the escape of specimens of the listed threatened or protected species to which such document relates;

**"CITES"** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;



**"CITES Regulations"** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora Regulations, promulgated in terms of section 97 of the Biodiversity Act;

**"closed water"** means a water body that is completely surrounded by land, with no river flowing into or from such water body;

**"commercial exhibition facility"** means a facility that keeps live specimens of listed threatened or protected species for public display or performance purposes, including but not limited to, a circus, zoological garden, aquarium and travelling exhibition, whether or not any kind of interaction between humans and such specimens is taking place at such facility;

**"commercial purposes"** means carrying out a restricted activity with the primary purpose of obtaining economic benefit, including profit in cash or in kind, and is directed towards exchange for economic use or benefit, or any other form of economic use or benefit;

**"conservation purposes"** means carrying out a restricted activity involving a specimen of a listed threatened or protected species, including the collection of such specimen from the wild, with the primary purpose of ensuring the survival of such specimen in the wild, in accordance with a—

- a) conservation strategy or research program approved by the issuing authority; or
- b) biodiversity management plan;

**"conservation status"** means the national, regional or global conservation status of a listed threatened or protected species based on the IUCN Red List categories and criteria;

**"controlled conditions"** means the conditions in an artificial or a non-natural environment that is intensively manipulated through human intervention for the purpose of growing or producing a specimen of a listed threatened or protected plant species;

**"controlled environment"** means any enclosure—

- (a) that is of insufficient size for a specimen or a group of specimens of a listed threatened or protected species to be self-sustainable;
- (b) that is designed to hold such specimen or specimens in a manner that—
  - (i) prevents it from escaping; and
  - (ii) requires intensive human intervention or manipulation in the form of the provision of—
    - (aa) food or water, or both;
    - (bb) artificial housing;
    - (cc) health care;
    - (dd) predator or parasite control; or
    - (ee) any combination of the above interventions; and
- (c) where natural selection does not play a role;

**"culling"** means the killing of a specific number of specimens of a listed threatened or protected species as part of a controlled operation, in order to manage the specimens or to control the population of such species in accordance with the management plan of such facility or such land;

**"cultivated parental stock"** means listed threatened or protected plant species grown under controlled conditions and used for reproduction, multiplication or propagation;

**“damage-causing animal”** means an individual specimen or group of specimens, as the case may be, of a listed threatened or protected animal species that, when in conflict with human activities, there is proof that it—

- (a) causes substantial loss to livestock or to wild animals;
- (b) causes substantial damage to cultivated trees, crops or other property; or
- (c) presents an imminent threat to human life;

**“darting”** means the chemical immobilization of a live specimen of a listed threatened or protected animal species by any means, method or device, using a tranquillizing, narcotic, immobilizing, or similar agent, for the purpose of restraining or anaesthetizing such specimen;

**“dead”** means a deceased specimen of a listed threatened or protected species that is no longer capable of propagating, reproducing, multiplying, or transferring genetic material;

**“departmental database”** means a database developed and maintained by the Department for the recording of information, including in relation to rhinoceros horn and elephant ivory stock piles;

**“DNA”** means deoxyribonucleic acid, and refers to the molecules that carry the unique genetic information in the cells of a specific specimen of a listed threatened or protected species;

**“DNA certificate”** means a certificate issued in relation to the genotyping of a particular specimen of a listed threatened or protected species;

**“DNA sample”** means a blood or tissue sample of a specimen of a listed threatened or protected species;

**“elderly person”** means a person of 65 years or older;

**“elephant ivory”** means ivory of *Loxodonta africana*;

**“enforcement purposes”** means the purpose of carrying out a restricted activity is aimed at enforcing the legal requirements of the Biodiversity Act and these Regulations, and may include the confiscation, possession and movement of specimens by enforcement officials;

**“extensive wildlife system”** means a natural environment—

- (a) that is of sufficient size for the management of free-roaming populations of listed threatened or protected animal species, irrespective of whether it is fenced or not;
- (b) that meets all or most of the ecological requirements of the populations of listed threatened or protected species occurring on such land;
- (c) where the process of natural selection plays a major role; and
- (d) where no or minimal human intervention is required in the form of—
  - (i) provision of water;
  - (ii) supplementation of food, except in times of drought;
  - (iii) the control of parasites or predation; or
  - (iv) the provision of health care;

but excludes an enclosure that is a controlled environment within such extensive wildlife system;

**“fishing lure”** means any artificial object made of plastic, wood, steel, feather, wire or other substance, which is—

- (a) designed to attract the attention of such specimen as a result of its movement, vibration, flash, shape, color and scent; and
- (b) presented in a manner to entice such specimen into seizing it;

**“free roaming populations”** means viable populations of listed threatened or protected species capable of displaying natural social behavior, while requiring no or minimal human intervention;

**“freight agent”** means a person who conducts a business relating to the importing, exporting or re-exporting of specimens of listed threatened or protected species;

**“game farm hunting permit”** means a permit—

- (a) issued by the issuing authority and purchased by the owner of a registered game farm in accordance with the repealed Regulations; and
- (b) that authorizes any other person to purchase and hunt a specimen of a listed threatened or protected animal species on such registered game farm, including to convey and possess the dead specimen subsequent to the hunt during the validity period of the game farm hunting permit;

**“Game Theft Act”** means the Game Theft Act, 1999 (Act No. 105 of 1999);

**“genotyping”** means the process of determining or analyzing the DNA profile of a specimen of a listed threatened or protected species;

**“gin trap”** means a device designed for the entrapment of a specimen of a listed threatened or protected animal species by trapping a leg, limb or any other part of the body through the mechanism of closing jaws, and triggered by the animal stepping in or on to the device or touching the device with any part of its body;

**“hunt”** means to—

- (a) kill, or attempt to kill, by any means, method or device whatsoever;
- (b) search for, lie in wait for, drive, pursue, shoot at, or to discharge any missile at, with the intent to kill; or
- (c) lure by any means, method or device whatsoever, with the intent to kill, a specimen of a listed threatened or protected species for personal gain in order to obtain the meat, or to obtain the tusk, horn, skin or any other recognizable part of such specimen as a memento of the hunt, but excludes—
  - (i) culling; or
  - (ii) the killing of a specimen that has become a damage-causing animal;

**“hunting client”** means a person who is not a citizen of the Republic or a permanent resident within the Republic, and who pays or rewards any other person for, or in connection with, the hunting of a specimen of a listed threatened or protected animal species;

**“hunting outfitter”** means a person who is authorized in terms of applicable biodiversity legislation to operate as a hunting outfitter, and assigns a similar meaning to a hunting contractor referred to in terms of applicable provincial legislation;

**“hunting trophy”** means a horn, tooth, hide, skin, hair, or any other readily recognizable part or derivative of a specimen of a listed threatened or protected species, whether processed or not, and which is kept as a memento of the hunt;

**"hybridization"** means the cross-breeding of individuals from different—

- (a) genera;
- (b) species; or
- (c) sub-species of the same species;

**"introduced population"** means a population of a listed threatened or protected species that has been introduced by humans, whether deliberately or accidentally, in an area that falls outside the natural distribution range of such species;

**"introduction"** means the translocation of a specimen of a listed threatened or protected species to an area that falls outside the natural distribution range of such species;

**"jigging"** means the use of line and hooks, by a fast and erratic retrieving action of the hooks through the water with the intention to hook such specimen in any part of its body;

**"leghold trap"** means a device designed for the entrapment of a predator by trapping the leg of such predator through the calibrated mechanism of closing non-serrated or non-spiked off-set jaws or padded jaws, and triggered by such predator stepping in or on to the leghold trap;

**"listed large predator"** means a specimen of—

- (a) *Lycaon pictus*;
- (b) *Parahyaena brunnea*;
- (c) *Acinonyx jubatus*;
- (d) *Panthera pardus*;
- (e) *Panthera leo*; or
- (f) *Crocuta crocuta*;

**"listed threatened or protected species"** means a threatened or protected terrestrial species or freshwater species listed in terms of section 56 of the Biodiversity Act;

**"livestock species"** means domesticated species such as cows, goats, sheep, horses, pigs or poultry;

**"management plan"** means a—

- (a) management plan referred to in section 41 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- (b) biodiversity management plan developed in terms of section 43 of the Biodiversity Act;
- (c) management plan developed in terms of any applicable norms and standards; or
- (d) management plan developed in terms of applicable provincial legislation;

**"management purposes"** means the carrying out of a restricted activity directed towards the management of a specimen of a listed threatened or protected species, and includes, but is not limited to, the—

- (a) conveyance, movement or otherwise translocation of a specimen;
- (b) marking of a specimen;
- (c) collection of a DNA sample of a specimen,
- (d) de-horning of a specimen; or
- (e) collaring of a specimen;



**“mark”** means an indelible imprint, microchip or any other recognized or prescribed means of uniquely identifying a specimen of a listed threatened or protected species;

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998), including any amendment thereof;

**“national Appeal Regulations”** means the Appeal Regulations promulgated in terms of section 44(1)(a) of the National Environmental Management Act;

**“natural distribution range”** means the area in which a specimen of a listed threatened or protected species occurs naturally, or has previously occurred, without having been introduced into such area as a direct or indirect result of human intervention;

**“norms and standards”** means any national norms and standards issued in terms of the National Environmental Management Act or any other specific environmental management act;

**“nursery”** means a facility, operated as a business venture, where specimens of listed threatened or protected plant species are sold, and may include the cultivation, multiplication, propagation or growing of such specimens;

**“nursery possession permit”** means a permit—

- (a) issued by the issuing authority and purchased by the owner of a registered nursery in accordance with the repealed Regulations; and
- (b) that authorizes any other person to purchase a specimen of a listed threatened or protected plant species from such registered nursery, including to convey and possess such plant specimen subsequent to the purchase during the validity period of the nursery possession permit;

**“owner of land”** means—

- (a) the person registered in a deeds registry as the owner of the land;
- (b) the *bona fide* purchaser of land, prior to the registration of the deed of transfer in his name, but after the contract of sale has been concluded, to the exclusion of the person contemplated in paragraph (a);
- (c) the authorised representative of the person contemplated in paragraph (a) or (b);
- (d) the person designated in writing as the owner of such land by an association, where the legal title thereto is vested in an association, whether corporate or non-corporate;
- (e) the management authority of a protected area;
- (f) any organ of state responsible for land that is not a protected area;
- (g) the occupier or lessee of land, in terms of a written agreement with the person contemplated in paragraph (a), (b), (d) or (f);
- (h) the person in whom the administration of such land is vested as executor, trustee, assignee, curator, liquidator or judicial manager, as the case may be, where the owner as contemplated in paragraph (a) or (b) is dead or insolvent, or has assigned his/ her estate for the benefit of his/ her creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management;
- (i) the lawful heir of the person contemplated in paragraph (a) or of the purchaser contemplated in paragraph (b), as the case may be, at the death of such person or purchaser or, where the land is subject to a usufruct, the usufructuary; or
- (j) a person or authority in control of communal land;



**"person"** means a natural or juristic person, and includes a trust;

**"personal effects permit"** means a permit—

- (a) issued by the issuing authority and purchased by a registered wildlife products trader in accordance with the repealed Regulations; and
- (b) that authorizes any other person to purchase a dead specimen of a listed threatened or protected species from such registered wildlife products trader for non-commercial purposes, including to convey and possess such specimen subsequent to the purchase, or to export such specimen from the Republic subsequent to the purchase, during the validity period of the personal effects permit;

**"repealed Regulations"** means the following regulations pertaining to listed threatened or protected species—

- (a) Government Notice No. 152 published in *Gazette* No. 29657 on 23 February 2007;
- (b) Government Notice No. 69 published in *Gazette* No. 30703 on 28 January 2008;
- (c) Government Notice No. 209 published in *Gazette* No. 31962 on 27 February 2009;
- (d) Government Notice No. 210 published in *Gazette* No. 31963 on 27 February 2009;
- (e) Government Notice No. 576 published in *Gazette* No. 34453 on 11 July 2011;
- (f) Government Notice No. 614 published in *Gazette* No. 35565 on 02 August 2012; and
- (g) Government Notice No. 324 published in *Gazette* No. 37596 on 29 April 2014;

**"professional hunter"** means a person who is authorized in terms of applicable biodiversity legislation to operate as a professional hunter;

**"provincial conservation authority"** means the provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

**"quarantine purposes"** means for the purpose of prohibiting physical contact with specimens of listed threatened or protected species, in order to prevent disease transmission and to avoid aerosol and drainage contamination, where such specimens are under the supervision of a veterinarian;

**"raw elephant ivory"** means inclusive of, but not limited to, a—

- (a) whole elephant tusk, polished or unpolished and in any form whatsoever; or
  - (b) cut piece, polished or unpolished and howsoever changed from its original form;
- but excludes worked ivory;

**"registered"** means registered in terms of these Regulations;

**"rehabilitation facility"** means a facility equipped for the temporary keeping of a live—

- (a) sick or injured specimen for the purpose of providing treatment of and care to such specimen;  
or
  - (b) young orphan specimen for rearing purposes;
- with the overall intent to release such specimen, but excludes a veterinarian's practice or a veterinary academic hospital;

**"Republic"** means the Republic of South Africa;

**"rhinoceros horn"** means the whole horn, or any part or cut piece of the horn, of *Diceros bicornis* or *Ceratotherium simum*, whether polished or unpolished, in any form whatsoever or howsoever changed from its original form, and includes rhinoceros horn in its powdered form or shavings of rhinoceros horn;

**“risk assessment”** means a risk assessment contemplated in section 89 of the Biodiversity Act;

**“SANBI”** means the South African National Biodiversity Institute established in terms of section 10 of the Biodiversity Act;

**“sanctuary”** means a facility that provides permanent care to a specimen of a listed threatened or protected species that would be unable to sustain itself if released in an environment other than a controlled environment, irrespective of the reason for such inability;

**“Scientific Authority”** means the Scientific Authority established in terms of section 60 of the Biodiversity Act;

**“scientific institution”** means a facility where specimens of a listed threatened or protected species are kept or used for research, scientific information or identification purposes;

**“scientific purposes”** means carrying out a restricted activity with the primary purpose of practicing science or conducting research;

**“selling”** means to exchange for cash or in kind, and includes bartering, or giving or offering in exchange, or offering or presenting for sale, and buying shall be construed accordingly;

**“snare”** means an anchored noose of string, wire, cable or any other material which can be used for capturing or killing a specimen of a listed threatened or protected animal species;

**“species listing notice”** means a notice published in the *Government Gazette* in respect of listed threatened or protected species, which reflects the—

- a) the list of such species, published in terms of section 56(1) of the Biodiversity Act;
- b) restricted activities prohibited in terms of section 57(2) of the Biodiversity Act; and
- c) restricted activities exempt in terms of section 57(4) of the Biodiversity Act;

**“stock book”** means an inventory register for the keeping of records of specimens of listed threatened or protected species acquired, held in stock and disposed of;

**“studbook”** means a collaborative species management programme in respect of the pedigree and demographic history of specimens of the listed threatened or protected species to which such a programme relates;

**“taxidermist”** means a person who—

- (a) treats, prepares or mounts a skin, horn or other derivative of a specimen of a listed threatened or protected animal species; or
- (b) who transforms a skin, horn or other derivative of a specimen of a listed threatened or protected animal species into a curio;

but excludes a person who prepares such specimen in the veld subsequent to a lawful hunt for the purpose of further processing by a taxidermist;

**“temporary holding facility”** means a facility equipped for the temporary keeping of live specimens of a listed threatened or protected animal species for—

- (a) quarantine purposes, where such specimens are under the supervision of a veterinarian; or
- (b) translocation purposes, including a boma;

with the overall intent to release such specimens, but excludes a rehabilitation facility;

**“tertiary institution”** means a public university or technicon that provides higher education, whether on a full-time, part-time or distance basis, and which is deemed to be a higher education institution in terms of the Higher Education Act, 1997 (Act 101 of 1997);

**“tracking”** means to search for, follow or pursue a specimen of a listed threatened or protected species by any means, method or device;

**“trade”** means to—

- (a) import into the Republic or export from the Republic; or
  - (b) sell, exchange, purchase, receive, accept as a gift, give, donate, or to acquire or dispose of in any way within the Republic,
- a specimen of a listed threatened or protected species within the Republic, and traded shall be construed accordingly;

**“translocation”** means the—

- (a) process of capturing a live specimen of a listed threatened or protected animal species at a particular location, the conveying or transporting of such specimen and the release thereof at another location; or
- (b) moving of a live specimen of a listed threatened or protected species from one area and the release thereof in another area;

**“trap”** means a cage, net or any other device that is capable of catching or capturing a specimen of a listed threatened or protected species;

**“veterinarian”** means a person registered with the South African Veterinary Council to operate as such;

**“wild animal”** means an animal that does not belong to a livestock species, or to a recognised domestic species such as a cat, dog, horse, mule or any other similar species;

**“wild population”** means a group or collection of wild specimens of the same listed threatened or protected species;

**“wild specimen”** means a specimen of a listed threatened or protected species that is living and growing, and may be multiplying, in a natural environment that is not a controlled environment, with or without human intervention;

**“wildlife auctioneer”** means a natural person who facilitates a commercial transaction at an auction between the seller and the purchaser of a specimen of a listed threatened or protected species;

**“wildlife trader”** means a person who conducts or engages in the business of sourcing and acquiring, or purchasing and selling, a live specimen of a listed threatened or protected animal species for commercial purposes, and includes a wildlife auctioneer but excludes a—

- (a) hunting outfitter;
- (b) wildlife translocator; and
- (c) commercial exhibition facility;

**“wildlife products trader”** means a person who conducts or engages in the business of sourcing and acquiring, or purchasing and selling, a dead specimen of a listed threatened or protected animal species for commercial purposes, but excludes a taxidermist and a wildlife auctioneer;

**“wildlife translocator”** means a person who transports, conveys or otherwise translocates a live specimen of a listed threatened or protected animal species for commercial purposes on behalf of another person, and may include the purchasing, selling or temporary possession of such live specimen;

**“worked elephant ivory”** means inclusive of, but not limited to, ivory that has been carved, shaped or processed, either fully or partially, and includes a whole elephant tusk of which the whole surface has been carved, but excludes a whole tusk that has been partially carved.

