

FAUNA CONSERVATION (AMENDMENT) ACT, 1979

No. 1



of 1979

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FIRST SCHEDULE

SECOND SCHEDULE

An Act to amend the Fauna Conservation Act

Date of Assent: 12.3.79.

Date of Commencement: ~~On notice.~~ 14.3.1979

ENACTED by the Parliament of Botswana.

Short title
and
commence-
ment

Amendment
of section 2
of Cap. 38:01

1. This Act may be cited as the Fauna Conservation (Amendment) Act, 1979, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2. Section 2 of the Fauna Conservation Act (hereinafter referred to as "the principal Act") is amended –

(a) in subsection (1) thereof –

(i) by inserting therein, immediately before the definition of "close season", which appears therein, the new definition following –

““Chief Game Warden” means any person for the time being designated as a Chief Game Warden for the purposes of this Act;”;

(ii) by substituting for the definition of "game" or "game animal", which appears therein, the new definition following –

““game” or “game animal” means, in relation to any area, any animal specified in a Schedule to this Act or to regulations made thereunder for the purpose of designating it as an animal which may be hunted under and in accordance with the terms and conditions of a licence and any conserved animal or protected game in that area;”;

(iii) by substituting for the definition of "game officer", which appears therein, the new definition following –

““game officer” means any person for the time being holding the public office of game officer or wildlife

- biologist and, to the extent to which an honorary officer is permitted to act, includes an honorary officer;”;
- (iv) by inserting therein, immediately before the new definition of “game officer”, the new definition following —
 ““game guard” means any person for the time being holding the public office of game guard;”;
- (v) by substituting for the definition of “game scout”, which appears therein, the new definition following —
 ““game scout” means any person for the time being holding the public office of game scout;”;
- (vi) by inserting therein, immediately before the definition of “licence”, which appears therein, the new definition following —
 ““land board” means a land board established by section 3 (1) of the Tribal Land Act;”;
- (vii) in the definition of “owner”, which appears therein, by substituting for paragraph (d) thereof, the new paragraph following —
 ““(d) in the case of a tribal area, the land board established in respect of that tribal area;”;
- (viii) by inserting therein, immediately before the definition of “sell”, which appears therein, the new definition following —
 ““season” means, in relation to any game animal and any area, the open season or, where no open season has been declared, a year commencing on 1st January;”;
- (ix) by inserting therein, immediately before the new definition of “tribe”, the new definition following —
 ““tribal area” has the same meaning as in the Tribal Land Act;”;
- (x) by substituting for the definition of “tribe” and “tribal territory”, the new definition following —
 ““tribe” has the same meaning as in the Chieftainship Act and includes a tribal community as defined in the Chieftainship Act;”;
- (xi) in the definition of “unscheduled animal”, which appears therein, by deleting the words “and is not vermin in that area”, which appear therein;
- (xii) by deleting the definition of “vermin”, which appears therein; and
- (xiii) by inserting therein, immediately before the definition of “wire snare”, which appears therein, the new definition following —
 ““wildlife management area” means an area of land declared to be a wildlife management area under section 11B;”;
- and

Cap. 32:02

Cap. 41:01

(b) by substituting for subsection (2) thereof the new subsection following —

“(2) For the purpose of this Act, a person shall be deemed to be a resident of Botswana if and shall be deemed not to be a resident of Botswana unless —

- (a) he is an officer in the public service or a teacher employed by the Unified Teaching Service or the spouse or child of such an officer or teacher;
- (b) he is a member of a class of persons designated for the purposes of this subsection by the Minister by notice published in the Gazette; or
- (c) he holds a residence permit which he has held for a continuous period of 12 months and has been present within Botswana for at least 9 months of the immediately preceding period of 12 months.”.

Amendment
of section 3
of principal
Act

3. Section 3 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

“(1) There shall be a Chief Game Warden, game officers, game scouts and game guards who shall be public officers, except that an honorary officer need not be a public officer.”.

