

BECHUANALAND PROTECTORATE.

No. 17 of 1925.

[Promulgated 29th May, 1925.]

PROCLAMATION

By His Excellency the High Commissioner
Entitled the Bechuanaland Protectorate Game
Proclamation, 1925.

Whereas it is expedient to amend and consolidate the laws relating to the preservation of game in the Bechuanaland Protectorate.

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. The laws mentioned in the First Schedule to this Proclamation are hereby repealed but such repeal shall not affect any proceedings pending or any act done or penalty imposed under any of these laws at the date of taking effect of this Proclamation.

2. For the purpose of this Proclamation the following terms shall have the meaning herein assigned to them:—

“Game” shall include Royal game, large game, and small game.

“Royal game” shall include all animals named in the Second Schedule.

“Large game” shall include all animals and birds not being domesticated, which are named in the Third Schedule.

“Small game” shall include all animals and birds not being domesticated, which are named in the Fourth Schedule.

Any reference in this Proclamation to hunting game shall include killing capturing pursuing shooting at or in any way acquiring such game.

3. The High Commissioner may from time to time by notice in the *Gazette* alter the Second Third or Fourth Schedules and may add to or withdraw from these Schedules the name of any bird or animal.

4. The High Commissioner may from time to time by notice in the *Gazette* alter temporarily in respect of any specified portion of the Bechuanaland Protectorate the Third Schedule by excluding therefrom any bird or animal and the provisions of this Proclamation in so far as they apply to large game shall for the period and for the area specified in such notice cease to apply to any bird or animal so excluded.

5. The High Commissioner may from time to time by notice in the *Gazette* define areas in the Bechuanaland Protectorate within which any large game or small game specified in such notice shall be protected for a period specified in such notice not exceeding three years and may from time to time vary or revoke such notice.

6. The period from the first day of September to the last day of February in the succeeding year, both days included, shall be a close season within which it shall be unlawful to hunt any large game save as is herein after provided.

7. The High Commissioner may from time to time by notice in the *Gazette* vary for any one or more areas of the Bechuanaland Protectorate and for such number of seasons as he may think fit, the period fixed in section six as the period of the close season.

8. Subject to the provisions herein contained defining the close season and to the other provisions of this Proclamation the Resident Commissioner may issue licences upon such conditions as he may deem expedient to any person authorizing him to hunt large game for the period specified therein. Such licences shall not be transferable and the following fees shall be chargeable therefor:—

For the full season or for any period exceeding three calendar months	£20
For three calendar months or for any period exceeding two calendar months	£12
For two calendar months or for any period exceeding one calendar month	£8
For one calendar month or any period exceeding fourteen days	£4
For fourteen days or any lesser period	£2

9. The Resident Commissioner may endorse any large game licence or permit issued under the provisions of this Proclamation so as to prohibit the hunting of any specified species of large game, or to limit the number of any such species which may be hunted or may endorse any other condition thereon which he may deem expedient.

10. The Resident Commissioner, if he shall consider it expedient to do so, may cancel any large game licence or permit issued under the provisions of this Proclamation without assigning any reason for so doing and no claim to compensation for loss incurred by reason of such cancellation will be admitted.

11. Any person who shall save as herein after provided hunt any large game without having previously obtained a licence or permit under the provisions of this Proclamation or after the expiration of the time for which such licence or permit shall have been granted or contrary to the conditions of such licence or permit or during the close season or contrary to the provisions of any notice issued by the High Commissioner under section five shall be liable to a penalty not exceeding one hundred and fifty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months.

12. Notwithstanding anything contained in the last preceding section any person who is the owner lessee or manager of any land situated within the Bechuanaland Protectorate may at any time except in the close season as prescribed in this Proclamation hunt any large game on such land without obtaining any licence for that purpose other than a gun licence issued to him under the provisions of the Proclamation of the 12th December 1892 as amended by subsequent Proclamations.

13. The Resident Commissioner may issue a permit without charge authorizing the holder thereof to hunt any large game as follows—

- (a) to any person for a period not exceeding two days in any one hunting season;
- (b) to any official of the Bechuanaland Protectorate service and to any member of the police subject to such limitations as he may prescribe;
- (c) to persons travelling on ordinary roads not to be used in the close season and at other times to be used within a distance of not more than one mile from the road, in respect of game required in reasonable quantities for food;
- (d) to officials and members of the police travelling on Government service and to other persons necessarily travelling in pursuit of their employment or business to be used in portions of the country where adequate food supplies cannot by other reasonable means be obtained.

14. No person shall at any time hunt any Royal game save as herein after provided. Any person contravening this section shall be liable upon conviction to a fine not exceeding one hundred and fifty pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.

15. The High Commissioner may in such manner as he may think fit authorize the Resident Commissioner to issue licences with or without charge authorizing the holder thereof to hunt any Royal game subject to such limitations as the High Commissioner may appoint and may at any time withdraw such authority from the Resident Commissioner, and may cancel any permit already issued.

16. No person shall sell or barter, or offer, expose or export for sale or barter any game within the Bechuanaland Protectorate without being in the possession of a licence authorizing him to do so; but this section shall not apply to the owner or occupier of any land within the Bechuanaland Protectorate in respect of small game killed upon such land.

17. Every licence issued under section *sixteen* shall be for a period not exceeding one year and shall expire on the 31st day of December in the year for which it is granted, and the amount payable for every such licence shall be the sum of two pounds, or in the case of licences taken out after the thirtieth day of June in any year one pound.