**“zoological garden”** means an establishment where a collection of live specimens of listed threatened or protected species are kept in enclosures under predominantly *ex situ* circumstances for public display, for the demonstrable purpose of conservation through exhibition, education and research;

(2) In these Regulations, a word or expression or any derivative or other grammatical form of such word or expression to which a meaning has been assigned in subregulation (1) or in the Biodiversity Act, has the corresponding meaning, unless the context indicates otherwise.

#### **Purpose and application of these Regulations**

2. (1) The purpose of these Regulations is to—
  - (a) further regulate the permit system set out in Chapter 7 of the Biodiversity Act insofar that such system applies to restricted activities involving specimens of listed threatened or protected species;
  - (b) provide for the registration and regulation of—
    - (i) captive breeding facilities;
    - (ii) rehabilitation facilities;
    - (iii) sanctuaries;
    - (iv) temporary holding facilities;
    - (v) scientific institutions;
    - (vi) commercial exhibition facilities;
    - (vii) nurseries;
    - (viii) game farms; and
    - (ix) wildlife translocators;
  - (c) regulate the manner in which specific restricted activities may be carried out;
  - (d) prohibit the manner in which specific restricted activities may be carried out; and
  - (e) provide for the composition and operating procedures of the Scientific Authority.
- (2) These Regulations apply to the carrying out of restricted activities involving specimens of listed threatened or protected species.
- (3) These Regulations do not apply to non-indigenous subspecies of listed threatened or protected species, unless specifically listed as a protected species in terms of section 56(d) of the Biodiversity Act.
- (4) Notwithstanding the provision of subregulation (3), these Regulations, in respect of rhinoceros species, apply to—
  - (a) *Ceratotherium simum simum*;



- (b) *Diceros bicornis bicornis*;
  - (c) *Diceros bicornis minor*, and
  - (d) *Diceros bicornis michaeli*.
- (5) These Regulations must be applied alongside—
    - (a) the species listing notice;
    - (b) the CITES Regulations as far as it relates to the import, export or re-export of specimens of listed threatened or protected species;
    - (c) the AIS Regulations as far as it relates to the import of a specimen of a listed threatened or protected species;
    - (d) applicable norms and standards issued in terms of the Biodiversity Act;
    - (e) applicable provincial legislation; or
    - (f) any other applicable legislation that have implications for listed threatened or protected species.
  - (6) A person who has obtained a permit in terms of the Biodiversity Act or a registration in terms of these Regulations, is not absolved from obtaining a permit or authorization in terms of any other applicable legislation if so required, or to comply with the requirements of such other applicable legislation.
  - (7) When the nomenclature of a listed threatened or protected species is revised, the listed name of such species will continue to be applicable until the list is updated, and these Regulations will apply to all specimens that fitted the description at the time of listing, even if a new scientific name is assigned to the particular species.

#### **Activities prescribed as restricted activities**

- 3. In addition to those activities defined in terms of section 1 of the Biodiversity Act as restricted activities, the following activities are hereby prescribed as restricted activities—
  - (a) darting of a specimen of a listed threatened or protected animal species;
  - (b) release of a specimen of a listed threatened or protected species; and
  - (c) angling.

## **CHAPTER 2**

### **PERMIT SYSTEM FOR LISTED THREATENED OR PROTECTED SPECIES**

#### **Part 1**

#### **Carrying out restricted activities and types of permits**

#### **Carrying out a restricted activity**

- 4. (1) A person may carry out a restricted activity involving a specimen of a listed threatened or protected species, only if he or she is the holder of a permit issued—
  - (a) in terms of Chapter 7 of the Biodiversity Act; and
  - (b) in accordance with these Regulations;
 unless the Minister has exempted the carrying out of such restricted activity involving such specimen in terms of section 57(4) of the Biodiversity Act.
- (2) If the Minister has not exempted the carrying out of a restricted activity in terms of section 57(4) of the Biodiversity Act, a person must obtain a permit to carry out such restricted activity, irrespective of whether—
  - (a) such person has been granted written permission by the owner—
    - (i) of the land or property where the restricted activity will be carried out, or



- (ii) of the specimen in respect of which the restricted activity will be carried out; and
- (b) the owner contemplated in paragraph (a) is in possession of a permit to carry out such restricted activity himself or herself.

#### **Types of permits**

5. (1) The carrying out of a restricted activity may be authorised in terms of any of the following types of permits—
  - (a) an ordinary permit contemplated in regulation 6;
  - (b) a standing permit contemplated in regulation 7; or
  - (c) a permit issued to an official of an issuing authority.
- (2) The issuing authority may, in accordance with the provisions of section 92(2) and (3) of the Biodiversity Act, issue an integrated ordinary permit or an integrated standing permit, as the case may be, only if—
  - (a) the restricted activity to which the permit relates, is regulated in terms of the Biodiversity Act, as well as in terms of applicable provincial legislation;
  - (b) the species to which the restricted activity relates, is listed in terms of section 56 of the Biodiversity Act as a threatened or protected species; and
  - (c) the issuing authority is authorised to issue a permit in terms of the Biodiversity Act, as well as in terms of applicable provincial legislation contemplated in paragraph (a).

#### **Ordinary permits**

6. (1) An ordinary permit may be issued for the—
  - (a) once-off carrying out of a restricted activity, or a combination of restricted activities, involving one or more specimens of one or more listed threatened or protected species; or
  - (b) continuous carrying out of a restricted activity, or a combination of restricted activities, involving one or more specimens of one or more listed threatened or protected species, for a period not exceeding the maximum period of validity contemplated in regulation 29(1).
- (2) A specific kind of ordinary permit, namely a permanent possession permit, may be issued to authorize the possession of a specimen of a listed threatened or protected species that is a personal belonging and that is not intended for commercial use, for a period not exceeding the maximum period of validity contemplated in regulation 29(2), and may, on discretion of the issuing authority, include the conveyance of such specimen.

#### **Standing permits**

7. (1) A standing permit may be issued to authorize the continuous carrying out of a restricted activity, or a combination of restricted activities, involving one or more specimens of one or more listed threatened or protected species, for a period not exceeding the maximum period of validity contemplated in regulation 29(3) or (4).
- (2) A standing permit may be issued, without prior registration, to—
  - (a) an official of an organ of state, for the carrying out of restricted activities in the official performance of his or her duties, whether on private land or on land under the jurisdiction of such organ of state;
  - (b) the management authority of a protected area, for the carrying out of restricted activities involving specimens of listed threatened or protected species within the protected area that are necessary for the management of such species in accordance with the approved management plan of such protected area;
  - (c) a wildlife trader;

- (d) a wildlife products trader;
  - (e) a taxidermist;
  - (f) a freight agent;
  - (g) a person who carries out restricted activities involving specimens of listed threatened or protected species for scientific purposes; or
  - (h) a botanical garden, for the carrying out of restricted activities that are necessary for the purpose for which the botanical garden has been established.
- (3) Notwithstanding the provision of subregulation (2)(a), registration of persons or facilities of organs of state contemplated in regulation 35(1)(a) is required.
- (4) A standing permit involving a specimen of a listed threatened or protected species may be issued for the following facilities or to the following persons, as the case may be, only upon prior registration—
- (a) a captive breeding facility, for the carrying out of restricted activities involving specimens that are necessary for the purpose for which such captive breeding facility is registered;
  - (b) a rehabilitation facility, sanctuary or temporary holding facility, for the carrying out of restricted activities involving specimens that are necessary for the purpose for which such rehabilitation facility, sanctuary or temporary holding facility is registered;
  - (c) a scientific institution, for the carrying out of restricted activities involving specimens that are necessary for the purpose for which such scientific institution is registered;
  - (d) a commercial exhibition facility, for the carrying out of restricted activities involving specimens under the care of the exhibitor, that are necessary for the purpose for which such commercial exhibition facility is registered;
  - (e) a nursery, for the carrying out of restricted activities involving specimens, for the purpose for which such nursery is registered;
  - (f) a game farm, for restricted activities involving specimens to which the registration relates; or
  - (g) a wildlife translocator, for restricted activities associated with the translocation of live specimens of listed threatened or protected species.

## Part 2

### Permit application procedure

#### Application for a permit

8. (1) A person may apply for a permit by using an application form—
- (a) as set out in Annexure 1 to these Regulations; or
  - (b) provided by the issuing authority that contains, as a minimum and to the extent applicable, the information contemplated in Annexure 1.
- (2) An applicant must pay the applicable permit processing fee as set out in Annexure 3 to these Regulations.
- (3) Notwithstanding the provision of subregulation (2), payment of the applicable permit processing fee does not apply—
- (a) if the applicant is an organ of state; or
  - (b) in the case of an integrated permit, if a permit processing fee is also required to be paid in terms of any other applicable biodiversity legislation.
- (4) An application for a permit must be accompanied by—

- (a) a certified copy of the identity document or passport of the person who will be carrying out the restricted activity;
- (b) written consent, if required in terms of regulation 9(1) or (4) of these Regulations;
- (c) proof of payment of the—
  - (i) applicable permit processing fee contemplated in subregulation (2); and
  - (ii) in the case of an integrated hunting permit, the fee relevant to the hunting of a particular species, as determined by the issuing authority in terms of applicable provincial legislation;
- (d) a risk assessment, if required in terms of regulation 12 of these Regulations;
- (e) an identification of risk factors, if required in terms of regulation 16 of these Regulations;
- (f) a list of names, to the extent possible, of the natural persons who will be carrying out the restricted activities, and who are in the employment of a juristic person, in the case that the person contemplated in subregulation (1) is a juristic person;
- (g) an approved management plan, if required;
- (h) a certified copy of the relevant registration certificate issued in terms of Chapter 3 of these Regulations, if the application is in respect of a standing permit; and
- (i) proof of legal acquisition if an application is in respect of a permit to possess a specimen of a threatened or protected species.

#### **Compulsory information to be submitted with certain permit applications**

9. (1) If an applicant intends to carry out the restricted activity or activities, as the case may be, on land of which he or she is not the owner, or in respect of a specimen of a listed threatened or protected species of which he or she is not the owner, the applicant must—
  - (a) in the case of a specimen of a listed critically endangered species, obtain the written consent from the owner on whose land the restricted activity will be carried out, and submit such consent together with the application to the relevant issuing authority; or
  - (b) in the case of a specimen of a listed endangered, vulnerable or protected species, obtain the written consent from the owner on whose land the restricted activity will be carried out, prior to carrying out of such restricted activity.
- (2) Subregulation (1) does not apply—
  - (a) to the management of a damage-causing animal by an official of a provincial conservation authority, if such damage-causing animal poses an imminent threat to human life; or
  - (b) if the restricted activity, or activities, as the case may be, is carried out for enforcement purposes.
- (3) Notwithstanding the provision of subregulation (1)(a), written consent in relation to a biodiversity survey involving a specimen of a critically endangered species may be obtained from the owner on whose land such biodiversity survey will be conducted, after the permit has been issued, but prior to the conducting of such biodiversity survey.
- (4) If the application relates to a juristic person, the application form must be accompanied by the necessary written consent from such juristic person, authorizing a particular individual to apply for the permit on behalf of such juristic person.
- (5) If the application relates to the hunting of a specimen of *Diceros bicornis* or *Ceratotherium simum* by a hunting client, the following documentation must be submitted together with the application form—

- (a) proof of membership of a hunting association in the country of usual residence of the hunting client (if applicable). The hunting association must be recognised by the government of the country of residence of the hunting client;
  - (b) a *Curriculum vitae*, indicating the hunting client's hunting experience in his or her country of usual residence, and proof of previous experience in the hunting of any mammalian game species indigenous to Africa;
  - (c) certified copy of the hunting client's passport; and
  - (d) any additional information that may be required by the relevant issuing authority.
- (6) If the application relates to a permit for scientific purposes, the following documentation and information must be submitted together with the application form—
- (a) a written project proposal, approved by—
    - (i) the institution, including a tertiary institution, in conjunction with which the research is conducted; or
    - (ii) the relevant issuing authority, in the case where the research is not conducted in conjunction with an institution contemplated in subparagraph (i);
  - (b) ethical approval by the institution contemplated in paragraph (a)(i), or, to the extent applicable, by the institution or organisation to which the application relates; and
  - (c) information on the contribution of the research to be conducted by the applicant, to the conservation of the listed threatened or protected species to which the research relates.
- (7) If the application relates to a permit in respect of a wildlife trader, taxidermist or freight agent, the following documentation and information must be submitted together with the application form—
- (a) documentation indicating legal acquisition of the specimens involved;
  - (b) current and anticipated stock to be kept;
  - (c) past, current and anticipated turnover of stock;
  - (d) information relating to record keeping; and
  - (e) security measures to prevent the escape of specimens, where applicable, or the theft of specimens.
- (8) In addition to the information contemplated in subregulations (1), (4), (5), (6) and (7), the issuing authority may request any other relevant information it deems necessary, in terms of section 88 of the Biodiversity Act.

#### **Submission of permit applications**

10. (1) Unless the Minister directs otherwise in the case of a specific application or applications, a complete application must be submitted to the issuing authority as specified in section 87A of the Biodiversity Act.
- (2) An application for a permit is deemed to be complete if the applicant has—
- (a) indicated the full scientific name of the species to which the application relates, including genus, species and, where applicable, the sub-species;
  - (b) submitted the information and documentation contemplated in regulation 8(4); and
  - (c) submitted all the information contemplated in regulation 9(5), (6), (7) and (8), if required.
- (3) Permit applications may be submitted—
- (a) electronically;
  - (b) by post; or
  - (c) delivered by hand.



**Time frame for an issuing authority to request additional information**

11. (1) If the issuing authority requires additional information in respect of any application, the issuing authority must, within 14 working days of receipt of the application, request the applicant to furnish it with such additional information.
- (2) If the additional information requested by the issuing authority is not submitted to the issuing authority within 90 working days of such request, the issuing authority may deem the application to have been withdrawn, and must inform the applicant accordingly.

**Part 3****Consideration of permit applications****Restricted activities requiring a risk assessment**

12. (1) Before issuing a permit, the issuing authority must request a risk assessment for—
- (a) restricted activities involving wild specimens of listed critically endangered species;
  - (b) restricted activities carried out in ecosystems listed in terms of section 52 of the Biodiversity Act as critically endangered; or
  - (c) release of a captive-bred or artificial propagated specimen of a listed threatened or protected species into a national protected area.
- (2) A risk assessment is not required for the carrying out of the restricted activities in the circumstances contemplated in subregulation (1), if—
- (a) the restricted activity is carried out for conservation purposes by an official of—
    - (i) the Department or a provincial conservation authority;
    - (ii) the management authority of a national, provincial or local protected area, on land under its jurisdiction; or
    - (iii) SANBI;
  - (b) a biodiversity management plan has been developed in respect of the species to which the application relates and such biodiversity management plan contains all the information contemplated in regulation 13(2), provided that the risks identified by such management plan have not changed; or
  - (c) a risk assessment in respect of the species to which the application relates has been conducted previously, provided that the risks identified by such risk assessment have not changed.
- (3) The issuing authority may request a risk assessment prior to the consideration of an application for the renewal of a permit, if the conservation status of the species to which such application relates, has deteriorated.

**Risk assessment report**

13. (1) The person carrying out a risk assessment contemplated in regulation 12 of these Regulations must submit a report thereafter to the relevant issuing authority, prior to the consideration of the application.
- (2) The risk assessment report contemplated in subregulation (1) must, as a minimum, include the following:
- (a) most recent ecological information regarding the relevant listed threatened or protected species, including—



- (i) the taxonomy of the species, including the class, order, family, scientific name (genus, species and sub-species), scientific synonyms and common names of the species;
- (ii) its conservation status;
- (iii) the population status and trends of the species, including—
  - (aa) its current national and local population status, including abundance and distribution;
  - (bb) the size of its local population which will be affected by the restricted activity to which the application applies; and
  - (cc) its national and local population trends;
- (iv) the geographic distribution and trends of the species, including—
  - (aa) the distribution of the natural population;
  - (bb) the distribution of any translocated and introduced populations; and
  - (cc) the geographic distribution trends;
- (v) the requirements of the species with respect to habitat and climate;
- (vi) the role of the species in its ecosystem, taking into account—
  - (aa) whether the species is a keystone or indicator species;
  - (bb) the level of the species in the food-chain; and
  - (cc) the functions that the species performs in its ecosystem; and
- (vii) the major threats affecting the species nationally and locally;
- (b) information regarding the restricted activity to which the application applies, including—
  - (i) the nature of the restricted activity;
  - (ii) the reason for the restricted activity;
  - (iii) where the restricted activity is to be carried out;
  - (iv) the gender, age and number of the specimens of the species involved; and
  - (v) the intended destination of the specimens, if they are to be translocated;
- (c) any regulations, policies, norms and standards, biodiversity management plans, non-detriment findings or international agreements binding on the Republic which may be applicable to the application;
- (d) the potential risks associated with the restricted activity to the particular listed threatened or protected species and a specific population of such species or to any other species or ecosystems, including—
  - (i) degradation and fragmentation of the habitat of the species;
  - (ii) creation of a significant change in an ecosystem caused by the removal or addition of keystone species;
  - (iii) over-exploitation of a species;
  - (iv) hybridization;
  - (v) out-breeding; and
  - (vi) introduction of disease;
- (e) evaluation of the risk identified under paragraph (d) in terms of—
  - (i) the likelihood of the risk being realized; and
  - (ii) the severity of the risk and consequences of the realization of the risk for the particular species as well as for other species, habitats and ecosystems;
- (f) any management measures that must be applied to minimize potential risks;
- (g) management of potential risks; and
- (h) any other information as the issuing authority may determine.
- (3) In addition to the information contemplated in subregulation (2), the risk assessment report must contain the following details:
  - (a) the personal details and qualifications of the person carrying out the risk assessment;

- (b) key economic, social and ecological considerations that will guide a decision on whether to issue a permit;
  - (c) a recommendation on whether or not a permit should be issued; and
  - (d) any conditions or control measures that should apply if a permit is to be issued.
- (4) The applicant must appoint the person who will carry out the risk assessment, at own cost, to provide the information required in subregulations (2) and (3).
- (5) The applicant must—
- (a) take all reasonable steps to verify whether the person who will carry out the risk assessment complies with the requirements of regulation 14 of these Regulations; and
  - (b) provide the person who will carry out the risk assessment with access to all information at the disposal of the applicant regarding the application, whether or not such information is favorable to the applicant.