Amendment
of section 4
of principal
Act

4. Section 4 of the principal Act is amended —

- (a) by deleting subsection (1) thereof;
- (b) by substituting for subsection (3) thereof the new subsection following —

“(3) Notwithstanding the other provisions of this Act, the Minister may make regulations permitting the hunting of any animal, other than a conserved animal, in any area by persons resident in that area who are principally dependent for their living on hunting and gathering veld produce and such regulations may derogate from any of the provisions of this Act;” and

- (c) by deleting subsections (5) and (6) thereof.

Amendment
of section 7
of principal
Act

5. Section 7 of the principal Act is amended by deleting subsection (3) thereof.

Insertion of
new section
7A in
principal Act

6. The principal Act is amended by inserting therein, immediately after section 7 thereof, the new section following —

7A. (1) The Government may, on the recommendation of the Minister, pay or cause to be paid to any land board or district council any amount of money not exceeding an amount equal to the amount of moneys paid into the Consolidated Fund during that financial year in respect of fees paid under the regulations specifically applicable to a game reserve or national park wholly or partly within the tribal area or district council in respect of which the land board or district council is established.”.

“Moneys
representing
fees in
respect of
game
reserves,
etc. may be
paid to
land boards

7. The principal Act is amended –

(a) by inserting therein, immediately after section 11 thereof, the new section following –

“Hunting
by non-
residents

11A. (1) Subject to sections 33 and 36, no person who is not a citizen or resident of Botswana may hunt or capture any animal unless he is accompanied by a person who holds a licence issued under and in accordance with section 32.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of P200 and imprisonment for 6 months.”;

(b) by inserting therein, immediately after the new section 11A thereof, the new heading and sections following –

“D. WILDLIFE MANAGEMENT AREAS

11B. The Minister may, by notice published in the Gazette, declare any area of land in Botswana to be a wildlife management area and may, in like manner, revoke such notice or alter the limits of any such area.

11C. (1) No person shall in any wildlife management area –

(a) be entitled by virtue of any permit or licence to hunt or capture any animal;

(b) erect or reside in any dwelling house; or

(c) graze any stock or cultivate any land,

except in accordance with such regulations as may be prescribed for that area.

(2) Where any regulations of the nature described in subsection (1) make provision for the issue of a permit or licence, a fee in such amount as may be prescribed may be charged for such permit or licence.

(3) Any person who contravenes the provision of this section shall be guilty of an offence and liable –

(a) on a first conviction, to a fine of P400 and to imprisonment for 12 months; or

(b) on a second or subsequent conviction, to a fine of P500 and to imprisonment for 2 years.”.

Insertion of
new sections
11A, 11B and
11C in
principal Act

Wildlife
management
areas

Control of
hunting,
etc. in
wildlife
management
areas

8. Section 14 (1) of the principal Act is amended by substituting for the words “a permit issued under section 36”, which appear therein, the words “a single game licence such as is referred to in section 19”.

Amendment
of section 14
of principal
Act

9. Section 15 of the principal Act is amended –

(a) in subsection (1) thereof, by deleting the words “specified in the Third Schedule or hunt or capture any unscheduled animal”, which appear therein, and by adding thereto the proviso following –

Amendment
of section
15 of
principal Act

“Provided that a citizen of Botswana may hunt any unscheduled animal for consumption by himself or his dependants without a licence or permit.”; and

(b) in subsection (2) thereof —

- (i) by deleting the words “Part A of”, which appear in paragraph (a) thereof;
- (ii) by substituting for the words “if the contravention is in respect of any animal in Part B of the Third Schedule”, which appear in paragraph (b) thereof, the words “if the contravention is in respect of any game animal, other than an animal specified in the Third Schedule,”;
- (iii) by substituting for the words “if the contravention is in respect of any unscheduled animal, other than one of a kind, but not of the age or sex, specified in the Third Schedule”, which appear in paragraph (c) thereof, the words “if the contravention is in respect of any unscheduled animal, other than one of a kind, but not of the age or sex, regarded as a game animal”;
- (iv) by substituting for the words “if the contravention is in respect of an unscheduled animal, and that animal is of a kind, but not of the age or sex, specified in the Third Schedule”, which appear in paragraph (d) thereof, the words “if the contravention is in respect of an unscheduled animal of a kind, but not of the age or sex, regarded as a game animal”.

