

Statutory Instrument No. 127 of 1976

FAUNA CONSERVATION PROCLAMATION, 1961
(22 of 1961)

KHUTSE GAME RESERVE REGULATIONS, 1976

(Published on 3rd September, 1976)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I. *Preliminary*

1. Citation and commencement
2. Interpretation

PART II. *Open Season, Entry into Game Reserve and Camping Sites*

3. Open season in Game Reserve
4. Entry into Game Reserve
5. Designated camping sites
6. Visitors' lodge or camps

PART III. *Motor Vehicles and Aircraft*

7. Only approved vehicles and aircraft to be used in Game Reserve

PART IV. *General Conduct within Game Reserve*

8. General conduct in Game Reserve
9. Persons in Game Reserve to remain in camping site at night
10. Animals
11. Prohibition of arms and ammunition and other weapons

PART V. *Miscellaneous*

12. General powers of authorized officers
13. Penalties

SCHEDULE

IN EXERCISE of the powers conferred by section 93 of the Fauna Conservation Proclamation, 1961, the Minister of Commerce and Industry hereby makes the following Regulations ---

PART I. *Preliminary*

1. These Regulations may be cited as the Khutse Game Reserve Regulations, 1976, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint. Citation and commencement
2. In these Regulations, unless the context otherwise requires, "arms and ammunition" shall have the meanings assigned to them in the Arms and Ammunition Proclamation, 1959; Interpretation
86 of 1959
"authorized officer" means the Director, his Deputy, a Game Warden or any person deputed in writing by the Director or his Deputy to be an authorized officer for the purposes of these Regulations;
"Director" means the Director of the Department of Wildlife and Tourism;
"explosives" shall have the same meaning assigned to it in the Explosives Law, 1961; 31 of 1961

S.I. 78 of
1971

“Game Reserve” means the Khutse Game Reserve established by the Declaration of Khutse Game Reserve, 1971;

“night” means the period between half-an-hour after sunset and half-an-hour before sunrise;

“other weapons” means bows, arrows, spears, and any form of trap or snare which may be used to kill or capture animals;

“permit” means the permit issued under regulation 4 (1).

PART II. Open season, Entry into Game Reserve and Camping Sites

Open season
in Game
Reserve

3. The Game Reserve shall be open throughout the year.

Entry into
Game
Reserve

4. (1) No person shall enter or be within the Game Reserve unless he is in possession of a permit obtained from an authorized officer.

(2) No permit shall be issued until the fees set out in the Schedule have been paid to an authorized officer, except in the case of duly authorized visits of groups of students and others engaged in field education trips, or an official on Government duty, and where the issue of a free entry permit has been authorized by the Director.

(3) A permit shall be issued subject to such conditions as an authorized officer may see fit to attach thereto.

(4) No person shall enter or leave the Game Reserve except through a point declared by the Minister, by notice published in the Gazette, to be a point of entry or exit for the purpose of this regulation.

(5) Any person who contravenes any of the provisions of this regulation or fails to comply with any condition subject to which a permit was issued in terms of subregulation (3) shall be guilty of an offence and liable to the penalties prescribed by regulation 13 (1).

(6) Nothing in this regulation shall apply to any itinerant person or group of such persons whose living is entirely dependent upon hunting and the collection of veld food and whose hereditary right to such hunting and collecting has been officially recognized.

Designated
camping
sites

5. (1) An authorized officer may designate areas of the Game Reserve to be set aside as designated camping sites and shall identify such areas by sign and notice.

(2) A permit may authorize the holder to occupy a designated camping site at night subject to such conditions as may be endorsed on the permit.

(3) The fee to be paid for occupying a camping site is set out in the Schedule.

(4) Authority in terms of subregulation (2) shall not be given to a person under the age of 16 years unless that person is accompanied by another person over the age of 16 years.

(5) Any person who occupies a camping site at night without a permit authorizing such occupation shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (1).

6.(1) No person may enter or use any services provided for the use of lodge or camp fee-paying visitors unless in possession of a valid permit for accommodation or other permit as may from time to time be prescribed by an authorized officer.

Visitors' lodge or camps

(2) The holder of such valid permit shall be required to observe any and all conditions attached to the issue of such permit and/or official notices issued by an authorized officer and placed on public display.

(3) Any person who contravenes any of the provisions of this regulation or who fails to comply with any condition subject to which a permit was issued, or who fails to comply with such additional official requirements as may be displayed at any lodge or camp, shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (1).

(4) An authorized officer may cancel any accommodation permit or such other permit as may have been issued to a lodge or camp fee-paying visitor if, in the opinion of that authorized officer, the permit holder has failed to comply with such regulations as have been authorized and notified and, where any such permit cancellation is made, the authorized officer shall immediately submit a detailed covering report to the Director.

PART III. *Motor Vehicles and Aircraft*

7. (1) No person shall, without the written permission of an authorized officer, enter the Game Reserve except in a motor vehicle or aircraft approved by an authorized officer.