18. Every licence issued under section *sixteen* shall be subject to such conditions as to the quantity and description of game which may be sold, or otherwise dealt with thereunder and the time of the year during which it may be sold or otherwise dealt with as may be endorsed on the licence prior to the issue thereof by the Resident Commissioner or any officer authorized by him to issue licences.

19. The issue or renewal of any licence required under section *sixteen* may be refused by the Resident Commissioner or any officer authorized by him to issue licences without any reason being given for such refusal.

20. Every person who shall, in contravention of section *sixteen* of this Proclamation or in contravention of any condition endorsed on his licence by virtue of section *eighteen* sell, or barter, or offer, expose or export for sale or barter any game within the Bechuanaland Protectorate shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding three months.

21. In any prosecution for a contravention of section *sixteen* of this Proclamation or of any condition endorsed on a licence by virtue of section *eighteen* any game proved to have been exported from the Bechuanaland Protectorate shall be deemed to have been exported for sale or barter unless and until the contrary is proved.

22. No person shall receive or deal in under any pretext whatsoever the hides or tails of the giraffe without the permission in writing of the Resident Commissioner.

23. No person not being a native as excepted by section *thirty* shall be in possession of hides or tails of the giraffe without the permission in writing of the Resident Commissioner unless such giraffe shall have been killed lawfully by such person in accordance with the provisions of this Proclamation the burden of proving which shall in any prosecution under this Proclamation be upon the accused.

24. Any person who shall contravene any of the provisions of sections *twenty-two* or *twenty-three* of this Proclamation shall be liable upon conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding four months.

25. Any hides or tails of giraffe found in possession of any person not being a native as excepted by section *thirty* who is unable to produce on demand the Resident Commissioner's written permit for the same may be seized and confiscated and may either be destroyed or sold by order of the Resident Commissioner. The proceeds of any such sale shall be paid into revenue.

26. The word person in sections *twenty-two* *twenty-three* *twenty-four* and *twenty-five* shall include a company whether incorporated or not and a firm or partnership.

27. In any prosecution under sections *eleven* *fourteen* and *twenty-four* the accused may be tried before the Assistant Resident Commissioner or magistrate having jurisdiction in the district where the offence is alleged to have been committed and all fines imposed may be recovered by the seizure and sale of any property belonging to the person convicted.

28. Any fine imposed on any company firm or partnership under section *twenty-four* may be recovered by levying execution upon the goods and chattels belonging to such company firm or partnership.

29. (1) Where the owner or occupier of any private lands or any person who has acquired a right to hunt or kill game on such lands has given notice in the *Gazette* or in a newspaper circulating locally that he is desirous of preserving the game thereon, no person shall enter on such land with gun or dog or otherwise for the purpose of hunting any game without the written permission of the person who gave such notice.

(2) Any person contravening the provisions of this section, unless the person who gave the notice referred to shall have subsequently given permission in respect of such contravention, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for the first offence and ten pounds for any subsequent offence, or to imprisonment with or without hard labour for a period not exceeding one month.

30. Save as is provided in section *twenty-two* any member of a native tribe with the permission of the chief of such tribe may hunt any game within the territory lawfully hunted by such tribe or may sell, or barter, or offer expose or export for sale or barter any game killed within such territory or may be in the possession of the hides or tails of giraffe lawfully hunted within such territory.

31. In any prosecution under this Proclamation in respect of failure to obtain or possess a licence or permit, it shall be *prima facie* evidence of the offence alleged if it is proved that the name of the accused does not appear in the list of persons to whom licences and permits of the description required in such case shall have been issued, which is kept in the office of the resident magistrate by whom such licence or permit would in the ordinary course have been issued, but such evidence shall be rebuttable.

32. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Game Proclamation 1925 and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twenty-third day of May One thousand Nine hundred and Twenty-five.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

FIRST SCHEDULE.

LAWS REPEALED.

Act No. 36 of 1886 of the Cape of Good Hope.
Proclamation No. 22 of 1904.
Proclamation No. 5 of 1906.
Proclamation No. 7 of 1906.
Proclamation No. 2 of 1907.
Proclamation No. 3 of 1907.
Proclamation No. 14 of 1909.
Proclamation No. 1 of 1911.
Proclamation No. 42 of 1911.
Proclamation No. 14 of 1922.
Proclamation No. 29 of 1922.
Proclamation No. 23 of 1923.

SECOND SCHEDULE.

ROYAL GAME.

The Elephant.
The Giraffe.
The Eland.
The Rhinoceros.

THIRD SCHEDULE.

LARGE GAME.

The Hippopotamus.
The Buffalo.
The Zebra.
The Quagga.
The Gemsbok.
The Wildebeeste.
The Koodoo.
The Setutunga.
The Nyala.
The Bushbuck.
The Hartebeeste.
The Sable Antelope.
The Roan Antelope.
The Impala.
The Waterbuck.
The Lechwi.
The Rietbuck.
The Oribi.
The Springbuck.
The Puku.
The Tsessebe.
The Ostrich.
The Paauw.

FOURTH SCHEDULE.

SMALL GAME.

Rhebuck.
Klipspringer.
Duiker.
Steinbuck.
Hare.
Wild Goose.
Wild Duck.
Snipe.
Black Korhaan.
Vaal Korhaan.
Bush Korhaan.
Dikkop.
Guinea Fowl.
Pheasant.
Partridge.
Grouse.
Plover.