10. The principal Act is amended by substituting for section 16 thereof the new sections following —

Act “Landholder’s privileges 16. (1) A person shall be entitled to landholder’s privileges under this section if —

- (a) he is the owner of private land or the owner of not less than a one-quarter undivided share in private land in Botswana;
- (b) in the case of land elsewhere than in a game reserve or national park, he is the occupier of such land under an agreement of lease or agreement of purchase granted to him by the State or a land board other than for the purpose of hunting;
- (c) he is the occupier of private land in Botswana and has occupied that land for an immediately preceding period of not less than 3 months and has the written permission of the owner of that land to enjoy landholder’s privileges in respect of that land, which written permission shall be in the form set out in the Twelfth Schedule;
- (d) he is the *bona fide* employee of any person such as is referred to in paragraph (a) or (b) and has the written permission of that person to enjoy land-

holder's privileges in respect of the land in question, which written permission shall be in the form set out in the Twelfth Schedule;

- (e) he is the *bona fide* employee of any person such as is referred to in paragraph (c) and has the written permission of the owner of the land in question to enjoy landholder's privileges in respect of that land, which written permission shall be in the form set out in the Twelfth Schedule;
- (f) he is the spouse or child of any person such as is referred to in paragraph (a) or (b);
- (g) he is the spouse or child of any person such as is referred to in paragraph (c) or (e) and has the written permission of the owner of the land in question to enjoy landholder's privileges in respect of that land, which written permission shall be in the form set out in the Twelfth Schedule;
- (h) he is the spouse or child of any person such as is referred to in paragraph (d) and has the written permission of the employer of that person to enjoy landholder's privileges in respect of the land in question, which written permission shall be in the form set out in the Twelfth Schedule:

Provided that no person shall be entitled to landholder's privileges under this section unless he is a citizen or resident of Botswana or the Minister has, by notice published in the Gazette, declared, in the interests of proper wildlife management, that he shall be entitled to such privileges.

(2) A person shall be entitled to landholder's privileges under this section only in respect of the land from which, in terms of this section, the privileges are derived.

(3) Notwithstanding the other provisions of this Act, a person entitled to landholder's privileges may hunt without a licence or permit all animals, other than the animals specified in Part I of the Second Schedule or in the Fourth Schedule, within the limits of the land in respect of which he is entitled to landholder's privileges, but no such person shall kill any animal listed in the first column of the Tenth Schedule in excess of the number specified in the corresponding entry in the second column of that Schedule within any one period such as is specified in the corresponding entry in the third column of that Schedule.

(4) Any person who contravenes the provisions of subsection (3) shall be guilty of an offence and liable to a fine of P200 and to imprisonment for 6 months.

(5) Where, in any case such as is referred to in subsection (1) (c), (d), (e), (g) or (h), the owner or occupier of land has given written permission under this section to another person to enjoy landholder's privileges in respect of that land, the owner or occupier may, by notice in writing to that person, at any time withdraw those privileges and such notice shall have the effect of cancelling that person's entitlement to landholder's privileges in respect of that land with effect from the date on which the notice is personally delivered to that person.

Authorization of landholder's privileges by owner or occupier for profit

16A. Any owner or occupier of land entitled to the landholder's privileges may for his own profit, with the approval of the Chief Game Warden, authorize any person who is not so entitled to hunt on that land:

Provided that such person shall not hunt on such land unless he is in possession of a licence as may be prescribed.

Register to be kept of certain animals killed in exercise of landholder's privileges

16B. (1) Every owner of land in respect of which he enjoys landholder's privileges shall maintain a register in which he shall enter or cause to be entered a record in accordance with subsection (2) of every animal specified in the Eleventh Schedule killed on that land by himself or by any other person entitled to hunt on that land and shall forthwith make the register available for inspection by any game officer, game scout, game guard or police officer who requires him to do so.

(2) The record to be entered in a register maintained under this section of every animal killed shall contain

- (a) its species and sex;
- (b) the date on which it was killed;
- (c) the location of the place where it was killed; and
- (d) the full name of the person who killed it.