**General requirements applicable to the person who will carry out a risk assessment**

14. (1) The person who will be carrying out a risk assessment contemplated in regulation 12 of these Regulations must—
- (a) be independent;
  - (b) have adequate knowledge of—
    - (i) the Biodiversity Act;
    - (ii) these Regulations;
    - (iii) any norms and standards and guidelines that have relevance to the application; and
    - (iv) the species concerned, or alternatively must consult with an expert on the species concerned when conducting the risk assessment;
  - (c) be a scientist with expertise in—
    - (i) biodiversity matters; and
    - (ii) conducting risk assessments;
  - (d) conduct the risk assessment to which the application relates in an objective manner, even if such risk assessment result in views and findings not favorable to the applicant;
  - (e) comply with any applicable legal requirements;
  - (f) take into account, to the extent applicable, the matters contemplated in regulation 8 of these Regulations when carrying out the risk assessment and preparing any report relating to the application; and
  - (g) disclose to the applicant and the issuing authority all material information in his or her possession that reasonably has or may have the potential of influencing—
    - (i) any decision to be taken by the issuing authority in terms of these Regulations with respect to the permit application; or
    - (ii) the objectivity of the risk assessment.
- (2) In the case that the risk assessment was carried out by a person who is registered as a candidate natural scientist or certified natural scientist in terms of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or the report was compiled by such person, the report must also be signed off by the registered professional natural scientist under whose supervision and control such person has performed his or her work.

**Disqualification of the risk assessment report**

15. (1) If the issuing authority at any stage of considering an application has reason to believe that the person who carried out the risk assessment has not complied with any of the requirements of

- regulation 14 of these Regulations in respect of the application, the issuing authority may disqualify the risk assessment report, in which case the issuing authority must—
- (a) notify the applicant and the person who carried out the risk assessment —
    - (i) of the disqualification of the risk assessment report and provide reasons for such disqualification; and
    - (ii) that the application is suspended until the matter is resolved; and
  - (b) afford the applicant and the person who carried out the risk assessment an opportunity to make a written representation regarding the specific requirement that has not been complied with.
- (2) An interested and affected party may notify the issuing authority of suspected non-compliance with regulation 14 of these Regulations by the person carrying out the risk assessment.
  - (3) The notification contemplated in subregulation (2) must be submitted in writing to the issuing authority and must contain documentation supporting the allegation that is referred to in such notification.
  - (4) Where an interested and affected party notifies the issuing authority of suspected non-compliance with regulation 14 of these Regulations, the issuing authority must investigate the allegation.
  - (5) If, after considering the notification and supporting documentation contemplated in subregulation (3), the issuing authority is unconvinced of compliance with regulation 14 of these Regulations by the person carrying out the risk assessment, the issuing authority must, in writing, inform such person and the applicant accordingly and may—
    - (a) refuse to accept any further reports or input from such person in respect of the application in question; and
    - (b) request the applicant to—
      - (i) commission, at own cost, an external review by an independent person or persons of any reports prepared or processes conducted by the person who carried out the risk assessment in connection with the application;
      - (ii) redo any specific aspects of the work done by the previous person who carried out the risk assessment in connection with the application; and
      - (iii) complete any unfinished work in connection with the application or take such action as the issuing authority requires remedying the defects.

#### Identification of risk factors

16. (1) Before issuing a permit, the issuing authority must require the identification of risk factors in the following circumstances:
  - (a) when a new facility is established and registered in terms of these Regulations, where specimens of a freshwater fish species will be kept for breeding, research or exhibition purposes, or when specimens of freshwater fish species are introduced for the first time by the owner of private land on which closed water is found, as contemplated in regulation 84; and
  - (b) for the new establishment of a facility for the keeping in captivity of a listed large predator, or for the release of such listed large predator or a specimen of *Loxodonta africana*, onto a property other than a controlled environment.
- (2) In addition to the circumstances contemplated in subregulation (1), the issuing authority may require the identification of risk factors as it deems necessary.



- (3) The identification of risk factors contemplated in subregulations (1) and (2) must include, as a minimum, the following information—
  - (a) to the extent applicable, the registered name and number of the land contemplated in subregulation (1)(a), or the property contemplated in subregulation (1)(b), onto which a specimen of a listed threatened or protected species is to be released;
  - (b) to the extent applicable, a list of indigenous species already occurring in the closed water contemplated in subregulation (1)(a) into which, or the land contemplated in subregulation (1)(b) onto which, a specimen of a listed threatened or protected species is to be released;
  - (c) information relating to the perimeter fence of the property contemplated in subregulation (1)(b) onto which the specimen of a listed threatened or protected species is to be released;
  - (d) the potential risks associated with the conveyance, movement or translocation of the specific specimen, to any other species or ecosystems, or to humans, including—
    - (i) degradation and fragmentation of the habitat of the species;
    - (ii) hybridization of species;
    - (iii) spreading disease; and
    - (iv) human safety;
  - (e) evaluation of the risk identified under paragraph (d) in terms of—
    - (i) the likelihood of the risk being realized; and
    - (ii) the severity of the risk and consequences of the realization of the risk for the particular species as well as for other species, habitats and ecosystems;
  - (f) any management measures that have been implemented to minimize potential risks;
  - (g) how permissible restricted activities will be carried out to prevent or minimize potential risks;
  - (h) written consent from neighboring owners of land, if applicable; and
  - (i) any other information deemed relevant by the issuing authority.
- (4) The identification of risk factors may be done by any person, provided that such person has sufficient knowledge of the Biodiversity Act and biodiversity matters.

**Factors to be taken into account by the issuing authority when considering a permit application**

17. When considering a permit application, the issuing authority must consider the following factors—
- (a) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species;
  - (b) whether the species to which the application relates is an alien species;
  - (c) the conservation status of the species;
  - (d) whether the application involves a listed threatened or protected species that will be introduced into, or taken or removed from, a wild population;
  - (e) whether the restricted activity applied for is regulated in terms of regulations 32, 33, 34, 77, 78, 79, 80, 81, 82, 83 or 84 of these Regulations, or in terms of any other regulation made in terms of the Biodiversity Act;
  - (f) whether the restricted activity is prohibited in certain circumstances in terms of regulations 72, 73, 74, 75 or 76 of these Regulations, or in terms of any other regulation made in terms of the Biodiversity Act;
  - (g) whether an environmental impact assessment has been carried out in terms of the National Environmental Management Act, and if so, must consider the findings thereof;
  - (h) whether an environmental authorization has been issued in terms of the National Environmental Management Act, and if so, must consider the conditions thereof;

- (i) whether the carrying out of the restricted activity, or not carrying out of the restricted activity, as the case may be, to which the application relates is likely to have a negative impact on the survival of the relevant listed threatened or protected species;
- (j) any applicable approved management plan;
- (k) whether the issuing authority has deferred a decision to issue a permit in terms of section 88 of the Biodiversity Act, or has refused, cancelled or suspended any other permits issued to the applicant in terms of section 92A, 93 or 93B respectively of the Biodiversity Act;
- (l) any recommendation or non-detriment finding made by the Scientific Authority in terms of section 61(1)(c) or (d) of the Biodiversity Act, regarding the application;
- (m) any advice provided by SANBI in terms of section 11(1)(c) of the Biodiversity Act;
- (n) any relevant information on the database that SANBI is required to keep in terms of section 11(1)(j) of the Biodiversity Act;
- (o) whether the restricted activity will be carried out in a facility or by a person contemplated in regulations 35(1) and 36(1) of these Regulations, and whether such facility or such person is registered in accordance with these Regulations;
- (p) whether the restricted activity will be carried out in a threatened ecosystem or protected area;
- (q) whether the applicant has been convicted of an offence in terms of the Biodiversity Act;
- (r) any objections to the application;
- (s) any relevant measures implemented by the national department responsible for agriculture that involve specimens of listed threatened or protected species;
- (t) whether the person applying for a permit is a member of a recognised organisation or association;
- (u) whether the carrying out of the restricted activity will affect the rights of a person contemplated in regulation 46 of these Regulations;
- (v) all applicable legal requirements have been met; and
- (w) any other relevant factor.

**Additional factors to be taken into account by the issuing authority when considering an application for a hunting permit**

18. When considering an application for a permit to hunt a specimen of a listed threatened or protected animal species, the issuing authority must, in addition to the factors contemplated in regulation 17 of these Regulations, also take into account—
- (a) any applicable hunting proclamation issued in terms of applicable provincial legislation;
  - (b) any method of hunting prohibited in terms of regulation 73 of these Regulations;
  - (c) in the case of a hunting client—
    - (i) whether the hunt has been organized by a hunting outfitter;
    - (ii) whether the hunting client will be accompanied by a professional hunter; and
    - (iii) the hunting experience contemplated in regulation 9(5) of these Regulations, of the hunting client;
  - (d) any applicable off-take limits determined by the Scientific Authority in terms of regulation 98 of these Regulations; and
  - (e) whether the written consent contemplated in regulation 9(1)(a) of these Regulations, of the owner on whose land the hunt will be conducted, has been submitted together with the application.

**Additional factors to be taken into account by the issuing authority when considering an application for an export permit in respect of a rhinoceros hunting trophy**

19. When considering a permit application in respect of the export of a rhinoceros hunting trophy, the issuing authority must consider whether—
- (a) the hunting permit has been signed off by the—



- (i) owner of the land where the black rhinoceros or white rhinoceros was hunted; and
- (ii) person who supervised the hunt, as required in terms of the Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes; and
- (b) the trophy has been appropriately marked in accordance with regulation 33(6) of these Regulations.

#### **Part 4** **Issuing of permits**

##### **Decision on a permit application and issuance of a permit**

- 20.** (1) On receipt of a complete application, the issuing authority must consider and decide on the application, and if the decision is to issue the permit, then issue the permit within 30 working days of receipt of the application, unless any other subordinate legislation regulating the same matter provides a different time frame.
- (2) On receipt of the additional information contemplated in regulation 9(8), or in respect of any other application, the issuing authority must consider and decide on the application, and if the decision is to issue the permit, then issue the permit within 30 working days of receipt of the additional information.
- (3) If the decision of the issuing authority is to issue the permit subject to certain conditions, the issuing authority must—
- (a) give reasons for the decision to the applicant, if required by the applicant; and
  - (b) inform the applicant of his or her right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeals Regulations.
- (4) If the decision of the issuing authority is to refuse the application, the issuing authority must, in addition to the requirement set out in terms of section 88(5) of the Biodiversity Act, within 30 working days inform the applicant of—
- (a) its decision;
  - (b) the applicant's right to appeal against the decision of the issuing authority; and
  - (c) the appeal procedure to be followed in accordance with the national Appeal Regulations.
- (5) If the issuing authority is unable to comply with the timeframes contemplated in subregulations (1) and (2), the issuing authority must—
- (a) provide reasons in writing to the applicant, prior to the lapsing of such timeframe, as to why it is unable to comply with such timeframe; and
  - (b) indicate to the applicant a reasonable time frame relative to the complexity of the application, in which the decision will be made.
- (6) Notwithstanding the provision of subregulation (1), the issuing authority may determine the timeframe for applications to which the genotyping of specimens of listed threatened or protected species contemplated in terms of regulation 31 of these Regulations, relate.
- (7) The failure to make a decision within the prescribed time frames contemplated in subregulations (1) and (2) does not render the carrying out of the restricted activity, or restricted activities, as the case may be, by the applicant, as lawful.
- (8) The issuing authority may issue a permit with retrospective effect if deemed necessary.

- (9) Notwithstanding the provision of subregulation (8), a retrospective import or export permit may be issued only in the following circumstances:
  - (a) the irregularity that has occurred, is not attributable to the importer or exporter, as the case may be;
  - (b) in the case of importing or exporting a live specimen, the issuing authority, after consultation with the relevant enforcement authority, is satisfied that there is evidence that a genuine error has been made;
  - (c) in the case of paragraphs (a) and (b), the issuing authority is satisfied that all other applicable legislation has been complied with;
  - (d) to first-time offenders; and
  - (e) if the permit indicates that it has been issued with retrospective effect.
- (10) The issuing authority may not issue a permit in conflict with the provisions of—
  - (a) applicable provincial legislation;
  - (b) norms and standards to which the application relates;
  - (c) a biodiversity management plan in respect of a species to which the application relates;
  - (d) a non-detriment finding of the Scientific Authority; or
  - (e) any other relevant provision contemplated in regulation 17.

#### **Circumstances in which a permit must be refused**

- 21. (1) The issuing authority must refuse to issue a permit if—
  - (a) any applicable legal requirements that apply to the application, including the requirements of these Regulations, are not being, or have not been, complied with;
  - (b) the carrying out of a restricted activity is prohibited in terms of section 57(2) of the Biodiversity Act or in terms of these Regulations;
  - (c) the restricted activity applied for is in conflict with any non-detriment finding made by the Scientific Authority in terms of section 61(1)(d) of the Biodiversity Act;
  - (d) the off-take limits determined by the Scientific Authority will be exceeded, or have already been exceeded at the time of considering an application for such permit;
  - (e) the permit has been refused or revoked in terms of any other applicable legislation; or
  - (f) registration of a facility is compulsory in terms of Chapter 3 of these Regulations, and the facility to which the application relates is not registered.
- (2) In addition to the factors contemplated in subregulation (1), the issuing authority must refuse to issue a permit if the application relates to breeding in a sanctuary.

#### **Contents of a permit**

- 22. (1) Unless the carrying out of a restricted activity is authorised in terms of an integrated permit, the issuing authority must issue a permit in the form set out in—
  - (a) Annexure 4 to these Regulations if it is an ordinary permit, or
  - (b) Annexure 5 to these Regulations if it is a standing permit.
- (2) If an integrated permit is not issued in the form set out in Annexures 4 or 5 to these Regulations, such integrated permit, must, to the extent applicable, contain the following information:
  - (a) the name, identity number or passport number, postal address and physical address of the person carrying out the restricted activity;
  - (b) the name of the issuing authority;
  - (c) the permit number and date of issue;

- (d) particulars of the specimen in respect of which the permit is issued, including the scientific and the common name if any, of the species, sub-species or variation involved;
  - (e) particulars of the restricted activity in respect of which the permit is issued, including specific requirements relating to how the restricted activity may be carried out by the permit holder;
  - (f) the number of specimens involved, and their sex (if applicable);
  - (g) the markings of the specimen (where applicable);
  - (h) the period of validity;
  - (i) where applicable—
    - (i) the name and physical address of a person appointed by the applicant as an agent for purposes of obtaining the permit on the applicant's behalf;
    - (ii) the name and physical address of the consignee or consignor, in the case of an export or import permit;
    - (iii) the name and physical address of the seller or supplier, in the case of a permit authorizing the purchase or acquisition of a specimen of a listed threatened or protected species;
    - (iv) the name and physical address of the person purchasing or acquiring the specimen of a listed threatened or protected species, in the case of a permit authorizing the sale or supply of such a species;
    - (v) in the case of a hunting client, the particulars of the hunting outfitter;
    - (vi) the location and other relevant particulars of the place where the restricted activity is to be carried out (where applicable);
    - (vii) in the case of a standing permit for a person or facility contemplated in regulation 2 of these Regulations—
      - (aa) the physical address of the premises where the restricted activities will be carried out; and
      - (bb) a unique registration number; and
    - (viii) in the case of a permit authorizing the possession of elephant ivory or rhinoceros horn—
      - (aa) the weight of each piece of elephant ivory, or of each rhinoceros horn or piece of rhinoceros horn;
      - (bb) the length of the elephant ivory or rhinoceros horn, and the circumference at the base of the tusk or horn, measured in accordance with regulations 31 and 32 of these Regulations; and
      - (cc) a description of the markings or any other form of identification in respect of each piece of elephant ivory, or each rhinoceros horn or piece of rhinoceros horn, as provided for in terms of regulations 32 and 33 of these Regulations; and
  - (j) the specific conditions subject to which the permit is issued.
- (3) The issuing authority must issue a permit in the name of the person who will be carrying out the restricted activity.
- (4) To the extent possible, if the permit is issued to a juristic person, all the names of the natural persons who will be carrying out the restricted activities authorised by the permit, must be listed in an annexure to the permit.