Only approved vehicles and aircraft to be used in Game Reserve

(2) An authorized officer may refuse to issue a permit or may revoke any permit issued if the motor vehicle to be used or being used by any person, as the case may be, does not, in the opinion of the authorized officer, afford adequate protection to the passengers.

(3) Where an authorized officer revokes a permit in terms of sub-regulation (2), such person who is in the Game Reserve shall comply with any reasonable direction to leave the Game Reserve as may be given by an authorized officer.

(4) No person shall drive any motor vehicle at night within the Game Reserve unless in possession of written permission so to do issued by an authorized officer.

(5) No person shall drive or permit to be driven in the Game Reserve a motor vehicle which exceeds 2 250 kg weight when unladen unless the vehicle is capable of four-wheel drive operation and does not have more than two normal rear track wheels, unless specific written authority for such use has been given by the Director and on such terms as may be specified.

(6) No person shall enter the Game Reserve by aircraft unless in possession of written permission so to do issued by an authorized officer.

(7) No permit shall be issued for an aircraft to enter the Game Reserve until the fees set out in the Schedule have been paid to an authorized officer.

(8) No aircraft, except at the time of landing and take-off, shall fly less than 300 metres in height above the surface area of the Game Reserve.

(9) No person using a motor vehicle or aircraft shall cause or allow such vehicle to approach any animal in such a manner as to disturb such animal.

(10) Any person who contravenes any of the provisions of subregulation (1), (4), (5), (8) or (9), or fails to comply with directions given under the provisions of subregulation (3), shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (1).

PART IV. General Conduct within Game Reserve

8. (1) No person shall remove from the Game Reserve or destroy any flora, avifauna or fauna, or in any way disturb or molest any living thing, except with the written permission of the Director:

Provided that nothing contained in this subregulation shall be construed as to prohibit the hunting or capture of an animal within the Game Reserve by an itinerant person or group of such persons whose living is entirely dependent upon hunting and the collection of veld food and where hereditary right to certain hunting and collecting has been officially recognized, where such hunting is undertaken by bow, arrow, and other home-made weapons of traditional hunting form, and the meat, skins, eggs and other trophies so obtained are for such person's immediate consumption and use.

(2) No person shall leave any refuse of any kind unburnt or unburied.

(3) No person shall, without the written permission of an authorized officer, light a fire in the Game Reserve except at a designated camping site.

(4) No person shall leave a fire unextinguished or leave any material capable of causing a fire or cause of a bush-fire within the Game Reserve.

(5) No person shall drive any vehicle, or cause any vehicle to be driven, or to move anywhere in the Game Reserve at a speed exceeding 40 kilometres per hour.

(6) No person shall cause any damage to objects of geological, ethnological, historical, archaeological or other scientific interest within the Game Reserve: or, without the written permission of an authorized officer, remove any such object from the Game Reserve.

(7) No person shall, without the written permission of an authorized officer, introduce any wild or domestic animal into the Game Reserve or permit any domestic animal to stray into the Game Reserve, or introduce vegetation into the Game Reserve, except where lawfully introduced, or remove from the Game Reserve any animal or vegetation.

(8) No person shall cut, damage or destroy any tree or other vegetation in the Game Reserve, with the exception that dead wood may be collected for camping purposes only.

(9) No person shall destroy or deface any object, whether animate or inanimate, in the Game Reserve.

(10) No person, other than persons who live entirely by hunting and collecting veld food, shall erect any building or structure within the Game Reserve without the written permission of the Director.

(11) An authorized officer may direct the offender to remove any building or structure erected in contravention of subregulation (10),

or may himself cause to be removed any such building or structure, without compensation being payable.

(12) Any person who contravenes any of the provisions of subregulations (1) to (10) inclusive or fails to comply with directions given under the provisions of subregulation (11) shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (2).

9. (1) No person shall, without the written permission of an authorized officer, remain in the Game Reserve at night unless he is in a designated camping site and in possession of a valid camping permit.

Persons in Game Reserve to remain in camping site at night

(2) Any person who, without reasonable excuse, fails to comply with the provisions of subregulation (1) shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (2).

10. (1) No person shall interfere in any way with any animal in the Game Reserve.

Animals

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (2).

11. (1) Subject to the provisions of subregulation (2), no person shall convey into the Game Reserve or be in possession of within the Game Reserve any firearm, ammunition, explosive, trap or poison or any other weapon capable of use in the killing or capture of any animal:

Prohibition of arms and ammunition and other weapons

Provided that nothing contained in this subregulation shall be construed as to prohibit the hunting or capture of an animal within the Game Reserve by an itinerant person or group of such persons whose living is entirely dependent upon hunting and the collection of veld food and where hereditary right to certain hunting and collecting has been officially recognized, where such hunting is undertaken by bow, arrow, and other home-made weapons of traditional hunting form and the meat, skins, eggs and other trophies so obtained are for such person's immediate consumption and use.