(3) Every owner of land in respect of which he enjoys landholder's privileges shall, not later than 15th February in every year, furnish a licensing officer with a true copy of all the entries made during the immediately preceding year commencing on 1st January in every register maintained by him under this section.

(4) Any owner of land such as is referred to in this section who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of P50 and to imprisonment for one month.

(5) Where an occupier of land enjoys landholder's privileges in respect of that land, the preceding provisions of this section shall apply as if every reference therein to

an owner of land in respect of which he enjoys landholder's privileges were a reference to such an occupier.”.

11. The principal Act is amended by substituting for sections 17, 18, 19, 20, 21 and 22 thereof the new sections following —

“Game
licences

17. Game licences shall be in such form as may be prescribed and shall be of the following kinds —

Substitution
of sections
17, 18, 19, 20,
21 and 22 of
principal Act

- (a) bird licence;
- (b) a single game licence;
- (c) a small game licence;
- (d) such types of special licences as may be prescribed under section 21.

18. (1) Subject to this Act, a bird licence shall entitle the holder thereof to hunt the animals specified in the Third Schedule anywhere in Botswana in such numbers as may be determined on an annual quota or specified in the licence.

Bird licence

(2) A bird licence shall be valid for the period specified in the licence.

(3) A bird licence shall be issued for one of the periods specified in the Fifth Schedule in respect thereof, as provided in that Schedule.

(4) For the issue of a bird licence a fee shall be payable as provided in the Fifth Schedule.

(5) Not more than one valid bird licence shall be held by one person at any one time.

19. (1) Subject to this Act, a single game licence shall entitle the holder thereof to hunt on the land endorsed in the licence one animal only of each species therein specified of such kind as may be therein specified.

Single game
licence

(2) The animals for the hunting of which a single game licence may be issued shall be prescribed.

(3) A single game licence shall be valid for the season for which it is issued, which season shall be specified in the licence.

(4) The maximum number of valid single game licences which may be held by one person at any one time in respect of each species of animals shall be prescribed.

20. (1) Subject to this Act, a small game licence shall entitle the holder thereof to hunt within such areas as shall be endorsed in the licence animals of the kind and number therein specified.

Small game
licences

(2) The animals for the hunting of which, the categories of persons to whom and the periods for which a small game licence may be issued and the maximum number of animals of each species which may be hunted in any

one season by virtue of such a licence shall be prescribed.

(3) A small game licence shall be valid for the period specified in the licence.

(4) Not more than one valid small game licence shall be held by one person at any one time.

Special
licences

21. (1) There shall be such types of special licences as may be prescribed.

(2) Regulations prescribing any type of special licence under this section shall specify —

(a) the kinds of animals for the hunting of which, the categories of persons to whom and the periods for which that type of licence may be issued; and

(b) the maximum number of animals of each kind which may be hunted by virtue of that type of licence in any one period such as shall be prescribed and the areas within which animals may be so hunted.

(3) Subject to this Act, each special licence shall entitle the holder thereof to hunt on the land endorsed in the licence animals of the kind and number therein specified.

(4) Each special licence shall be valid for the period specified in the licence.

Restriction
on issue of
single game
licences to
certain
persons

22. Where a person is entitled to hunt on any land by virtue of the authority of the owner or occupier of that land in accordance with the provisions of section 16A, a single game licence entitling him to hunt on that land any animal for which such a licence may be issued shall not be issued unless a written consent of the owner or occupier of that land authorizing the issue of such licence in respect of that land is produced:

Provided that the withdrawal of the written consent by the owner or occupier of land subsequent to the issuing of a single game licence shall have the effect of cancelling such single game licence.”

Amendment
of section
23 of
principal Act

12. Section 23 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

“(1) Every application for the issue of a licence shall be made to a licensing officer and every licensing officer to whom an application is made under this subsection may issue the licence applied for on payment of the appropriate fee referred to in section 24.”

Substitution
of section
24 of
principal Act

13. The principal Act is amended by substituting for section 24 thereof the new section following —

“Fees for
game licences
24. (1) For the issue of a game licence a fee shall be payable as provided by or under this Act.