**Compulsory conditions applicable to the holder of a permit**

23. (1) If it is the decision of the issuing authority to issue a permit, it must be issued subject to the condition that the holder thereof—
- (a) may not transfer the permit to any other person;



- (b) may not make any alteration to the permit, in which case the permit will be rendered invalid;
  - (c) must sign the permit and any addendum thereto in order to validate the permit before carrying out the restricted activity to which the permit applies; and
  - (d) is bound by any norms and standards that apply to the restricted activity or species for which the permit has been issued, and that the permit holder must act in accordance with such norms and standards when carrying out the restricted activity to which the permit applies.
- (2) In addition to the compulsory conditions contemplated in subregulation (1), all ordinary permits issued for the maximum period of validity, and all standing permits, must be issued subject to a condition that the permit holder must—
- (a) keep a register containing the information contemplated in subregulation (3); and
  - (b) report such information in writing to the relevant issuing authority—
    - (i) within 30 working days of the expiry of an ordinary permit; or
    - (ii) at the end of each calendar year for the period of validity of a standing permit.
- (3) The register contemplated in subregulation (2)(a) must contain the following information:
- (a) the name of the permit holder;
  - (b) the facility to which the registration applies (if applicable);
  - (c) the unique number to which the registration applies (if applicable);
  - (d) the restricted activity or activities that have been carried out in terms of the permit;
  - (e) the date on which the restricted activity or activities contemplated in paragraph (d) have been carried out;
  - (f) the common and scientific names of the species to which the restricted activity or activities contemplated in paragraph (d) relate;
  - (g) the number and sexes of specimens involved;
  - (h) the markings of specimens involved (if applicable);
  - (i) if the permit relates to purchasing, the name, physical address and permit number of the seller;
  - (j) if the permit relates to selling, the name, physical address and permit number of the purchaser; and
  - (k) if the permit relates to the transport and export of a specimen, and to the extent applicable, the name and physical address of the person where the specimen has been transported or exported to.
- (4) In addition to the information contemplated in subregulation (3), the register must contain the following information in respect of a captive breeding facility:
- (a) documentation indicating legal acquisition of new stock acquired during the validity period of the permit,
  - (b) details of current stock, including the numbers, sex and age of offspring produced during the validity of the permit;
  - (c) mortalities (percentage and number) and sexes of specimens in the different age groups during the validity of the permit;
  - (d) past, current (during the validity of the permit) and expected annual production of offspring and, where possible, information on the number of females producing offspring each year, and
  - (e) plans for the disposal of offspring.
- (5) In addition to the compulsory conditions contemplated in subregulation (1), all hunting permits must be issued subject to the condition that—
- (a) the holder thereof must have all relevant documentation authorizing the hunt on his or her person during the hunt;



- (b) information on the success of the hunt must be submitted in writing to the issuing authority within 21 days of the expiry of the permit, by—
    - (i) the holder of the permit, in the case of a local hunter; or
    - (ii) the hunting outfitter, in the case of a hunting client;
  - (c) the original permit must be returned to the issuing authority within 21 days of the expiry of the permit; and
  - (d) in the case of a hunting client, that he or she must be accompanied by a professional hunter.
- (6) The information contemplated in subregulation (5)(b) must include the following:
- (a) in the case of a successful hunt—
    - (i) the permit number and date of issuance of the permit;
    - (ii) the species, sex and number of animals hunted;
    - (iii) the location where the hunt took place; and
    - (iv) the method or instrument by means of which the animal was hunted; and
  - (b) in the case of an unsuccessful hunt, and if required in terms of a non-detriment finding, the completed hunting return.
- (7) In addition to the compulsory conditions contemplated in subregulation (1), all permits relating to the possession of or exercising physical control over a live specimen of a listed threatened or protected species, to the extent applicable, must be issued subject to a condition that the holder thereof must—
- (a) prevent hybridization and/ or inbreeding;
  - (b) keep a stock book;
  - (c) provide information contemplated in paragraphs (a) and (b) in writing to the relevant issuing authority prior to the expiry of the ordinary permit or standing permit; and
  - (d) make the information contemplated in paragraphs (a) and (b) available upon request to the relevant issuing authority.
- (8) The stock book contemplated in subregulation (7)(b) must contain the following information:
- (a) quantities and sex of specimens acquired, whether such specimens were born on the property, purchased, received as a donation or a new loan, or a loan returned;
  - (b) quantities and sex of specimens kept; and
  - (c) quantities and sex of specimens disposed of, whether such specimens died or were hunted, were sold, or given as a donation or a loan.
- (9) Notwithstanding the provision of subregulation 8(b), in the event that it is not possible to record the exact quantities of specimens kept, the stock book must reflect approximate quantities.
- (10) The keeping of a stock book contemplated in subregulation (7)(b) does not apply to permit holders who are participating in any of the studbooks contemplated in regulation 25(1)(a).

**Compulsory conditions applicable to a captive breeding facility, rehabilitation facility, temporary holding facility and commercial exhibition facility**

24. (1) If it is the decision of the issuing authority to issue a permit in respect of a captive breeding facility, rehabilitation facility, temporary holding facility or a commercial exhibition facility, the permit must, in addition to the conditions contemplated in regulation 23(1), (2) and (7), be issued subject to a condition that the permit holder must—
- (a) participate in any national or regional studbook approved by the department, including the—
    - (i) marking of specimens; and
    - (ii) collection of DNA samples for genotyping to determine the parental lineaton;

- (b) provide information contemplated in paragraph (a) in writing to the relevant issuing authority prior to the expiry of the ordinary permit or standing permit; and
  - (c) make the information contemplated in paragraph (a) available upon request to the relevant issuing authority.
- (2) Notwithstanding the provision of regulation 23(7)(a), inbreeding may be permitted in a captive breeding facility for conservation purposes, only in accordance with a conservation strategy approved by the relevant issuing authority, and provided that—
    - (a) a studbook contemplated in subregulation (1)(a) is kept; and
    - (b) a stock book contemplated in regulation 23(7)(b) is kept.
  - (3) A permit in respect of a captive breeding facility must, in addition to the compulsory conditions contemplated in subregulation (1), be subject to a condition that no specimens of critically endangered species or listed large predators originating from wild populations may be introduced, except for conservation purposes.
  - (4) A permit in respect of a commercial exhibition facility must, in addition to the compulsory conditions contemplated in subregulation (1), be subject to a condition that the permit holder must, if it is a travelling exhibition, obtain a permit to convey the specimens to which the permit relates, from the issuing authority of the province to which it will be going, and to the extent possible, at least 30 days prior to travelling to such province.
  - (5) A permit issued in respect of a rehabilitation facility must, in addition to the compulsory conditions contemplated in subregulation (1), be subject to a condition that—
    - (a) a specimen of a listed threatened or protected species may not be kept by the holder of the permit for a period that exceeds the period reasonably required for the rehabilitation of such specimen; and
    - (b) the necessary steps must be taken to prevent the specimens kept in such rehabilitation facility to become accustomed to human activities or intervention.
  - (6) The issuing authority may determine the conditions relating to the fate of a specimen of a listed threatened or protected species where the rehabilitation of such specimen is not possible.

#### **Compulsory conditions applicable to a sanctuary**

25. (1) If it is the decision of the issuing authority to issue a permit in respect of a sanctuary, the permit must, in addition to the conditions contemplated in regulation 23(1), (2) and (7)(b), be issued subject to the condition that the permit holder, in order to prevent breeding in the sanctuary—
- (a) must take appropriate measures to prevent natural reproduction in the sanctuary, except for conservation purposes; and
  - (b) may not perform artificial insemination, or allow the procedure to be performed, in the sanctuary.
- (2) Notwithstanding the provision of subregulation (1)(a), appropriate measures to prevent reproduction do not apply in the case of a female specimen that is already in gestation at the time of being introduced into the sanctuary, provided that the date of birth is included in the report contemplated in regulation 22(2)(b) of these Regulations.

#### **Compulsory conditions applicable to a scientific institution**

26. If it is the decision of the issuing authority to issue a permit in respect of a scientific institution, the permit must, in addition to the conditions contemplated in regulation 23(1) and (2), be

issued subject to a condition that the permit holder must submit to the relevant issuing authority—

- (a) a report on the progress of a particular research project upon expiry of the permit; and
- (b) a report of the research findings, upon completion of such research project.

#### **Compulsory conditions applicable to a wildlife translocator**

- 27. If it is the decision of the issuing authority to issue a permit in respect of a wildlife translocator, the permit must, in addition to the conditions contemplated in regulation 23(1) and (2), be issued subject to the condition that the permit holder must carry the written permission contemplated in regulation 9 of these Regulations on his or her person while conveying, moving or otherwise translocating the specimens of the listed threatened or protected species to which the permit relates.

#### **Area of validity of a permit**

- 28. (1) A permit issued by the Minister or his or her delegated official in accordance with section 87A(1)(a) of the Biodiversity Act is valid throughout the Republic, unless otherwise indicated in the permit.
- (2) A permit issued by the MEC or his or her delegated official in accordance with section 87A(2) of the Biodiversity Act is valid only within the area of jurisdiction of such MEC, or for the specific locality where the restricted activity involving such specimen will be carried out, as the case may be.

#### **Period of validity of a permit**

- 29. (1) An ordinary permit contemplated in regulation 6(1) of these Regulations may be issued for a period not exceeding 12 months.
- (2) Notwithstanding the provision of subregulation (1), a permanent possession permit contemplated in regulation 6(2), may be issued for a period not exceeding 10 years.
- (3) A standing permit contemplated in regulation 7 of these Regulations may be issued for a period not exceeding 36 months.
- (4) Notwithstanding the provision of subregulation (3), a standing permit issued to—
  - (a) an organ of state or the management authority of a protected area, may be issued for a period not exceeding 48 months; and
  - (b) an official of the Department or an official of a provincial conservation authority for the carrying out of restricted activities in the official performance of the official's duties, remains valid until the employment of the holder of the permit is terminated, either on initiative of the employer or the permit holder.

### **Part 5**

#### **Marking and genotyping of specimens of listed threatened or protected species**

##### **Compulsory marking of specimens**

- 30. (1) Elephant ivory must be marked in accordance with the provisions of regulation 32(4) and (6).
- (2) Live specimens of *Diceros bicornis* or *Ceratotherium simum* and rhinoceros horn must be marked in accordance with the provisions of—
  - (a) regulation 33(5) and regulation 34(1); and

- (b) the Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes.
- (3) The breeding stock and offspring of specimens of listed threatened or protected species in captive breeding facilities must be marked in accordance with the method as may be determined by the issuing authority.
- (4) Specimens of a listed threatened or protected species in relation to which a permit holder participates in a studbook contemplated in regulation 24(1)(a), must be marked in accordance with the method as determined by the issuing authority.

#### **Restricted activities requiring the collection of DNA for genotyping**

- 31.** (1) The issuing authority must require the genotyping of a specimen of a listed threatened or protected species to be done in relation to—
- (a) a studbook contemplated in regulation 24(1)(a);
  - (b) any specimen of *Diceros bicornis* or *Ceratotherium simum* in the circumstances contemplated in regulation 34(3);
  - (c) the translocation of a specimen from any particular property, where it was kept together with a specimen of another species with which it was likely to hybridize;
  - (d) the importation of a live specimen; or
  - (e) if required in terms of a non-detriment finding made by the Scientific Authority.
- (2) The issuing authority may, if it deems necessary, require the genotyping of a specimen of a listed threatened or protected species to be done for any purpose other than the circumstances contemplated in subregulation (1), before a permit is issued.
- (3) The genotyping contemplated in subregulations (1) and (2) is for the cost of the applicant.
- (4) A copy of the DNA certificate issued in respect of the genotyping contemplated in subregulation (1) or (2) must be made available, upon request, to the relevant issuing authority.
- (5) The DNA certificate contemplated in subregulation (4) must, as a minimum, contain the following information:
- (a) the name and physical address of the owner of the specimen;
  - (b) the species and sub-species to which such specimen belongs;
  - (c) unique identification number assigned to the specimen;
  - (d) details of the specimen analyzed; and
  - (e) the result of the genetic analysis.
- (6) The genotyping contemplated in subregulation (1) or (2) must be done by a registered scientific institution.

### **Part 6**

#### **Requirements relating to elephant ivory, rhinoceros and rhinoceros horn**

##### **Requirements for a permit authorizing possession of elephant ivory**

- 32.** (1) A permit application relating to the possession of elephant ivory must be accompanied by the following:
- (a) information on the circumference, inner length and outer length measured from base to tip following the curve, measured in centimeters, of the elephant ivory;



- (b) where practically possible the weight of the elephant ivory, to the nearest gram; and
- (c) photographs of the elephant ivory.
- (2) The issuing authority must be satisfied that the quality of the photographs contemplated in subregulation 1(c) is adequate for easy identification of such ivory.
- (3) An official of the relevant issuing authority must conduct an inspection of the elephant ivory to verify the correctness of the information supplied by the applicant, prior to the issuance of the permit.
- (4) In addition to the requirement of regulation 4(1) of these Regulations, a person in possession of raw elephant ivory must apply to the issuing authority to have such ivory marked, if it is more than 20 cm in length and 1 kg or more in weight.
- (5) The issuing authority must, if it is satisfied that the possession of the raw elephant ivory is lawful—
  - (a) mark the elephant ivory by means of punch-die, or if not practicable, with indelible ink, using the following formula—
    - (i) the country-of-origin two letter ISO code and the last two digits of the particular year, followed by a forward slash;
    - (ii) the serial number for the particular year, followed by a forward slash; and
    - (iii) the weight of the elephant ivory in kilograms;
  - (b) record the weight, circumference at the base, as well as the inner and outer length from base to tip of such elephant ivory; and
  - (c) capture all the information referred to in (a) and (b) above in a departmental database.
- (6) The issuing authority must mark the elephant ivory at the expense of the person applying for such marking.
- (7) An application contemplated in subregulation (1) in respect of elephant ivory that has already been marked in accordance with other applicable legal requirements, must be accompanied by proof of such marking.
- (8) The issuing authority must, if it is satisfied that the marking requirements contemplated in subregulation (5) have been met, accept the existing marking and reflect the marking information on the permit.
- (9) A person who is the owner of elephant ivory must first follow the procedure set out above in respect of the possession and marking of such elephant ivory, before he or she may process such elephant ivory in any manner, including but not limited to—
  - (a) cutting;
  - (b) carving; or
  - (c) polishing.

#### **Requirements for a permit authorizing possession of rhinoceros horn**

- 33. (1)** A permit application relating to the possession of rhinoceros horn must be accompanied by the following:
- (a) circumference of the base, the length along the inner curve as well as the length along the outer curve, measured from base to tip following the curve;
  - (b) where practically possible, the weight to the nearest gram; and

- (c) a photograph.
- (2) The issuing authority must be satisfied that the quality of the photograph contemplated in subregulation 1(c) is adequate for easy identification of such rhinoceros horns.
- (3) An official of the relevant issuing authority must conduct an inspection of the rhinoceros horn to verify the correctness of the information supplied by the applicant, prior to the issuance of a permit to authorize possession of the rhinoceros horn.
- (4) In addition to the requirement of regulation 4(1) of these Regulations, a person in possession of any rhinoceros horn that is 5cm or more in length, irrespective of the weight of such rhinoceros horn, must apply to the relevant issuing authority to have such horn marked.
- (5) The issuing authority must, if it is satisfied that the possession of the rhinoceros horn is lawful—
  - (a) mark such horn by means of—
    - (i) a microchip, to the extent possible, or by any other means of identification as approved by the Director-General; and
    - (ii) indelible ink or punch die, using the formula ZA/serial number/year/weight/RH;
  - (b) record the circumference at the base, as well as the inner and outer length from base to tip of such rhinoceros horn; and
  - (c) capture all the information contemplated in paragraphs (a) and (b) above, including the microchip number, in the departmental database.
- (6) The year referred to in the formula contemplated in subregulation (5)(a)(ii) must reflect the year of recovery or acquisition of the rhinoceros horn from the wild.
- (7) The issuing authority must mark the rhinoceros horn at the expense of the person applying for such marking.
- (8) An application contemplated in subregulation (1) in respect of rhinoceros horn that has already been marked in accordance with other applicable legal requirements, must be accompanied by proof of such marking.
- (9) The issuing authority must, if it is satisfied that the marking requirements contemplated in subregulation (5) have been met, accept the existing marking and reflect the marking information on the permit.
- (10) A person who is the owner of a rhinoceros horn must first follow the procedure set out above in respect of the possession and marking of such rhinoceros horn, before he or she may process such rhinoceros horn in any manner, including but not limited to—
  - (a) cutting;
  - (b) powdering;
  - (c) creating slivers, chips or drill bits; or
  - (d) removing layers.

**Additional requirements involving live specimens of *Diceros bicornis* and *Ceratotherium simum* and rhinoceros horn**

- 34. (1)** Any live specimen of *Diceros bicornis* or *Ceratotherium simum* that is required to be darted after the commencement of these Regulations, and that has not already been marked by means of a microchip or where the inserted microchip is no longer detectable, must be marked

by means of a microchip by the relevant issuing authority or a veterinarian, at the expense of the owner of such rhinoceros, with one microchip behind the ear, close to the base of the ear, and one microchip in each of the horns that is 5cm or more in length, or by any other means of identification as approved by the Director-General.

- (2) In addition to the marking of rhinoceros horn in the manner contemplated in regulation 33(5)(a) of these Regulations, confiscated rhinoceros horn must also be marked by attaching the relevant CAS number by means of indelible ink, to such confiscated horn.
- (3) Samples for genotyping must be collected in the following circumstances:
  - (a) a horn and cellular sample, such as blood or a skin sample when a live specimen of *Diceros bicornis* or *Ceratotherium simum* is darted for treatment, translocation or any other management purpose;
  - (b) a sample of rhinoceros horn, when—
    - (i) an inspection contemplated in regulation 33(4) of these Regulations is conducted; or
    - (ii) when a specimen of *Diceros bicornis* or *Ceratotherium simum* was hunted and the horns have to be marked prior to the conveyance of the hunting trophies to the taxidermist; and
  - (c) to the extent possible, a horn and a cellular sample of a specimen of *Diceros bicornis* or *Ceratotherium simum* that has been killed unlawfully.
- (4) The samples contemplated in subregulation (3) must be sent to the following facilities as soon as possible after its collection:
  - (a) a facility registered as a scientific institution in terms of these Regulations and approved by the Director-General, in the case that such genetic profiling relates to diagnostic purposes; or
  - (b) the Forensic Science Laboratory of the South African Police Service, in the case that such genetic profiling relates to forensic purposes.