(2) An authorized officer may, in payment of the fee set out in the Schedule, endorse on a permit authority to introduce into the Game Reserve a firearm and ammunition:

Provided that before any firearm is so introduced an authorized officer shall attach a seal to it or its container in such a manner that the firearm cannot be loaded or the container opened without breaking the seal.

(3) Where a firearm is introduced into the Game Reserve in terms of subregulation (2) and the seal attached thereto is broken, the person in possession of the firearm shall, before or immediately after leaving the Game Reserve, deliver the firearm to an authorized officer and report to him the circumstances under which the seal was broken.

(4) Any person who contravenes any of the provisions of subregulations (1) and (3) shall be guilty of an offence and liable to the penalties prescribed in regulations 13 (2) and (3) respectively.

General powers of authorized officers

PART V. *Miscellaneous*

12. (1) Any person who —

(a) contravenes or attempts to contravene any of the provisions of these Regulations or any other written law; or

(b) behaves in such a manner as to create or cause a nuisance or acts in any way detrimental to the interests of the Game Reserve,

shall comply with any reasonable direction, including a direction to leave the Game Reserve, as may be given by an authorized officer.

(2) An authorized officer may refuse to issue a permit to enter the Game Reserve to any person or group of persons who he has reason to believe will not comply or has not complied with these Regulations, or for any other fit and proper reason for the effective running of the Game Reserve.

(3) Any person who is ordered to leave the Game Reserve in terms of subregulation (1) shall not be entitled to any refund of fees paid in terms of these Regulations.

(4) Any person who fails to comply with any direction given to him under the provisions of subregulation (1) shall be guilty of an offence and liable to the penalties prescribed in regulation 13 (2).

(5) Any person who is aggrieved by the refusal of an authorized officer to issue him with a permit to enter the Game Reserve, or who has been directed to leave the Game Reserve in terms of regulation 12, may appeal in writing against such decision or direction to the Director whose decision in the matter shall be final.

Penalties

13. (1) A person who is convicted of an offence under any provisions of these Regulations which provides that the offender shall be liable to the penalties prescribed in this subregulation shall be liable to a fine of P50 and to imprisonment for 1 month.

(2) A person who is convicted of an offence under any provision of these Regulations which provides that the offender shall be liable to the penalties prescribed in this subregulation shall be liable to a fine of P100 and to imprisonment for 3 months.

(3) A person who is convicted of an offence under any provision of these Regulations which provides that the offender shall be liable to the penalties prescribed in this subregulation shall be liable to a fine of P200 and to imprisonment for 6 months.

(4) In the case of first offenders convicted of offences under these Regulations, a minimum fine of half the prescribed fines shall be obligatory.

(5) In the case of subsequent offences, a minimum fine of not less than two-thirds of the prescribed fines shall be obligatory.

(6) When any person is convicted under the provisions of these Regulations the court may order that any vehicle, aircraft, boat, animal, explosive, trap, gun or poison, used in connexion with the committing of an offence, shall be forfeited to the State:

Provided that if the Minister is satisfied that such vehicle, aircraft, boat, animal, explosive, trap, gun or poison is not the property of the

person convicted he may, if he considers it expedient so to do, order the return thereof to the owner, under whatever conditions of return he may wish to impose.

(7) Anything forfeited to the State under the provisions of this regulation shall be disposed of as the Minister may direct.

**SCHEDULE
FEES**

1. *Fees payable on entry:*

	<i>Resident</i>	<i>Non-Resident</i>
(a) For each person driving a motor vehicle	P 1,50 per day P 4,00 per week P10,00 per year	P 5,00 per day P10,00 per week P25,00 per year
(b) Other persons of 16 years of age and over	P 1,00 per day P 2,00 per week P10,00 per year	P 5,00 per day P10,00 per week P25,00 per year
(c) Children under 16 years, and over 4 years of age	50t per day P 1,00 per week P 5,00 per year	P 1,00 per day P 3,00 per week P12,00 per year
(d) Children of 4 years and under	Free	Free
2. <i>Camping fees:</i>		
(a) Persons of 16 years of age and over	80t per day	P2,00 per day
(b) Children under 16 years of age and over 4 years of age	50t per day	P1,00 per day
(c) Children of 4 years and under	Free	Free
3. Aircraft entrance fee . . . . .	. . . . .	P5,00
4. Vehicle entrance fee . . . . .	. . . . .	P1,00
5. Excess Vehicle Weight Fee, for every 450 kg, or part thereof, in excess of 2 250 kg unladen weight . . . . .	. . . . .	P5,00
6. Introduction of firearms . . . . .	. . . . .	P2,00
7. Guide hire fee (per day) . . . . .	. . . . .	P1,00

MADE this 27th day of August, 1976.

R.N. MANNATHOKO,
Permanent Secretary,
Ministry of Commerce and Industry.