(2) The Government may, on the recommendation of the Minister, pay or cause to be paid to any district

council any amount of money not exceeding an amount equal to the amount of moneys paid into the Consolidated Fund during that financial year in respect of fees paid for the issue of game licences.”.

14. The principal Act is amended by substituting for section 26 thereof the new section following –

Amendment
of section 26
of principal
Act

“Transfer of game licences 26. Game licences may be transferred on such terms and conditions as may be prescribed.”.

15. Section 28 (1) of the principal Act is amended by deleting the words “specified in the Third Schedule”, which appear therein.

Amendment
of section 28
of principal
Act

16. Section 36 of the principal Act is amended by adding at the end thereof the new proviso following –

Amendment
of section 36
of principal
Act

“Provided further that the Chief Game Warden may delegate his powers under paragraph (c) to any licensing officer.”.

17. Section 41 of the principal Act is amended by substituting for subsection (2) thereof the new subsections following –

Amendment
of section 41
of principal
Act

“ (2) Every person who has been granted a permit under this Act shall keep a register in such form and containing such particulars as may be specified in the permit or prescribed under this Act.

(2A) Every owner of land in respect of which he enjoys landholder’s privileges shall, in addition to the register he is required to maintain by section 16B, keep a register in such form as may be prescribed by or under this Act in which he shall enter or cause to be entered such particulars as may be so prescribed of every animal killed or injured on that land by himself or by any other person in exercise of such privileges and shall forthwith make the register available for inspection by any game officer, game scout or game guard who requires him to do so:

Provided that, where an occupier of land enjoys landholder’s privileges in respect of that land, the provisions of this subsection shall apply as if every reference therein to an owner of land in respect of which he enjoys landholder’s privileges were a reference to such an occupier.”.

18. The principal Act is amended by substituting for section 43 thereof the new section following –

Substitution
of section 43
of principal
Act

“Destruction of animals causing damage to livestock, etc. 43. (1) Notwithstanding anything in this Act, the owner or occupier of land or any agent of such owner or occupier may, subject to this section, destroy any animal, except if such animal is within a game reserve or national park, which threatens to cause, causes or is causing damage to any livestock, crops, water installation or fence on such land:

Provided that nothing in this subsection shall

authorize the use of any poisoned weapon, pitfall or wire snare for the destruction of any animal.

(2) Any person who has destroyed an animal in accordance with the provisions of subsection (1) shall as soon as possible report the circumstances of such destruction and deliver the trophies of such animal to the nearest police station or to the nearest wildlife, tribal, land board or district council office.

(3) Where the report required under subsection (2) has been given and it is established that the animal was destroyed in accordance with subsection (1), the licensing officer shall issue a certificate of ownership of the trophy and the meat of the animal to the owner or occupier of the land or his agent, which certificate shall be evidence of the lawful possession of, and shall be used for the lawful disposal of, the said trophy and meat:

Provided that —

- (i) the Chief Game Warden or licensing officer may, in addition, issue a permit for the sale of the meat;
- (ii) the trophies of any elephant killed, whether it was threatening to cause damage or has actually caused damage, shall be the property of the Government or the land board, as the case may be, and in that event a certificate of ownership of such trophies shall not be issued; and
- (iii) the trophies of any animal which was threatening to cause damage shall be the property of the Government or the land board, as the case may be, and in that event a certificate of ownership of such trophies shall not be issued.

(4) No compensation shall be payable for damage caused by any animal where the person who suffers damage to property has a right under this section to destroy such animal but fails to do so:

Provided that the Minister shall compensate any person —

- (i) whose livestock is kept adjacent to a game reserve or national park and such livestock was killed by a predator and it is established that the predator escaped into a game reserve or national park before it could be destroyed; or
- (ii) who kills an elephant which has damaged his property and the trophy of such elephant is

delivered in accordance with subsection (2) and ownership of which remains with the Government or the land board in accordance with subsection (3).

(5) For the purposes of this section “predator” means a lion, leopard, cheetah, brown hyena, crocodile, spotted hyena, baboon, monkey or jackal.

(6) The Minister may, by notice published in the Gazette, determine rates of compensation to be paid in accordance with subsection (4).