### CHAPTER 3

#### REGISTRATION OF CAPTIVE BREEDING FACILITIES, REHABILITATION FACILITIES, SANCTUARIES, TEMPORARY HOLDING FACILITIES, SCIENTIFIC INSTITUTIONS, COMMERCIAL EXHIBITION FACILITIES, NURSERIES, GAME FARMS AND WILDLIFE TRANSLOCATORS

##### Part 1

##### Registration of persons or facilities

##### **Compulsory registration of a captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility, nursery and wildlife translocator**

**35. (1)** No person may operate—

- (a) a captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility or nursery; or
  - (b) as a wildlife translocator;
- unless the facility contemplated in paragraph (a) or person contemplated in paragraph (b) is registered with the relevant issuing authority in terms of this Chapter.
- (2) The registration of a facility or a person in terms of this Chapter does not absolve the holder of the registration from the obligation to obtain a permit in terms of section 57(1), read with Chapter 7, of the Biodiversity Act prior to the carrying out of a restricted activity.

**Voluntary registration as a game farm**

36. (1) The owner of land who is the holder of a valid certificate of adequate enclosure, may apply to the relevant issuing authority for registration of such land as a game farm in terms of this Chapter.
- (2) The relevant issuing authority may register the land contemplated in subregulation (1) and issue a registration certificate for the listed threatened or protected species to which the certificate of adequate enclosure relates, if the issuing authority has conducted a basic assessment with regards to the suitability of the habitat of the land to which the application relates, for the specific species involved.
- (3) Notwithstanding the provision of subregulation (2), a basic habitat assessment is not required if it has previously been conducted in terms of applicable provincial legislation.

**Issuing authorities for registration of persons or facilities**

37. (1) The Minister is the issuing authority responsible for deciding an application for registration contemplated in regulation 35(1) of these Regulations in respect of specimens of listed threatened or protected species—
- (a) in a national protected area; or
- (b) applied for by an official, on behalf of—
- (i) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;
- (ii) a national protected area;
- (iii) the South African National Biodiversity Institute; or
- (iv) an organ of state in the national sphere of government.
- (2) The MEC for Environmental Affairs is the issuing authority responsible for deciding an application for registration in instances not listed in subregulation (1).
- (3) Notwithstanding subregulations (1) and (2) the Minister and the MEC for Environmental Affairs may in writing agree that any application for registration—
- (a) contemplated in subregulation (1) may be decided by the MEC for Environmental Affairs; or
- (b) contemplated in subregulation (2) may be decided by the Minister.

**Application for registration**

38. (1) A person may apply for registration on an application form provided by the relevant issuing authority, which contains, as a minimum, the information as set out in subregulation (2).
- (2) An application form contemplated in subregulation (1) must, to the extent applicable, make provision for the following information:
- (a) the applicant's details, including—
- (i) the applicant's name;
- (ii) the name of the owner of the property, facility or venture, as the case may be, if the applicant is not the owner;
- (iii) identity or passport number;
- (iv) telephone number;
- (v) cell phone number;
- (vi) fax number;
- (vii) e-mail address;



- (viii) postal address; and
  - (ix) physical address;
- (b) details of the facility including the—
  - (i) name of the facility;
  - (ii) kind of facility;
  - (iii) size of the facility (in hectare);
  - (iv) date of establishment of the facility;
  - (v) physical address where the restricted activities will be carried out; and
  - (vi) farm name and registration number;
- (c) details of specimens of the species involved, including—
  - (i) scientific name (genus, species, and to the extent applicable the sub-species);
  - (ii) common name (if any);
  - (iii) quantity of specimens per species;
  - (iv) sex of the specimens;
  - (v) size or age of the specimens, whichever is applicable; and
  - (vi) markings of the specimens as required by the relevant issuing authority.
- (3) A person applying for registration must pay the applicable processing fee as set out in Annexure 3 to these Regulations.
- (4) Notwithstanding subregulation (3), payment of the applicable processing fee does not apply to organs of state.

**Compulsory information to be submitted with an application for the registration of a captive breeding facility**

- 39.** In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration of a captive breeding facility must, to the extent applicable, include the following information:
- (a) details of the number, sex and age of the parental breeding stock;
  - (b) documentation indicating legal acquisition of the parental breeding stock;
  - (c) an assessment of the anticipated need for, and source of, additional specimens to supplement the breeding stock to increase the genetic pool of the captive population in order to avoid harmful inbreeding;
  - (d) a detailed description of the marking methods to be used for the parental breeding stock and offspring;
  - (e) a description of the strategies used by the breeding operation, or other activities, that contribute to improving the conservation status of wild populations of the species;
  - (f) a description and schematic diagram of the facility to house the current and expected stock;
  - (g) the security measures to prevent escape or thefts;
  - (h) the number and size of breeding enclosures, rearing enclosures and egg incubators, where appropriate;
  - (i) food production or supply;
  - (j) removal of waste; and
  - (k) the availability of veterinary services.

**Compulsory information to be submitted with an application for the registration of a sanctuary, rehabilitation facility, temporary holding facility or commercial exhibition facility**

- 40. (1)** In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration of a rehabilitation facility, sanctuary, a temporary holding facility or commercial exhibition facility must, to the extent applicable, include the following information:

- (a) a description and schematic diagram of the facility to house the current and expected stock, including rearing enclosures and egg incubators and the number and size of keeping enclosures;
  - (b) security measures to prevent escapes or thefts;
  - (c) water and food production or supply;
  - (d) removal of waste;
  - (e) availability of veterinary services;
  - (f) detail of current stock, including details of the numbers, sex and age of the individual specimens; and
  - (g) documentation indicating legal acquisition of the specimens or copies of permits issued.
- (2) In addition to the information contemplated in subregulation (1), an application for the registration of a sanctuary must include information relating to measures to prevent breeding in such sanctuary.

**Compulsory information to be submitted with an application for the registration of a nursery**

41. In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration of a nursery must include the following information:
- (a) description of the nursery and the propagation techniques;
  - (b) description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past;
  - (c) taxa relevant to listed threatened or protected species currently in propagation;
  - (d) inventory of all parental stock of listed threatened or protected species, whether artificially propagated or of wild origin, including—
    - (i) quantities per species;
    - (ii) size (stem diameter) in the case of specimens of *Encephalartos* species; and
    - (iii) documentation indicating legal acquisition or copies of permits issued; and
  - (e) photos of parental stock.

**Compulsory information to be submitted with an application for the registration as a wildlife translocator**

42. (1) In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration as a wildlife translocator must include the following information:
- (a) information relating to record keeping; and
  - (b) information relating to the translocation equipment to be used by the applicant.
- (2) If the application for the registration of a wildlife translocator also involves temporary holding facilities, the following information must be submitted with the application:
- (a) a description and schematic diagram of the facility to temporarily house the translocated specimens;
  - (b) security measures to prevent escapes or thefts;
  - (c) water and food production or supply;
  - (d) removal of waste; and
  - (e) availability of veterinary services.

**Compulsory information to be submitted with an application for the registration as a scientific institution**

43. (1) In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration as a scientific institution must include the following information:
- (a) evidence of legal acquisition or copies of permits issued;

- (b) current and anticipated stock to be kept (if applicable); and
  - (c) information relating to record keeping.
- (2) In addition to the information contemplated in subregulation (1), an application for the registration as a scientific institution for genotyping purposes, must include the following information—
- (a) copy of a protocol to indicate the appropriate handling of DNA samples and how the chain of custody with regards to such samples will be maintained;
  - (b) experience in analyzing the DNA profiles of specimens of listed threatened or protected species; and
  - (c) proof, in the form of academic publications, of the ability to interpret the DNA profiles of the specimens to which the application relates.

**Compulsory information to be submitted with an application for the registration of a game farm**

**44.** In addition to the information contemplated in regulation 38(2) of these Regulations, an application for the registration of a game farm must include the following information:

- (a) size of the undivided portion of the property that will provide natural vegetation to specimens of the listed threatened or protected species to which the application relates;
- (b) details of the number and age (if known or appropriate) of males and females of each listed threatened or protected species currently kept on the game farm;
- (c) a copy of the certificate of adequate enclosure or comparable document issued by the provincial issuing authority in terms of provincial conservation legislation or in terms of the Game Theft Act;
- (d) past, current and expected annual production of offspring and, where possible, information on the number of females producing offspring each year;
- (e) an assessment of the anticipated need for, and source of, additional specimens to supplement the breeding stock to increase the genetic pool of the population in order to avoid harmful inbreeding;
- (f) detailed description of the marking methods used (if any);
- (g) details regarding measures / strategies to prevent hybridization; and
- (h) description of the strategies used by the owner of the game farm, if any, that will contribute to improving the conservation status of the species.

**Submission of applications for registration**

**45. (1)** A complete application for registration must be submitted to the issuing authority as specified in regulation 37 of these Regulations.

- (2) An application for registration is deemed to be complete if the applicant has—
  - (a) signed the application form;
  - (b) submitted proof of payment of the applicable processing fee as set out in Annexure 3 to these Regulations;
  - (c) indicated the full scientific name of the species to which the application relates, including genus, species and, where applicable, the sub-species; and
  - (d) submitted all the information to the issuing authority in connection with the application, including the information contemplated in regulations 39, 40, 41, 42, 43 and 44 of these Regulations.
- (3) Applications for registration may be submitted—
  - (a) electronically;
  - (b) by post; or



- (c) delivered by hand.

#### **Applications affecting rights of other persons**

46. (1) If the granting of an approval of a registration application will affect the rights of a specific person, the applicant must, at the same time of submitting the application to the issuing authority, also give notice of the application to that the affected person.
- (2) A person notified of an application in terms of subregulation (1) may, within 15 working days of having been notified, submit any written objections that he or she has against the application, to the issuing authority.

#### **Time frame for an issuing authority to request additional information**

47. (1) In addition to the information contemplated in regulations 39, 40, 41, 42, 43, 44 and 48 of these Regulations, the issuing authority may request any additional relevant information necessary in order for it to decide on the application.
- (2) If the issuing authority requires additional information in relation to an application for registration, it must request the applicant to furnish it with such additional information within 90 working days of the request.
- (3) If the additional information requested by the issuing authority in terms of subregulation (1) is not submitted to the issuing authority within 90 working days of such request, the issuing authority may deem the application to have been withdrawn, and must inform the applicant accordingly.

### **Part 2**

#### **Consideration of registration applications**

##### **Factors to be taken into account by the issuing authority when considering a registration application**

48. (1) When considering an application for registration, the issuing authority must consider whether—
- (a) all applicable legal requirements have been complied with;
  - (b) an applicant is under investigation for, or has been convicted of, an offence in terms of the Biodiversity Act; and
  - (c) an application for registration has previously been refused or cancelled.
- (2) The issuing authority must, in addition to the provisions of subregulation (1) and to the extent applicable, also take into account—
- (a) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species;
  - (b) the purpose for which the captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility, nursery or game farm is conducted;
  - (c) whether the applicant is prepared to mark, where appropriate, each specimen of the listed threatened or protected species bred or kept at the relevant captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility, nursery, game farm, or specimens associated with operating as a wildlife translocator; and
  - (d) any other relevant factor.



- (3) When considering an application for the registration of a game farm, the issuing authority must take into account whether the game farm is adequately enclosed in terms of a certificate of adequate enclosure for the species to which the registration application applies.

#### **Decision on a registration application and issuance of the registration**

**49.** (1) On receipt of a complete application, the issuing authority must, within 60 working days—

- (a) conduct an inspection of the premises to which the application relates;
  - (b) consider and decide on the application; and
  - (c) issue the registration certificate, if the decision is to grant the application.
- (2) If the issuing authority has requested additional information in terms of regulation 47 of these Regulations, the issuing authority must consider and decide on the application, and if the decision is to grant the registration, then issue the registration certificate within 30 working days of receipt of the additional information.
  - (3) The issuing authority may issue the registration certificate subject to the conditions it deems necessary.
  - (4) If the decision of the issuing authority is to issue the registration certificate subject to certain conditions, the issuing authority must—
    - (a) give reasons for the decision to the applicant, if required by the applicant; and
    - (b) inform the applicant of his or her right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeals Regulations.
  - (5) If the decision of the issuing authority is to refuse the application, the issuing authority must, within 30 working days, inform the applicant of—
    - (a) its decision;
    - (b) the applicant's right to appeal against the decision of the issuing authority; and
    - (c) the appeal procedure to be followed in accordance with the national Appeal Regulations.
  - (6) If the issuing authority is unable to comply with the timeframes contemplated in subregulations (1) and (2), the issuing authority must—
    - (a) provide reasons in writing to the applicant, prior to the lapsing of such timeframe, as to why it is unable to comply with such timeframe; and
    - (b) indicate to the applicant a reasonable time frame relative to the complexity of the application, in which the decision will be made.
  - (7) The failure to make a decision within the prescribed time frames contemplated in subregulations (1) and (2) does not render the operating of a captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, scientific institution, commercial exhibition facility or nursery, or operating as a wildlife translocator, by the applicant as lawful.
  - (8) The issuing authority may issue a registration with retrospective effect, only as contemplated in regulation 63(6) of these Regulations.

#### **Circumstances in which registration must be refused**

**50.** (1) The issuing authority must refuse to grant a registration if—

- (a) the purpose to which the application relates is in conflict with the objectives of the Biodiversity Act; or

- (b) any applicable legal requirements are not complied with.
- (2) In addition to the provision of subregulation (1), the issuing authority must refuse to register a captive breeding facility or commercial exhibition facility if measures have not been implemented by the applicant to prevent hybridization.
- (3) In addition to the provision of subregulation (1), the issuing authority must refuse to register a game farm—
  - (a) if measures have not been implemented by the applicant to prevent hybridization;
  - (b) for listed threatened or protected species that are not included in the certificate of adequate enclosure issued by the provincial issuing authority; or
  - (c) in addition to the species contemplated in paragraph (b), for the following predator species—
    - (i) *Lycaon pictus*;
    - (ii) *Otocyon megalotis*;
    - (iii) *Felis nigripes*;
    - (iv) *Parahyaena brunnea*;
    - (v) *Vulpes chama*;
    - (vi) *Acynonix jubatus*;
    - (vii) *Panthera pardus*;
    - (viii) *Leptailurus serval*; and
    - (ix) *Crocuta crocuta*.

### Part 3

#### Issuing of registration certificates

##### Contents of a registration certificate

- 51.** A registration certificate issued in terms of these Regulations must, to the extent applicable, contain the following information—
- (a) the name, identity number or passport number and physical address of the person to whom the certificate is issued;
  - (b) the physical address of the premises where the registered facility or person contemplated in regulation 35(1) of these Regulations, will be conducted or operating from;
  - (c) the name of the issuing authority;
  - (d) the registration certificate number and date of issue;
  - (e) particulars of the species and specimens in respect of which the registration certificate is issued, including the scientific, and the common name if any, of the species, sub-species or variation involved; and
  - (f) the specific conditions that the registration is subject to, if any.

##### Compulsory conditions applicable to the holder of a registration

- 52. (1)** If it is the decision of the issuing authority to issue a registration certificate, it must be issued subject to the condition that—
- (a) the registration is not transferable;
  - (b) any unauthorized alteration to the registration certificate will render the registration certificate invalid;
  - (c) the registration is invalid until such time that the registration certificate is signed by the holder thereof; and
  - (d) the holder of the registration is bound by any norms and standards that apply to the registered facility or person contemplated in regulation 2 of these Regulations, and that the holder of the registration must comply with such norms and standards.

- (2) In addition to the compulsory conditions contemplated in subregulation (1), if it is the decision of the issuing authority to issue a registration certificate in respect of a game farm, it must be issued subject to the condition that the registration will be rendered invalid if the portion of the property to which the registration relates, is sub-divided by fences subsequent to the issuance of the registration.

#### **Area of validity of a registration**

53. (1) A registration certificate issued by the Minister is valid throughout the Republic, unless otherwise indicated in the registration certificate.
- (2) A registration certificate issued by the MEC for Environmental Affairs is valid only within the area of jurisdiction of such MEC for Environmental Affairs, or for the specific locality where the restricted activity involving such specimen will be carried out, as the case may be.
- (3) The registration of a game farm is valid only for the particular game farm in respect of which the registration certificate was issued.

#### **Period of validity of a registration**

54. A registration remains valid until it is cancelled, either upon request of the holder of the registration, or on initiative of the issuing authority in accordance with regulation 63 of these Regulations.

### **CHAPTER 4 DUTIES OF HOLDERS OF PERMITS AND REGISTRATIONS**

#### **Duties of a permit holder**

55. (1) The holder of any permit issued in accordance with the provisions of these Regulations must—
- (a) verify that the information contained in the permit is correct, prior to carrying out the restricted activities authorized by the permit;
  - (b) comply with all the conditions subject to which the permit has been issued;
  - (c) apply for an amendment of the permit or for an additional permit, if the permit holder intends to carry out—
    - (i) any additional restricted activity that is not authorised by the permit; or
    - (ii) a restricted activity involving any additional specimen of a listed threatened or protected species that is not included in the permit; and
  - (d) apply for renewal of an ordinary or standing permit prior to the lapsing thereof.
- (2) The holder of an ordinary permit issued for the maximum period of validity, and the holder of a standing permit, must—
- (a) keep a register containing the information contemplated in regulation 23(3), and to the extent applicable regulation 23(4), of these Regulations, and
  - (b) must submit a written report on the information contemplated in regulation 23(2)(b) of these Regulations to the issuing authority.
- (3) The holder of a permit that authorizes the carrying out of restricted activities for scientific purposes must submit to the relevant issuing authority—
- (a) a report on the progress of the research project upon expiry of the permit; and
  - (b) a report of the research findings, upon completion of such research project.

