

SWAZILAND.

No. 37 of 1947.

(Promulgated 27th June, 1947.)

PROCLAMATION

By His Excellency The High Commissioner

Entitled the Swaziland Game Preservation
(Amendment) Proclamation, 1947.

Whereas it is expedient to amend the Game Preservation Ordinance, 1905, of the Transvaal, as amended and in force in Swaziland, hereinafter referred to as "the principal law":

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation unless the context Definitions. otherwise requires—

"Administration" means the Swaziland Administration;

"holding" means and includes any farm, land concession, sub-division of a farm or concession under separate ownership, any piece of Crown Land and any Native Land Settlement Area established under section *two* of the Swaziland Native Land Settlement Proclamation, 1946 (No. 2 of 1946);

"owner" means and includes—

(a) the registered owner of any holding;

(b) the lessee or lawful occupier of any holding;

(c) in the case of Crown Lands not disposed of to any person, the Swaziland Administration;

(d) in the case of Crown Lands disposed of to some person by the Administration, the transfer whereof has not been registered, the purchaser of any such Crown Lands;

(e) in the case of Native Land Settlement areas as defined by section *two* of Proclamation No. 2 of 1946, the Director of Native Land Settlement.

Power to direct reduction of game.

2. Notwithstanding anything contained in the principal law, the Resident Commissioner may, if he is satisfied that any species of game exists on any holding in such numbers or in such circumstances as to constitute a danger to stock, crops, grazing or other natural resources in the Territory, by order under his hand direct the owner of such holding to reduce such game by such numbers as he shall deem expedient.

Failure of owner to obey direction.

3. In the event of any owner to whom a direction has been issued in terms of section *two* failing or neglecting, within one month after the date of such direction, to reduce the numbers of game upon his holding in accordance with such direction, by shooting by such owner or persons authorised in writing by him, it shall be lawful for the Resident Commissioner to take measures in terms of section *five* for such reduction.

Power to inspect holdings.

4. The Resident Commissioner or any person authorised by him may enter upon any holding for the purpose of determining whether the numbers of game upon such holding constitute a danger in terms of section *two*.

Power to enter holdings.

5. Whenever the Resident Commissioner shall decide to reduce the numbers of game under the powers conferred upon him under section *three*, it shall be lawful for him from time to time to send on to any such holding such persons, animals and vehicles as he may consider necessary to perform such reduction, and to authorise such persons to camp upon such holding and to take free of any charges whatsoever such water, firewood and grazing from such holding as may be reasonably necessary for the need of such persons, animals and vehicles.

Protection from legal proceedings.

6. No action shall lie against the Administration, the Resident Commissioner or any official or person authorised by the Resident Commissioner to perform any act or duty under sections *two*, *three*, *four* and *five* in respect of injury or loss caused to any person through acts done in good faith and without negligence in the exercise of the powers conferred by this Proclamation.

Offences.

7. Any person hindering, obstructing or otherwise molesting the Resident Commissioner or any other person authorised by him in the execution of his duties under this Proclamation shall be guilty of an offence

and liable on conviction to a fine not exceeding ten pounds, or in default of payment to imprisonment for a period not exceeding one month.

8. The expenses incurred by the Administration in the reduction of game in terms of this Proclamation shall be recovered by the sale, wherever reasonably practicable, of the carcasses of any game destroyed on any holding. Should the proceeds of such sale be insufficient to cover the expenses incurred, the deficiency may be recovered by action in some competent court from the owner of any such holding. ^{Recovery of expenses.}

9. Notwithstanding anything contained in this Proclamation the Resident Commissioner may grant permission in writing to any owner to suspend the shooting of game on his holding during such months as the Resident Commissioner may consider it to be too hot for the useful and practicable disposal of the carcasses of any game destroyed. ^{Suspension of direction.}

10. Notwithstanding anything contained in the principal law or in any Proclamation in force thereunder, there shall be no close season for game on any holding in respect of which the Resident Commissioner has issued a direction under section *two* during the period in which such direction is being carried out, but on any such holding the open season shall during such period extend from the first day of January to the thirty-first day of December in each year. ^{Close season suspended.}

11. This Proclamation may be cited as the ^{Short title.} Swaziland Game Preservation (Amendment) Proclamation, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of June, One thousand Nine hundred and Forty-seven.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

A. G. T. CHAPLIN,
Acting Administrative Secretary.