(7) Any person who —

(a) destroys any animal in defence of property other than in accordance with the provisions of subsection (1);

(b) fails to report the destruction of any animal in accordance with subsection (2); or

(c) uses, retains or disposes of any trophy or meat of the animal destroyed without a certificate of ownership or a permit for sale issued under subsection (3),

shall be guilty of an offence and liable to a fine of P400 and to imprisonment for one year.”

19. Section 52 of the principal Act is amended by substituting for the words “in the case of a tribal territory unless otherwise specifically provided in this Act, be valid for the purposes of this Act only if given by the Chief of the tribe or by any person authorized by the Chief to give such authority or permission and if given in accordance with the advice of the appropriate district council”, which appear therein, the words “in the case of a tribal area, unless otherwise specifically provided in this Act, be valid for the purposes of this Act only if given by the land board established in respect of that tribal area or by any person authorized by that land board to give such authority or permission.”

Amendment
of section 52
of principal
Act

20. Section 54 of the principal Act is amended by inserting, immediately after the words “game officer”, wherever they appear therein, the words “game scout and game guard”.

Amendment
of section 54
of principal
Act

21. Section 57 of the principal Act is amended by deleting subsection (2) (a) thereof.

Amendment
of section 57
of principal
Act

22. Section 58 of the principal Act is amended —

(a) in subsection (1) thereof, by substituting for the words “mechanically propelled vessel or aircraft”, which appear in paragraphs (a) and (b) thereof, the words “aircraft or mechanically propelled vessel”;

Amendment
of section 58
of principal
Act

(b) in subsection (2) thereof —

(i) by substituting for paragraph (a) thereof the new paragraph following —

“(a) the hunting of any animal by a person in accordance with section 43 or 45;”;

(ii) by deleting paragraph (b) thereof; and

(c) in subsection (3) thereof by substituting for the words “Part A of the Third Schedule”, which appear therein, the words “the Third Schedule or of any crocodile or sitatunga”.

Substitution
of section 59
of principal
Act

23. The principal Act is amended by substituting for section 59 thereof the new section following —

“Restriction
on the
immediate
means used
to hunt or
capture
animals

59. No person shall, except under and in accordance with the written permission of a licensing officer, use for the purpose of hunting or capturing any animal any immediate means (including bait) other than a rifle, shotgun, or dog:

Provided that this subsection shall not apply to the use by a person acting under section 43 (1) of any bait (including poisoned bait), stake, horse, net, gin, trap, set gun, missile containing explosives, fence or enclosure.

(2) No person shall on any land, without the written permission of the owner or occupier of the land or a licensing officer, make or have in his possession any article for use as an immediate means for the hunting or capture of any animal other than a rifle, shotgun or snare (other than a wire snare) or non-poisoned bait.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable —

(a) on a first conviction, to a fine of P400 and to imprisonment for 12 months; or

(b) on a second or subsequent conviction, to a fine of P800 and to imprisonment for 2 years.

(4) Nothing in this section shall render unlawful —

(a) the use of a poisoned weapon, pitfall, stake, trap, fence or enclosure (other than a trap of a type manufactured for commercial purposes or a wire fence or enclosure); or

(b) the possession of a poisoned weapon or trap (other than a trap of a type manufactured for commercial purposes),

by a person in accordance with regulations made by the Minister under section 4 (3).”.

Repeal of
sections 60
and 61 of
principal Act

24. The principal Act is amended by repealing sections 60 and 61 thereof.

Amendment
of section
62 of
principal Act

25. Section 62 of the principal Act is amended by substituting for subsection (3) thereof the new subsection following —

“(3) The provisions of this section shall not apply —

(a) to the holder of a trophy dealer's licence or to any person in effecting a sale to the holder of a trophy dealer's licence; or

(b) to any person entitled to landholder's privileges under section 16 in respect of any land in effecting a sale, with the written approval of the Chief Game Warden, of any game animal or the meat, hide or skin of any game animal lawfully killed on that land by such person.”.