- (4) If any norms and standards apply to the restricted activity for which a permit is issued, the permit holder must comply with such norms and standards when carrying out the restricted activity authorised by the permit.
- (5) The holder of a hunting permit must—
  - (a) have all relevant documentation authorizing the hunt on his person during the hunt; and
  - (b) within 21 days of expiry of the permit, report the following information to the issuing authority—
    - (i) in the case of a successful hunt—
      - (aa) the permit number and date of issuance of the permit;
      - (bb) the species, sex and number of animals hunted;
      - (cc) the location where the hunt took place; and
      - (dd) the method or instrument by means of which the animal was hunted; or
    - (ii) in the case of an unsuccessful hunt, the completed hunting return if required in terms of a non-detriment finding.

#### **Duties of a holder of a registration**

- 56. (1)** The holder of a registration issued in terms of the provisions of these Regulations must—
- (a) verify that the information contained in the registration certificate is correct;
  - (b) ensure that the facility is not conducted for a purpose, or a person does not operate in a manner, other than to what the registration relates; and
  - (c) comply with all the conditions of the registration.
- (2) Prior to the conveyance, movement or otherwise translocation of a specimen or consignment of specimens of listed threatened or protected species by a registered wildlife translocator, such registered wildlife translocator must have—
- (a) proof of legal acquisition of the specimen to be conveyed, moved or otherwise translocated; and
  - (b) written permission from the owner of the specimen to convey, move or otherwise translocate such specimen on behalf of the owner.
- (3) If any norms and standards apply to a registered facility or person contemplated in regulation 2 of these Regulations, the holder of the registration must comply with such norms and standards.

### **CHAPTER 5**

#### **RENEWAL, AMENDMENT AND CANCELLATION OF PERMITS AND REGISTRATIONS**

##### **Part 1**

##### **Renewal and amendment of permits and registrations**

#### **Renewal of a permit**

- 57. (1)** The holder of a permit who intends to continue with the carrying out of the restricted activity to which the permit relates, must submit a complete application, prior to the lapsing of the permit, to the relevant issuing authority for the renewal of the permit.
- (2) An application contemplated in subregulation (1) must be accompanied by—
- (a) the reasons for the application;
  - (b) the applicable processing fee set out in Annexure 3 to these Regulations; and
  - (c) the species fee as determined by the issuing authority in terms of applicable provincial legislation, if the application involves an integrated permit and the restricted activity applied for is hunting.



- (3) An application is deemed to be complete if the applicant has—
  - (a) complied with the requirement contemplated in subregulation (2);
  - (b) signed the application form;
  - (c) indicated the full scientific name of the species to which the application relates, including genus, species and, where applicable, the sub-species; and
  - (d) submitted all the relevant information and documentation to the issuing authority.

**Consideration of and decision on an application for renewal of a permit**

- 58.** (1) The issuing authority, on receipt of an application for renewal of a permit, must—
- (a) consider the application in accordance with the provisions of Part 3 of Chapter 2 of these Regulations; and
  - (b) decide on the application in accordance with the provisions of Part 4 of Chapter 2 of these Regulations.
- (2) The issuing authority must, when considering an application for the renewal of a permit, consider whether—
- (a) it has previously cancelled any permit of the applicant;
  - (b) the applicant has complied with—
    - (i) the duties of a permit holder contemplated in regulation 55 of these Regulations; and
    - (ii) all conditions subject to which the permit was issued;
  - (c) the permit holder has carried out the restricted activities in a manner that is detrimental to the species kept by the permit holder; and
  - (d) the conservation status of the species to which the permit relates has not deteriorated, or the legislation that affects the continuation of the permit has not changed.
- (3) If the issuing authority decides to renew a permit to which the application contemplated in subregulation (1) relates, the issuing authority must issue a new permit.

**Amendment of a permit or registration**

- 59.** (1) The issuing authority may amend a permit or registration—
- (a) on application by the holder of the permit or registration, in accordance with regulation 61 of these Regulations; or
  - (b) on own initiative in accordance with regulation 62 of these Regulations.
- (2) A permit or registration may be amended by—
- (a) removing a condition;
  - (b) changing a condition;
  - (c) adding a condition;
  - (d) updating or changing any detail on the permit or registration certificate; or
  - (e) correcting a technical or editorial error on the permit or registration certificate.

**Application for amendment by the holder of a permit or registration**

- 60.** (1) The holder of a permit or registration may at any time apply to the issuing authority for an amendment of the permit or registration.
- (2) An application contemplated in subregulation (1) must be—
- (a) made on an official application form determined by, and obtainable from, the relevant issuing authority, and must contain, as a minimum, the information set out in Annexure 2 to these Regulations; and

- (b) accompanied by the applicable processing fee set out in Annexure 3 to these Regulations.
- (3) The payment of a processing fee does not apply in the case where a permit or registration certificate has to be amended due to an error made by the issuing authority.

#### **Consideration of and decision on an application for amendment**

- 61.** (1) On receipt of an application for the amendment of a permit or registration, the issuing authority must—
- (a) in the case of a non-substantive amendment of a permit or registration, consider and decide on the application and issue an amended permit or registration certificate within 10 working days of receipt of such application; or
  - (b) in the case of a substantive amendment of a permit or registration, consider the factors contemplated in Chapters 2 and 3 of these Regulations, and issue—
    - (i) an amended permit within the time frames contemplated in regulation 20 of these Regulations; or
    - (ii) an amended registration certificate within the time frames contemplated in regulation 49 of these Regulations.
- (2) The issuing authority may request additional information to be furnished by the applicant.
- (3) The issuing authority must, if the application is refused—
- (a) give reasons for the refusal to the applicant; and
  - (b) inform the applicant of his right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeal Regulations.

#### **Amendment of a permit or registration on initiative of the issuing authority**

- 62.** (1) The issuing authority may on own initiative amend a permit or registration certificate if it is necessary—
- (a) for the more effective protection of the listed threatened or protected species to which the permit or registration certificate relates;
  - (b) for the more effective enforcement of the provisions of the Biodiversity Act or these Regulations;
  - (c) to give effect to any relevant norms and standards that apply to the holder of the permit or registration certificate; or
  - (d) to correct technical or editorial errors on the permit or registration certificate.
- (2) The issuing authority must—
- (a) notify the holder of the relevant permit or registration certificate, in writing, of—
    - (i) the proposed amendment; and
    - (ii) the reasons for the proposed amendment; and
  - (b) afford the holder of the permit or registration certificate a reasonable opportunity to submit representations regarding the proposed amendment.

### **Part 2**

#### **Cancellation of permits and registrations**

##### **Cancellation of a permit or registration**

- 63.** (1) The issuing authority may cancel a permit or a registration if—
- (a) the holder of the permit or registration has breached a condition subject to which the permit or registration certificate was issued;

- (b) the holder of a permit or registration operates in a manner which is—
    - (i) detrimental to the specimens being bred, reared, propagated, traded or kept at such facility or by such person; or
    - (ii) not in accordance with any information provided to the issuing authority;
  - (c) any of the circumstances subject to which the permit or registration has been issued, has changed; or
  - (d) there is a change in the conservation status of the species involved being bred, reared, propagated, traded or kept by a permit holder or at such facility that affects the continuation of the permit or registration.
- (2) In addition to the provisions of subregulation (1), the relevant issuing authority may cancel a registration if the holder of such registration has been convicted of an offence in terms of the Biodiversity Act.
- (3) The issuing authority must cancel the registration of a game farm, if—
- (a) the certificate of adequate enclosure of the game farm has not been renewed by the relevant issuing authority within a period of six months after the expiry date of such certificate; or
  - (b) any part of the land in respect of which the registration was issued—
    - (i) is sold; or
    - (ii) subdivided by fences into smaller areas.
- (4) An issuing authority considering the cancellation of a permit or a registration in terms of subregulation (1) or (2) must—
- (a) notify the holder of such permit or registration that cancellation of the permit or registration is being considered, together with the reasons for the proposed cancellation; and
  - (b) afford the holder of the permit or registration a reasonable opportunity to submit representations regarding the proposed cancellation in terms of the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (5) After having reached a decision on the cancellation of the permit or registration, the issuing authority must—
- (a) notify the holder of the permit or registration in writing of the decision; and
  - (b) if the decision is to cancel the permit or registration—
    - (i) instruct the holder of the permit or registration to return the permit or registration certificate within 30 days; and
    - (ii) inform the holder of the permit or registration of the right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeal Regulations.
- (6) The holder of a cancelled registration must be provided an opportunity to rectify the circumstances that have led to the cancellation of the registration, and to apply for the re-issuance of the registration within 90 working days of the cancellation, in which case the issuing authority may issue the registration with retrospective effect.

**Cancelled permit and registration certificate to be returned to the issuing authority**

64. (1) The holder of a permit or registration that has been cancelled, must return the permit or registration certificate to the issuing authority within 30 working days after the date of having been informed of the cancellation.

- (2) Any failure by the holder of a permit or registration to return a cancelled permit or registration certificate in accordance with subregulation (1) must be taken into account by an issuing authority when considering any future application from such person submitted in accordance with the provisions of these Regulations.

**Permit or registration may not be transferred**

**65. (1)** A permit or registration may not be transferred to another person.

- (2) In the event that ownership of a facility or operation changes, the holder of the permit or registration must apply for an amendment of such permit or registration, which amendment must not unreasonably be withheld by the issuing authority.

**Lost or stolen permit or registration certificate**

**66.** The issuing authority may, upon written request of the holder of a permit or registration, issue a replacement permit or registration certificate if the original permit or certificate was lost or stolen, provided that such request is accompanied by—

- (a) proof that the original permit or certificate was lost or stolen or an affidavit by the holder of that permit or registration, stating that the permit or certificate was lost or stolen; and  
(b) the applicable processing fee specified in Annexure 3 to these Regulations.

**Part 3**

**Reporting on permits by Issuing Authorities**

**Register to be established and maintained by issuing authorities**

**67. (1)** Each issuing authority must—

- (a) establish and maintain a register of all permits, including integrated permits, and registrations issued, renewed or amended by it; and  
(b) record, as a minimum, the following information in the register—  
(i) name of the permit or registration holder;  
(ii) the number assigned to each permit or registration certificate;  
(iii) the scientific, and the common name if any, of the species for which the permit or registration was issued;  
(iv) the restricted activity, or activities, as the case may be, for which the permit was issued;  
(v) the period of validity of the permit or registration; and  
(vi) the location where the restricted activity is to be carried out.
- (2) Each provincial issuing authority must submit a copy of the register contemplated in subregulation (1), and copies of the reports contemplated in regulation 55(2)(b) of these Regulations, to the Department at the end of each calendar year.
- (3) The Department may from time to time request an issuing authority to furnish it with any additional information it may require.



## CHAPTER 6 RECOGNITION OF ASSOCIATIONS OR ORGANISATIONS ASSOCIATED WITH REGISTERED PERSONS OR FACILITIES

### Recognition of associations or organisations

68. (1) Any association or organisation representing persons or facilities that are registered in terms of these Regulations, may apply in writing to the Director-General for recognition.
- (2) An application contemplated in subregulation (1) may be approved if the applicant—
- (a) is a juristic person;
  - (b) can provide proof that it represents a substantial proportion of its sector on a national level;
  - (c) can provide proof that it will be able to perform a function, excluding the function to issue a permit, or provide support to the relevant sector to the same standard as the issuing authority or delegated entity;
  - (d) has adopted a code of responsible conduct and good practices, which is—
    - (i) ascribed to by its members;
    - (ii) aligned with the objectives of the Biodiversity Act; and
    - (iii) acceptable to the Director-General;
  - (e) gives a written undertaking to the Director-General that it will—
    - (i) enforce its code of responsible conduct and good practices against members who breach the code; and
    - (ii) report to the issuing authority any case of alleged criminal conduct by any of its members involving the carrying out of a restricted activity or a breach of any conditions subject to which any permit was granted to such member; and
  - (f) has a clear policy on broad-based black economic empowerment to include persons from disadvantage communities as members.
- (3) The Director-General must inform an association in writing of the outcome of its application in terms of subregulation (1) and (2), and provide reasons if the decision is to not recognise such association.

### Codes of responsible conduct and good practice

69. The code of responsible conduct and good practices of any association or organisation recognised in terms of regulation 68(1) of these Regulations must—
- (a) require its members to act in strict compliance with—
    - (i) the provisions of such code of responsible conduct and good practice;
    - (ii) applicable legal requirements; and
    - (iii) any conditions subject to which permits relating to listed threatened or protected species are granted;
  - (b) where appropriate, define a set of criteria that will foster the sustainable utilization of specimens of listed threatened or protected species; and
  - (c) provide for disciplinary steps against any member who breaches a provision of the code, which should include steps for the suspension or expulsion of such member from the association or organization.

### Benefits applicable to members of recognised associations or organisations

70. (1) Members of associations or organisations recognised in terms of regulation 68 of these Regulations may qualify for dispensation in terms of the Biodiversity Act or these Regulations, or for other benefits as may be deemed appropriate by the Director-General.

- (2) The Director-General must consult provincial conservation authorities in respect of dispensation or other benefits contemplated in subregulation (1).

**Withdrawal of recognition of associations or organizations**

71. (1) The Director-General may withdraw the recognition granted to an association or organisation, if such association or organisation fails to honour its written undertaking given to the Director-General in terms of regulation 68(2)(e) of these Regulations.

- (2) The Director-General must—
- (a) notify the association or organization in writing that withdrawal of its recognition is being considered, together with the reasons for the proposed withdrawal; and
  - (b) afford the association or organization a reasonable opportunity to submit written representations regarding the proposed withdrawal of its recognition.

**CHAPTER 7**

**PROHIBITION OF SPECIFIC RESTRICTED ACTIVITIES UNDER CERTAIN CIRCUMSTANCES**

**Prohibition of the conveyance, movement or translocation of a specimen of a listed threatened or protected animal species under certain circumstances**

72. (1) A person may not convey, move or otherwise translocate a specimen of a listed threatened or protected species to a national protected area, if—
- (a) such national protected area falls outside the natural distribution range of the particular species; or
  - (b) the genetic make-up or integrity—
    - (i) of the specimen to be conveyed, moved or otherwise translocated has in any way been compromised; or
    - (ii) of the species already occurring in the national protected area has the potential to be compromised in any way as a result of such conveyance, movement or translocation.
- (2) The prohibition contemplated in subregulation (1) does not apply if the conveyance, movement or otherwise translocation is necessary for the conservation of the species.
- (3) A person may not convey, move or otherwise translocate a live specimen of a listed threatened or protected species from any property, if such specimen is kept on the property together with a specimen of another species or sub-species which it is likely to hybridize with, unless—
- (i) the genotyping of such specimen has been done in accordance with regulation 31 of these Regulations; and
  - (ii) the DNA certificate confirms that such specimen is not a hybrid.
- (4) Notwithstanding the provisions contemplated in subregulations (1) and (3), a person may not convey, move or otherwise translocate a live specimen of a listed threatened or protected animal species to or from any property if there is a risk of transmitting a disease, and such conveyance, movement or otherwise translocation is not authorized in terms of any other applicable legislation.

**Prohibition of the hunting of a specimen of a listed threatened or protected species under certain circumstances**

73. (1) A person may not hunt a specimen of a listed threatened or protected species—
- (a) in a controlled environment;

- (b) while such specimen is under the influence of any tranquilizing, narcotic, immobilizing or similar agent;
  - (c) by making use of a gin trap, pit fall, cage, enclosure, snare or any other method or device wherein or whereby such specimen is intended to be captured before it is killed;
  - (d) by means of poison;
  - (e) by means of darting;
  - (f) by means of the following fire arms—
    - (i) an airgun;
    - (ii) a fire arm discharging a rim firing cartridge of .22 of an inch or smaller caliber;
    - (iii) a fire arm which, after it has been discharged, automatically reloads and fires when the trigger thereof is pulled or is held in a discharged position; or
    - (iv) a shot gun, except for the hunting of birds;
  - (g) by means of bait, sound, smell or any other luring method, except for the hunting of specimens of *Panthera pardus*, *Parahyaena brunnea* or *Crocota crocuta* by means of dead bait;
  - (h) by means of dogs, except by means of hounds to—
    - (i) track a wounded specimen; or
    - (ii) point, flush or retrieve a specimen;
  - (i) by means of flood or spot lights, except for the hunting of specimens of *Panthera pardus*, *Parahyaena brunnea* and *Crocota crocuta*;
  - (j) by means of a motorized vehicle, except—
    - (i) for the tracking of such specimen over long ranges; or
    - (ii) to allow a physically disabled or elderly person to hunt; or
  - (k) by means of an aircraft, except for the tracking of such specimen over long ranges.
- (2) In addition to the prohibitions contemplated in subregulation (1), a person may not hunt a specimen of a *Diceros bicornis*, *Ceratotherium simum*, *Crocodylus niloticus*, *Loxodonta africana*, or a listed large predator but excluding a specimen of *Panthera leo*, by means of a bow and arrow.
- (3) In addition to the prohibitions contemplated in subregulation (1) and (2), a person may not hunt a specimen of a listed large predator that has been released in an area adjacent to a captive holding facility for listed large predators.

**Prohibition of the catching of a listed threatened or protected species under certain circumstances**

- 74.** A person may not catch a specimen of a listed threatened or protected species by means of—
- (a) snares, except foot snares for scientific purposes;
  - (b) poison;
  - (c) gin traps;
  - (d) dogs, except hounds to—
    - (i) track a wounded specimen; or
    - (ii) point, flush and retrieve a specimen; or
  - (e) traps, or luring by means of bait, smell or sound, except for scientific, veterinary or management purposes, or for the purpose of catching a damage-causing animal.

**General circumstances relating to the prohibition to import, export or re-export a specimen of a listed threatened or protected species**

- 75. (1)** A person may not import a specimen of a listed threatened or protected species, unless it is authorized—

- (a) by a permit issued in accordance with these Regulations; and
  - (b) to the extent applicable, in terms of the CITES Regulations.
- (2) A permit in terms of section 57(1) of the Biodiversity Act is not required for the export or re-export of a specimen of a listed threatened or protected species that is also included in the annexures of CITES, provided that an export or re-export permit for such specimen has been issued in terms of section 57(1A) of the Biodiversity Act.
- (3) Notwithstanding the provision contemplated in subregulation (2), a person may not export or re-export a specimen of *Diceros bicornis*, *Ceratotherium simum* or a specimen of an *Encephalartos* species, unless it is authorized by a permit issued in terms of—
- (a) section 57(1) of the Biodiversity Act; and
  - (b) section 57(1A) of the Biodiversity Act.
- (4) A person may not import, export or re-export a specimen of a listed threatened or protected species through a port of exit or entry other than the following—
- (a) land ports—
    - (i) Beit Bridge border post;
    - (ii) Golela border post;
    - (iii) Jeppes Reef border post;
    - (iv) Lebombo border post;
    - (v) Maseru border post;
    - (vi) NaKop border post;
    - (vii) Ramatlabama border post; or
    - (viii) Vioolsdrift border post; or
  - (b) airports and harbours—
    - (i) Cape Town International Airport;
    - (ii) O.R. Tambo International Airport;
    - (iii) King Shaka International Airport;
    - (iv) Port Elizabeth International Airport;
    - (v) Kruger – Mpumalanga International Airport;
    - (vi) Cape Town Harbour;
    - (vii) Durban Harbour; or
    - (viii) Port Elizabeth Harbour.
- (5) Notwithstanding the provision contemplated in subregulation (4), the Minister may in exceptional circumstances grant written permission for an alternative port to be used for the import, export or re-export of a live specimen of a listed threatened or protected species, if the survival of such specimen may be at risk.
- (6) Notwithstanding the provision of subregulation (4), a person may not import, export or re-export a rhinoceros horn through a port of entry or exit other than O.R. Tambo International Airport.
- (7) Notwithstanding the provision of subregulations (1) and (4), a live specimen of a listed threatened or protected species may not be imported unless a blood sample of such specimen has been collected for genotyping and the results of such genotyping are made available to the relevant issuing authority.



**Specific circumstances relating to the prohibition to possess, sell and donate specimens of listed threatened or protected species that are also included in Appendix 1 of CITES**

**76.** (1) A person may not be in possession of—

- (a) an imported specimen of a listed protected species that is also included in Appendix 1 of CITES; or
- (b) the off-spring of the imported specimen contemplated in paragraph (a);  
unless such possession is authorized by a permit issued in accordance with these Regulations.

(2) A person may not sell or donate an imported specimen contemplated in subregulation (1)(a), unless—

- (a) such imported specimen originates from a commercial captive breeding facility that has been registered with the CITES Secretariat; and
- (b) the selling or donation of such specimen is authorized by a permit issued in accordance with these Regulations.

(3) A permit is not required in terms of section 57(1) of the Biodiversity Act for the selling or donating of the off-spring of an imported specimen contemplated in subregulation (1)(a).

**CHAPTER 8**

**THE REGULATION OF SPECIFIC RESTRICTED ACTIVITIES INVOLVING CERTAIN LISTED THREATENED OR PROTECTED SPECIES**

**Culling of specimens of listed threatened or protected species**

**77.** The culling of specimens of a listed threatened or protected species may be carried out by means of, or the use of—

- (a) a firearm suitable for hunting purposes, which may be fitted with a silencer;
- (b) flood lights or spot lights;
- (c) motorized vehicles; or
- (d) air craft.

**Darting of specimens of listed threatened or protected species**

**78.** (1) A specimen of a listed threatened or protected animal species may not be darted for purposes other than for veterinary, scientific, conservation or management purposes.

(2) A specimen of a listed threatened or protected animal species may be darted only by a veterinarian, or a person contemplated in subregulation (3).

(3) A person other than a veterinarian, who darts a specimen of a listed threatened or protected animal species, must be authorised to do so—

- (a) by a permit issued in terms of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);
- (b) by a permit issued in terms of Chapter 7 of the Biodiversity Act; and
- (c) in writing by the South African Veterinary Council.

(4) A veterinarian must be present when a specimen of a listed threatened or protected animal species is darted by a person contemplated in subregulation (3).

(5) A veterinarian, or a person contemplated in subregulation (3), may dart a specimen of a listed threatened or protected animal species on foot, or from a motorized vehicle, aircraft or vessel.

**General considerations with regards to the conveyance, movement or otherwise translocation of live specimens of listed threatened or protected species**

79. (1) When conveying, moving or otherwise translocating a live specimen of a listed threatened or protected species, due regard must be given to the risks associated with such conveyance, movement or otherwise translocation, namely—

- (a) ecological risks, which may include—
  - (i) damage to, or destruction of, the habitat into which such specimen will be released;
  - (ii) competition between the specimen to be released in a particular habitat and an indigenous species already occurring in that particular habitat, for living space and/ or resources; or
  - (iii) an adverse climatic effect on the translocated specimen;
- (b) genetic risks, which may result in the loss of the genetic fitness of populations of the released species or other indigenous species;
- (c) pathogenic risks, which may result in the exposure to diseases of the released specimen, or the spreading of diseases to livestock or other indigenous species by the released specimen;
- (d) social risks, which may result in human-wildlife conflict; and
- (e) financial risks, which may arise from remedial action as a result of any damage caused by the translocated specimen.

(2) The issuing authority may consider the introduction of a specimen of a listed threatened or protected species if—

- (a) the issuing authority is satisfied that such specimen is not likely to cause an unmanageable negative impact on the environment of the area into which it will be introduced; and
- (b) no factor is present in the new habitat outside its natural distribution range that may be detrimental to the ability of such specimen to adapt to such habitat.

(3) Specimens of a listed threatened or protected species should not be re-introduced into an area if the factors that caused the local disappearance or extinction of such species still exist on the property onto which, or in the area into which, such specimens are intended to be re-introduced.

(4) A live specimen of a listed threatened or protected species may be translocated if the measures that are implemented to manage the risks contemplated in subregulation (1) are adequate to minimise any harmful effect to—

- (a) the specimen to be translocated;
- (b) specimens of any indigenous species already occurring in the receiving habitat; or
- (c) to the receiving habitat itself.

**Specific considerations with regards to the conveyance, movement or otherwise translocation of certain live specimens of listed threatened or protected species between registered game farms**

80. (1) The conveyance, movement or otherwise translocation of specimens of certain listed threatened or protected species between registered game farms does not require a permit in terms of the Biodiversity Act, and is exempt in terms of section 57(4) of the Biodiversity Act, provided that such conveyance, movement or otherwise translocation is done in accordance with the provisions contemplated in the species listing notice.

(2) The exemption contemplated in subregulation (1) does not apply in the following circumstances—

- (a) any of the conditions stipulated in the species listing notice, and subject to which such exemption has been granted, is not met;
  - (b) the species to be translocated, is excluded from either the registration of the registered game farm where such specimen is to be translocated from, or from the registration of the registered game farm where such specimen is to be translocated to; or
  - (c) the specimen is to be translocated from, or to, a property other than a registered game farm to which the exemption relates.
- (3) Notwithstanding the exemption contemplated in subregulation (1), any specific requirement, restriction or prohibition relating to the conveyance, movement or otherwise translocation of a specimen of a listed threatened or protected species in terms of these Regulations will nevertheless apply.

#### **Hunting of a specimen of *Diceros bicornis* or *Ceratotherium simum***

81. (1) The issuing authority may not issue more than one permit within a period of 12 months to a particular hunting client to authorize the hunting of a specimen of *Ceratotherium simum* for trophy purposes.
- (2) The issuing authority may issue a permit in accordance with these Regulations for the hunting of a specimen of *Diceros bicornis* or *Ceratotherium simum* by a hunting client, only—
- (a) after the Department has made a recommendation that such permit may be issued; and
  - (b) in accordance with the recommendation contemplated in paragraph (a).
- (3) The holder of a permit that authorizes the hunting of a specimen of *Diceros bicornis* or *Ceratotherium simum* may only hunt such specimen if the hunt is supervised, as a minimum, by an environmental management inspector from the conservation authority of the province where the hunt will take place.

#### **Selling of a live specimen of *Diceros bicornis* or *Ceratotherium simum***

82. (1) The owner of live specimens of *Diceros bicornis* or *Ceratotherium simum* may sell such specimen, only if—
- (a) he or she is authorized by a permit issued in accordance with these Regulations to sell such live specimen;
  - (b) the genotyping contemplated in regulation 31(1) and regulation 34(3) of these Regulations, of such live specimen has been done in accordance with the Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes; and
  - (c) he or she is in possession of a DNA certificate issued by the registered scientific institution responsible for the genotyping, for such live specimen.
- (2) The DNA certificate issued in respect of the live specimen contemplated in subregulation (1) must accompany such live specimen when it is sold.

#### **Regulation of restricted activities involving a specimen of *Loxodonta africana***

83. A person may carry out a restricted activity involving a wild or captive specimen of *Loxodonta africana*, only if—
- (a) such person is authorized by a permit issued in accordance with these Regulations; and
  - (b) such restricted activity is carried out in accordance with the provisions of a management plan, developed in accordance with the Norms and Standards for the management of elephants in South Africa, and approved by the issuing authority.

**Regulation of restricted activities involving specimens of listed threatened or protected freshwater fish species**

84. (1) The issuing authority may issue a permit in accordance with these Regulations in relation to the conveying, moving or otherwise translocating, and release of a live specimen of a listed threatened or protected freshwater fish species in the following circumstances—
- (a) within the same catchment of such specimen;
  - (b) in a different catchment within the natural distribution range of such specimen, or in a natural aquatic system outside the natural distribution range of such specimen, provided that the conveyance and release is done by an official of an organ of state responsible for the conservation of biodiversity, for conservation purposes;
  - (c) in closed water on private land, within the natural distribution range; or
  - (d) in respect of a registered scientific institution, where there is a low risk of the specimen escaping from the facility, whether inside or outside the natural distribution range.
- (2) The issuing authority may issue a permit in accordance with these Regulations in relation to the possession of, or exercising physical control over, a live specimen of a listed threatened or protected freshwater fish species, after an identification of risk factors has been conducted in accordance with regulation 16 of these Regulations, to—
- (a) a commercial exhibition facility for educational purposes only;
  - (b) a registered scientific institution, where there is a low risk of the specimen escaping from the facility, whether inside or outside the natural distribution range;
  - (c) an organ of state responsible for the conservation of biodiversity;
  - (d) a registered captive breeding facility contemplated in subregulation (4); or
  - (e) the owner of private land contemplated in subregulation (1)(c).
- (3) A permit may not be issued for the possession of or exercising physical control over a live specimen of a listed threatened or protected freshwater fish species for home use in garden ponds or fish tanks.
- (4) The issuing authority may issue a permit in accordance with these Regulations in relation to the breeding of specimens of a listed threatened or protected freshwater fish species in a registered breeding facility where there is a low risk of the specimens escaping from such breeding facility, provided that such specimens are bred for conservation or research purposes.
- (5) The issuing authority may issue a permit in accordance with these Regulations in relation to the catching of a specimen of a listed threatened or protected freshwater fish species, subject to the condition that such specimen may not be killed subsequent to the catching of such specimen, except if such killing is necessary—
- (a) in exceptional circumstances; or
  - (b) by a registered scientific institution for scientific purposes.
- (6) A permit in terms of the Biodiversity Act in relation to the catching and release of a specimen of a listed threatened or protected freshwater fish species is not required if such specimen is released immediately subsequent to the catching thereof, in the same water where it has been caught.
- (7) The issuing authority may issue a permit in accordance with these Regulations to a person or facility contemplated in subregulation (2) in relation to the selling of a live specimen of a listed



- threatened or protected freshwater fish species, subject to a condition that such specimen may only be sold to—
- (a) to the owner of private land contemplated in subregulation (1)(c); or
  - (b) a registered commercial exhibition facility.
- (8) The issuing authority may issue a permit in accordance with these Regulations in relation to the donation or giving as a donation of a live specimen of a listed threatened or protected freshwater fish species—
- (a) inside the natural distribution range of such specimen, by a person or facility contemplated in subregulation (2) to another person or facility contemplated in subregulation (2); or
  - (b) outside the natural distribution range of such specimen, by—
    - (i) a registered scientific institution to another registered scientific institution; or
    - (ii) an organ of state responsible for the conservation of biodiversity to a registered scientific institution, where there is a low risk of the specimen escaping from the facility.
- (9) A person or facility contemplated in subregulation (8) may receive or accept as a donation, a live specimen of a listed threatened or protected freshwater fish species, only if such person or facility is authorized by a permit issued in accordance with these Regulations to possess or exercise physical control over, and to receive or accept as donation, such specimen.
- (10) The issuing authority may issue a permit in accordance with these Regulations in relation to the importation, exportation or re-exportation of a live specimen of a listed threatened or protected freshwater fish species, only to or from a registered scientific institution, where there is a low risk of the specimen escaping from the facility.
- (11) The issuing authority may issue a permit in accordance with these Regulations in relation to the conveying, moving or otherwise translocating, possession or exercising physical control over, selling or buying, donating or giving as a donation, or receiving or accepting as donation, of dead specimens of listed threatened or protected freshwater fish species, to a person or facility contemplated in subregulation (2).
- (12) A permit in terms of the Biodiversity Act in relation to the receiving or accepting as a donation of dead specimens of listed threatened or protected freshwater fish species by a registered scientific institution is not required.

## CHAPTER 9

### MANAGEMENT OF SPECIMENS OF LISTED THREATENED OR PROTECTED ANIMAL SPECIES THAT ARE DAMAGE-CAUSING ANIMALS

#### Duty of care

85. (1) Any person whose activities may result in conflict with specimens of listed threatened or protected animal species, has a general duty of care to implement reasonable measures to limit or prevent damage being caused by damage-causing animals.
- (2) Reasonable measures contemplated in subregulation (1) may include, but are not limited to, the measures contained in any applicable norms and standards issued in terms of section 9 of the Biodiversity Act, or guidelines, as the case may be.

- (3) A person or group of persons experiencing damage or loss caused by damage-causing animals must report such damage or loss to the issuing authority, as soon as possible after becoming aware of such damage or loss.
- (4) The issuing authority must determine, or may appoint a person to determine on its behalf, whether an individual specimen, or a group of specimens, of a listed threatened or protected species, as the case may be, is responsible for the damage or loss contemplated in subregulation (3) and can be deemed a damage-causing animal, or are damage-causing animals, as the case may be.
- (5) The issuing authority must take the following factors into consideration when determining whether an individual specimen, or group of specimens, of a listed threatened or protected species is a damage-causing animal, or are damage-causing animals, as the case may be—
  - (a) actual loss of livelihood or revenue, or potential of further loss of livelihood or revenue;
  - (b) the frequency of the damage or loss experienced;
  - (c) whether reasonable measures to prevent damage being caused by a damage causing animal or damage-causing animals, as the case may be, have been taken; or
  - (d) any other factor that is deemed relevant by the issuing authority.
- (6) The MEC of a province where a national protected area exists must enter into a written agreement with the management authority of such national protected area in relation to the management of damage-causing animals originating from such national protected area.

#### **Management measures**

- 86.** (1) The following management measures may be considered by the issuing authority if a damage-causing animal originates from land other than a national protected area:
- (a) capture and relocation of the damage-causing animal by—
    - (i) the issuing authority;
    - (ii) the management authority of the applicable protected area; or
    - (iii) any other person; or
  - (b) killing the damage-causing animal by—
    - (i) the issuing authority;
    - (ii) the management authority of the applicable protected area; or
    - (iii) any other person.
- (2) The person contemplated in subregulation (1)(a)(iii) or (1)(b)(iii)—
    - (a) must be in possession of a permit issued by the issuing authority in accordance with these Regulations;
    - (b) must be designated in writing by the management authority of the protected area if the damage-causing animal originates from a protected area; and
    - (c) may not be a hunting client, or be accompanied by a hunting client.
  - (3) The issuing authority, management authority of a protected area or any other person contemplated in subregulation (1)(a) and (b) may use the methods contemplated in subregulation (9) to capture and relocate or kill the damage-causing animal.
  - (4) In the case of a damage-causing animal originating from a national protected area, the management measures contemplated in subregulation (1) must be carried out in accordance with the written agreement contemplated in regulation 85(6) of these Regulations.

- (5) Notwithstanding the provision of subregulation (2)(a) a person may kill a damage-causing animal without a permit in an emergency or life-threatening situation, or to prevent the suffering of a wounded damage-causing animal.
- (6) If a person kills a damage-causing animal in the circumstances contemplated in subregulation (5), the person must, within 24 hours after the damage-causing animal has been killed—
  - (a) inform the issuing authority of the incident; and
  - (b) surrender the remains of the damage-causing animal to the issuing authority to be disposed of in an appropriate manner.
- (7) The issuing authority must evaluate the evidence in the circumstances contemplated in subregulation (5) and—
  - (a) consider whether or not in the circumstances of such incident, to institute criminal proceedings; and
  - (b) take appropriate steps to institute criminal proceedings where relevant.
- (8) If the issuing authority decides to institute criminal proceedings, the issuing authority must report the incident and the steps contemplated in subregulation (7)(b) in writing to the Department as soon as reasonably possible.
- (9) Notwithstanding the provisions of regulations 73 and 74 of these Regulations the issuing authority, the management authority of a protected area or the person contemplated in subregulation (1)(a) and (b) may—
  - (a) catch a damage-causing animal by means of—
    - (i) darting;
    - (ii) hounds, only for the purpose of—
      - (aa) tracking a wounded damage-causing animal; or
      - (bb) pointing, flushing and retrieving a damage-causing animal; or
    - (iii) a leghold trap;
  - (b) kill a damage-causing animal by means of—
    - (i) poison, only in accordance with the provisions of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) and any norms and standards relating to the management of damage-causing animals (if applicable); or
    - (ii) a firearm suitable for hunting purposes, which may be fitted with a silencer; or
  - (c) catch or kill a damage-causing animal—
    - (i) by luring the damage-causing animal by means of sound or smell;
    - (ii) by means of bait and trap cages;
    - (i) by means of flood lights, spot lights or any other specialized lighting equipment, including but not limited to infrared;
    - (ii) from a motorized vehicle; or
    - (iii) from an air craft.
- (10) A permit for the use of poison contemplated in subregulation (9)(b)(i) may be issued in terms of Chapter 7 of the Biodiversity Act, only if the application for such permit is accompanied by a copy of a permit issued in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973).