26. Section 65 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

Amendment
of section 65
of principal
Act

“(1) Subject to the provisions of sections 66 and 98, and to such terms and conditions as the Minister may deem fit to impose, a licensing officer may grant permits authorizing any person to export from or to import into Botswana any animal, trophy or meat:

Provided that any permit issued under this section shall not authorize any person to export or import any animal, trophy or meat without complying with the provisions of any other written law controlling the exportation and importation of goods and in such case permits issued under this section shall be additional to the requirements of such written law.”.

27. Section 66 (1) of the principal Act is amended —

Amendment
of section 66
of principal
Act

(a) by inserting therein, immediately after the words “the Ninth Schedule”, which appear therein, the words “and on all animals exported from Botswana at such rates as may be prescribed”; and

(b) by substituting for the proviso thereto, the new proviso following —

“Provided that this subsection shall not apply in respect of the export duty of any trophy or meat acquired by the holder of a Minister's licence issued in terms of section 33 by virtue of such licence.”.

28. Section 68 (2) of the principal Act is amended by deleting the words “or curio maker's licence” which appear at the end thereof.

Amendment
of section 68
of principal
Act

29. The principal Act is amended by repealing section 71 thereof.

Repeal of
section 71
of principal
Act

30. Section 72 of the principal Act is amended by substituting for subsection (1) thereof the new subsection following —

Amendment
of section 72
of principal
Act

“(1) Every person who kills an elephant or rhinoceros shall produce the ivory or rhinoceros horn to an authorized officer within 30 days immediately after the killing or within such extended period as the authorized officer may, in special circumstances, allow, together with the licence or permit, if any, under which it was killed.”.

(ii) inserting immediately after the words "game officer", which appear therein, the words "game scout or game guard"; and

(c) by substituting for the words "game officer or game scout", wherever they appear in the proviso thereto, the words "game officer, game scout or game guard".

38. Section 86 of the principal Act is amended by substituting for the words "or game officer", which appear therein, the words "game officer, game scout or game guard".

Amendment of section 86 of principal Act

39. Sections 87 and 88 of the principal Act are amended by substituting for the words "game scout", wherever they appear therein, the words "game scout or game guard".

Amendment of sections 87 and 88 of principal Act

40. Section 89 of the principal Act is amended by substituting for the words "28 days", wherever they appear therein, the words "90 days".

Amendment of section 89 of principal Act

41. Section 92 (1) of the principal Act is amended by substituting for the words "game officer or game scout", wherever they appear therein, the words "game officer, game scout or game guard".

Amendment of section 92 of principal Act

42. Section 97 of the principal Act is amended by substituting for the words "game scout or honorary officer", wherever they appear therein, the words "game scout, game guard or honorary officer".

Amendment of section 97 of principal Act

43. The principal Act is amended by substituting for section 98 thereof the new section following —

Substitution of section 98 of principal Act

"Minister may give directions in connexion with carrying out functions under Act

98. (1) Where he considers it to be in the public interest to do so and in particular where he considers it necessary or expedient to do so in order to facilitate compliance by Botswana with any international agreement to which it is a party or the discharge by Botswana of any other international obligation by which it is bound, the Minister may give directions, either generally or in a particular case, to all or any members of the public service or to all or any licensing officers or other persons appointed by him under this Act as to the carrying out of their functions under this Act.

(2) Every person to whom directions are given by the Minister under subsection (1) shall comply with those directions.

(3) Subject to this Act and to any directions which may have been given to him by the Minister under subsection (1), where any person is vested by this Act with a power to allow, give consent to, grant, specify or revoke any matter or thing, that person may, without giving any reasons therefor and in his absolute discretion, allow or disallow, give or withhold his consent to, grant or not grant, specify or not specify or

revoke or not revoke that matter or thing as he thinks most conducive to the public good.

(4) Nothing in this section shall be construed as referring to any function of or any power vested in any court by or under this Act.”.