**CHAPTER 10  
SCIENTIFIC AUTHORITY  
Part 1**

**Establishment, composition and operating procedures**

**Establishment of the Scientific Authority**

- 87.** The Scientific Authority established in terms of section 60 of the Biodiversity Act and regulation 59 of the repealed Regulations, continues to exist in terms of these Regulations.

**Composition of the Scientific Authority**

- 88.** (1) The Scientific Authority consists of—
- (a) two members to represent the Department;
  - (b) one member to represent the national department responsible for agriculture;
  - (c) one member to represent each provincial conservation authority;
  - (d) one member to represent South African National Parks;
  - (e) one member to represent SANBI;
  - (f) one member to represent tertiary institutions;
  - (g) one member to represent the National Zoological Gardens;
  - (h) one member to represent the Council for Scientific and Industrial Research; and
  - (i) one member to represent the Agricultural Research Council.
- (2) A provincial conservation authority may be represented by an official from another organ of state responsible for the protection of biodiversity within that particular province, if the provincial conservation authority contemplated in subregulation (1) does not have the necessary scientific expertise.
- (3) The Director-General must request the departments or organs of state contemplated in subregulation (1) to nominate persons in writing for appointment to the Scientific Authority.
- (4) The Minister appoints the members of the Scientific Authority.

**Chairperson and deputy chairperson**

- 89.** (1) Whenever necessary, the Minister must appoint one of the members of the Scientific Authority as the Chairperson and another of the members as the Deputy Chairperson of the Scientific Authority.
- (2) The Deputy Chairperson acts as chairperson if—
- (a) the Chairperson is absent or unable to perform the functions of chairperson; or
  - (b) the office of chairperson is vacant.

**Term of office**

- 90.** (1) The term of office for a member of the Scientific Authority is four years.
- (2) The Minister may—
- (a) renew the term of a member of the Scientific Authority; or
  - (b) extend the term of a member of the Scientific Authority with a period not exceeding two years.



**Removal from office**

91. The Minister may remove a member of the Scientific Authority from office, but only on grounds of—
- (a) misconduct, incapacity or incompetence;
  - (b) insolvency; or
  - (c) conviction of a criminal offence without the option of a fine.

**Replacement of members**

92. The Minister may, on good cause and upon written request from the Director-General, or from the Heads of the departments or organs of state contemplated in regulation 88, replace one member of the Scientific Authority with another, who will represent the same department or organ of state as the member to be replaced.

**Filling of vacancies**

93. Whenever a vacancy arises in the membership of the Scientific Authority, the Minister must fill the vacancy in accordance with regulation 88(3) of these Regulations.

**Meetings of the Scientific Authority**

94. (1) The Scientific Authority must meet at least once a year to develop a report to the Minister regarding compliance with the provisions of section 61 of the Biodiversity Act.
- (2) The Chairperson may convene additional meetings as and when necessary.

**Expert advisors**

95. The Scientific Authority may co-opt expert advisors from within or outside the public service to be present and speak at meetings.

**Participation in meetings by way of electronic or other media**

96. A member of the Scientific Authority or another person co-opted in terms of regulation 95 of these Regulations to participate in a meeting, who is not present at the meeting, may participate in the meeting by telephone, radio, closed-circuit television, the internet or any other medium of instantaneous communication, provided that—
- (a) a facility for such communication is available; and
  - (b) the person who is not present at the meeting and the persons present at the meeting are all—
    - (i) audible to one another, if participation is by telephone, radio or the internet; or
    - (ii) audible and visible to one another, if participation is by closed-circuit television.

**Procedures**

97. The Scientific Authority determines its own internal procedures.

**Quorum and decisions**

98. (1) A majority of appointed members present at a meeting of the Scientific Authority constitutes a quorum for a meeting.
- (2) A matter before a meeting of the Scientific Authority is decided by a supporting vote of a majority of the members present at the meeting.

- (3) A member of the Scientific Authority who participates in a meeting in accordance with regulation 96 of these Regulations must for the purpose of subregulation (2) be regarded as being present at the meeting.

## **Part 2**

### **Setting of annual off-take limits**

#### **Setting of annual off-take limits**

99. The Scientific Authority must before October of each year determine annual off-take limits for specimens of listed threatened or protected species for the following year, if and where so required, per province or for the country as a whole.

## **Part 3**

### **Non-detriment findings**

#### **Provisions included in non-detriment findings**

100. The Scientific Authority may include provisions in the non-detriment findings, made in terms of section 62 of the Biodiversity Act, in respect of specimens of listed threatened or protected species in captivity, relating to the compulsory—
- (a) marking and identification of specimens;
  - (b) collection, analysis and storage of DNA samples; or
  - (c) keeping of studbooks.

## **SECTION B**

### **TRANSITIONAL PROVISIONS**

#### **CHAPTER 11**

#### **PERMITS AND RESTRICTED ACTIVITIES IN TERMS OF THE REPEALED REGULATIONS**

##### **Repeal of the Threatened or Protected Species Regulations, 2007**

101. The Threatened or Protected Species Regulations, 2007, published under Government Notice No. R. 150 in Government Gazette No. 29657 of 23 February 2007, as amended, are hereby repealed.

##### **Continuation of restricted activities carried out, and permits and registration certificates issued, under the repealed Regulations**

102. (1) Anything done in terms of the repealed Regulations and which can be done in terms of these Regulations must be regarded as having been done in terms of these Regulations.
- (2) Any permit, including a game farm hunting permit, a nursery possession permit and a personal effects permit, or a registration issued in terms of the repealed Regulations that has not expired on the date of coming into effect of these Regulations, must despite the repeal of the repealed Regulations be regarded as having been issued in terms of these Regulations, and remains valid until the expiry date indicated on such permit or registration certificate.
  - (3) Game farm hunting permits, nursery possession permits and personal effects permits cease to exist in terms of these Regulations, and issuing authorities may not issue new game farm hunting permits, nursery possession permits and personal effects permits in terms of these Regulations.

**General transitional arrangement**

- 103.** A person who intends to carry out a restricted activity involving a specimen of a listed threatened or protected species, which species has not been listed as threatened or protected prior to the commencement of these Regulations, must within three months of the coming into operation of these Regulations, apply for a permit in terms of Chapter 4 of the Biodiversity Act.

**Pending applications for permits, registration certificates and appeals**

- 104.** (1) An application for a permit or registration submitted in terms of the repealed Regulations and which is pending when these Regulations come into effect, must be dispensed with in terms of these Regulations.
- (2) An appeal lodged in terms of the repealed Regulations, and which is pending on the date of coming into effect of these Regulations must be dispensed with in terms of the repealed Regulations.

**Specific transitional arrangements in respect of *Diceros bicornis michaeli***

- 105.** (1) A person who, immediately prior to the coming into operation of these Regulations, carries out a restricted activity involving a specimen of *Diceros bicornis michaeli* under a permit issued in terms of Chapter 5 of the Biodiversity Act, must, within three months of the coming into operation of these Regulations, apply for a permit in terms of Chapter 4 of the Biodiversity Act.
- (2) A person who submitted an application for a permit in terms of Chapter 5 to carry out a restricted activity involving a specimen of *Diceros bicornis michaeli*, must consider such an application withdrawn and such person must, within three months of the coming into operation of these Regulations, apply for a permit in terms of Chapter 4 of the Biodiversity Act.
- (3) A person who, immediately prior to the coming into operation of these Regulations, carries out a restricted activity involving a specimen of *Diceros bicornis michaeli* without a permit issued in terms of Chapter 5 of the Biodiversity Act, must apply for and obtain a permit contemplated in Chapter 4 of the Biodiversity Act, within 30 days of the coming into operation of these Regulations.
- (4) A person who intends to carry out a restricted activity involving a specimen of *Diceros bicornis michaeli*, for which a permit is not required in terms of Chapter 5 of the Biodiversity Act, must apply for a permit in terms of Chapter 4 of the Biodiversity Act, if such restricted activity will be carried out after more than three months of the coming into operation of these Regulations.
- (5) A person who is in possession of or exercising physical control over a specimen of *Diceros bicornis michaeli*, or who intends to hunt a specimen of *Diceros bicornis michaeli* must, within three months of the coming into operation of these Regulations, in addition to complying with Chapter 4 of the Biodiversity Act, comply with the provisions of the Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes, 2018.

**Criminal prosecution in terms of the repealed Regulations**

- 106.** A criminal prosecution instituted in terms of the repealed Regulations, and which is pending on the date of coming into effect of these Regulations, must be dispensed with in terms of the repealed Regulations as if the repealed Regulations were not repealed.

## **CHAPTER 12 OFFENCES AND PENALTIES**

### **Offences**

**107.** (1) A person is guilty of an offence if that person—

- (a) contravenes or fails to comply with a provision of regulation 35(1), 72, 73, 74, 75(1), 76, 78, 80, 81, 82, 83, or 86(2) of these Regulations;
- (b) carries out any restricted activity in conflict with information provided in the management plan to which the permit application or registration application was subject; or
- (c) alters, erases or in any way tampers with the markings made on elephant ivory or rhinoceros horn in terms of these Regulations.

(2) A person is guilty of an offence if such person permits, facilitates or allows any other person to contravene any of the provisions of these Regulations.

### **Penalties**

**108.** A person convicted of an offence in terms of regulation 107 of these Regulations is liable upon conviction to—

- (a) imprisonment for a period not exceeding 5 years; or
- (b) a fine not exceeding R5 million; or
- (c) both a fine and such imprisonment; and
- (d) in the case of a second or subsequent conviction, a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or both such fine and imprisonment.

### **Short title and commencement of these Regulations**

**109.** These Regulations are called the Regulations pertaining to threatened or protected terrestrial species and freshwater species, 2023, and take effect on 01 April 2023.



# **ANNEXURE 1 PERMIT APPLICATION FORM**

## **A. Applicant details:**

<b>APPLICANT IS AN ORGAN OF STATE</b>	<b>APPLICANT IS A PRIVATE PERSON</b>
<b>NAME OF APPLICANT:</b>	
<b>NAME OF PERSON WHO WILL CARRY OUT THE RESTRICTED ACTIVITY: (if not the same as the applicant):</b>	
<b>IDENTITY OR PASSPORT NO:</b>	
<b>APPLICANT:</b>	
<b>PERSON WHO WILL CARRY OUT THE RESTRICTED ACTIVITY: (if not the same)</b>	
<b>TEL NO:</b>	<b>CELLULAR NO:</b>
<b>FAX NO:</b>	
<b>E-MAIL:</b>	
<b>POSTAL ADDRESS:</b>	<b>PHYSICAL ADDRESS:</b>

## **B. Facility details:**

<b>NAME OF FACILITY:</b>
<b>KIND OF FACILITY:</b>
<b>DATE OF ESTABLISHMENT OF FACILITY:</b>
<b>PHYSICAL ADDRESS OF FACILITY:</b>

## **C. Kind of Permit Applied for (Tick off)**

	<b>NEW</b>	<b>RENEWAL</b>	<b>AMENDMENT</b>
<b>ORDINARY – ONCE-OFF</b>			
<b>ORDINARY - CONTINUOUS</b>			
<b>ORDINARY – PERMANENT POSSESSION</b>			
<b>STANDING</b>			

## **D. If the Application applies to a Standing Permit (Tick off)**

### **(i) Applicable to the registration of facilities**

<b>CAPTIVE BREEDING FACILITY</b>	<b>SANCTUARY</b>	
<b>TEMPORARY HOLDING FACILITY</b>	<b>SCIENTIFIC INSTITUTION</b>	
<b>COMMERCIAL EXHIBITION FACILITY</b>	<b>NURSERY</b>	
<b>REHABILITATION FACILITY</b>	<b>WILDLIFE TRANSLOCATOR</b>	
<b>GAME FARM</b>		

[illegible]

## I. Additional Information for Hunt:

## (i) Hunting Client and Applicant Details: (if applicable)

<b>HUNTING CLIENT AND NAME:</b>
<b>PASSPORT NUMBER:</b>
<b>PHYSICAL ADDRESS:</b>

## (ii) Hunting Outfitter and Professional Hunting Details: (if applicable)

<b>HUNTING OUTFITTER</b>	<b>PROFESSIONAL HUNTER</b>
<b>NAME:</b>	<b>NAME:</b>
<b>TEL NO:</b>	<b>TEL NO:</b>

## (iii) Duration of Hunting Trip

<b>ARRIVAL DATE: (dd/mm/year)</b>	<b>DEPARTURE DATE: (dd/mm/year)</b>

## (iv) Weapon and Method of Hunt

<b>WEAPON</b>	<b>METHOD</b>

## J. Additional Information for Standing Permits

<b>REGISTRATION NUMBER:</b>	
-----------------------------	--

.....  
Signature of applicant

.....  
Date

## K. Official Use

<b>NAME OF INSPECTION OFFICIAL</b>	<b>SIGNATURE OF INSPECTION OFFICIAL</b>	<b>DATE</b>	<b>APPROVED/REFUSED</b>
<b>REASONS FOR REFUSAL:</b>			

## L. Period of Validity of Permit

<b>FROM: (dd/mm/year)</b>	<b>TO: (dd/mm/year)</b>

## **ANNEXURE 2**

### **APPLICATIONS FOR RENEWAL OF PERMITS; APPLICATIONS FOR AMENDMENT OF PERMITS OR REGISTRATIONS**

- A. Applicant details, including name, identity no, telephone no, fax no, cell phone no, e-mail, postal address and physical address;
- B. Details of current permit or registered facility, including the kind of facility, the name of the permit holder or facility, the address of the permit holder or facility, the permit number or registration certificate number and the date it was issued; and
- C. Details of renewal/ amendment applied for and reasons (if appropriate).



### ANNEXURE 3 PERMIT PROCESSING FEES

PERMIT	FEE PER PERMIT
Ordinary permit – new, renewal or amendment:	
Hunt/kill	R100.00
Catch/capture	R100.00
Import / export / re-export (international)	R50.00
Gather/collect/pluck/pick/cut/chop off/uproot	R50.00
Damage/destroy	R50.00
Possess/exercise physical control	R50.00
Grow/breed/propagate	R50.00
Sell/buy/receive/give/donate/accept as gift or donation	R50.00
Release	R50.00
Angling	R50.00
Dart	R50.00
Registration	R1 000.00
Standing permit	R1 000.00
Renewal of a standing permit	R1 000.00
Amendment of a standing permit or registration certificate	R200.00
Lost/stolen permit	R50.00
Permits to officials of organs of state	No application fee applicable

## Annexure 4

**ORDINARY PERMIT**

(Issued in terms of the provisions of the  
National Environmental Management:  
Biodiversity Act 2004, Act 10 of 2004)

NAME OF ISSUING AUTHORITY	
NAME	
ADDRESS	
PROVINCE	

DETAIL OF PERMIT HOLDER			
NAME		ID NO.	
SURNAME		PASSPORT NO.	
	POSTAL ADDRESS	RESIDENTIAL ADDRESS	
ADDRESS			
ADDRESS			
ADDRESS			
TOWN			
POSTAL CODE			
PROVINCE			

DETAIL OF SPECIES INVOLVED				
SPECIES		SEX (if known)	QUANTITY	MARKING (if applicable)
COMMON NAME	SCIENTIFIC NAME			

DETAIL OF RESTRICTED ACTIVITIES INVOLVED	

NAME AND SURNAME OF PURCHASER/ SELLER	
RESIDENTIAL ADDRESS OF PURCHASER/ SELLER	

IN THE CASE OF INTERNATIONAL IMPORT/ EXPORT:	
NAME AND SURNAME OF CONSIGNEE/ CONSIGNOR	
RESIDENTIAL ADDRESS OF CONSIGNEE/ CONSIGNOR	

<b>IN THE CASE OF A HUNT:</b>	
<b>NAME AND SURNAME OF HUNTING CLIENT (if applicable)</b>	
<b>NAME AND SURNAME OF PROFESSIONAL HUNTER (if applicable)</b>	
<b>NAME AND SURNAME OF HUNTING OUTFITTER (if applicable)</b>	
<b>WEAPON AND METHOD OF HUNTING</b>	

<b>IN THE CASE OF POSSESSION OF ELEPHANT IVORY OR RHINOCEROS HORN:</b>	
<b>WEIGHT OF EACH PIECE APPLIED FOR</b>	
<b>LENGTH OF THE ELEPHANT IVORY</b>	
<b>BASE CIRCUMFERENCE OF ELEPHANT IVORY OR RHINOCEROS HORN</b>	
<b>REGISTRATION NUMBER</b>	
<b>MICROCHIP NUMBER</b>	

<b>PERMIT VALIDATION</b>			
<b>PERIOD OF VALIDITY</b>	<b>FROM:</b>		<b>TO:</b>
<b>RECEIPT NUMBER</b>			
<b>SIGNATURE ISSUING OFFICER</b>		<b>SIGNATURE PERMIT HOLDER</b>	
<b>DATE STAMP:</b>			

[illegible]



DETAIL OF RESTRICTED ACTIVITIES INVOLVED	

PERMIT VALIDATION			
PERIOD OF VALIDITY	FROM:		TO:
RECEIPT NUMBER			
SIGNATURE ISSUING OFFICER		SIGNATURE PERMIT HOLDER	
DATE STAMP:			