Amendment
of section 99
of principal
Act

44. Section 99 of the principal Act is amended —

(a) in subsection (2) thereof —

(i) by inserting therein, immediately after paragraph (d) thereof, the new paragraph following —

“(dd) (i) the administration of wildlife management areas or any particular such area or any part thereof;

(ii) the terms and conditions under which animals may be hunted or captured, dwelling houses may be erected or dwelt in, stock may be grazed or land cultivated in such areas or any such area or part thereof;”;

(ii) by substituting for the words “persons resident in Botswana and persons not so resident”, which appear in paragraphs (f) and (h) thereof, the words “citizens of Botswana, residents of Botswana and other persons”;

(iii) by substituting for the words “game scouts or honorary officers”, which appear in paragraph (o) thereof, the words “game scouts, game guards or honorary officers”;

(iv) by substituting for paragraph (g) thereof, the new paragraph following —

“(g) facilitating Botswana to comply with any international agreement to which she is a party”;
and

(v) by deleting paragraph (l).

Amendment
of section
100 of
principal Act

45. Section 100 of the principal Act is amended by substituting for the words “a fine of P200 and imprisonment for six months”, which appear therein, the words “a fine of P500 and imprisonment for 2 years”.

Insertion of
new section
101 in
principal Act

46. The principal Act is amended by inserting, immediately after section 100 thereof, the new section following —

“Power to
suspend
and exempt
from
certain
provisions

101. The Minister may, by notice published in the Gazette, suspend, restrict or limit the application of any of the provisions of this Act, either generally or in respect of any area, for such period and subject to such conditions as he may deem fit.”.

Amendment
of
Second
Schedule
to principal
Act

47. The Second Schedule to the principal Act is amended in Part I thereof by inserting in the first column thereof, each in its appropriate place, the new entries following —

“Python
Rock Dassie
Sharpe’s Steenbok
All Buzzards
All Falcons
All Goshawks
All Harriers
All Ibises
All Kites
Narina Trogon
All Sparrowhawks”.

48. The principal Act is amended by substituting for the Third, Fourth and Fifth Schedules thereto the new Schedules set out in the First Schedule.

Substitution
of new
Third,
Fourth and
Fifth
Schedules to
principal Act

49. The principal Act is amended by deleting the Sixth and Eighth Schedules thereto.

Deletion of
Sixth and
Eighth
Schedules
to principal
Act

50. The principal Act is amended by adding, immediately after the Ninth Schedule thereto, the new Schedules set out in the Second Schedule.

Addition of
new Tenth,
Eleventh
and Twelfth
Schedules to
principal Act

FIRST SCHEDULE (s. 48)

NEW THIRD, FOURTH AND FIFTH
SCHEDULES TO PRINCIPAL ACT

“THIRD SCHEDULE (s. 18)

GAME BIRDS

Ducks and Geese (excluding Pygmy Geese and Fulvous Tree Duck)
Francolin
Guinea-fowl
Quail
Sandgrouse
Snipe
Green Pigeons
Turtle Doves

FOURTH SCHEDULE (s. 16)

ANIMALS WHICH MAY NOT BE HUNTED BY
VIRTUE OF LANDHOLDER’S PRIVILEGES

Any conserved animal
Any protected game
Elephant

FIFTH SCHEDULE (ss. 18, 30 and 69)

LICENCE FEES AND PERIODS

PERIODS

1. A bird licence issued to a citizen or resident of Botswana shall be issued for one year, commencing with the day of issue.

2. A bird licence issued to a person who is neither a citizen nor a resident of Botswana shall be issued for one week, month or year, commencing with the day of issue.

FEES

Bird licence —

Citizen or resident of Botswana	P2,00
Other —	
one week	P3,00
one month	P10,00
one year	P15,00

Professional guide's licence —

Citizen or resident of Botswana	P25,00
Other	P100,00

Professional hunter's licence —

Citizen or resident of Botswana	P50,00
Other	P200,00

<i>Trophy dealer's licence</i>	P50,00"
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SECOND SCHEDULE (s. 50)

ADDITIONAL NEW TENTH, ELEVENTH AND TWELFTH SCHEDULES TO PRINCIPAL ACT

"TENTH SCHEDULE (s. 16)

MAXIMUM NUMBER OF ANIMALS WHICH MAY BE KILLED BY VIRTUE OF LANDHOLDER'S PRIVILEGES DURING ANY ONE PERIOD SPECIFIED

<i>Animal</i>	<i>Maximum permitted to be killed</i>	<i>Relevant Period</i>
Gemsbok	10	one month
Hartebeest	25	one month
Kudu	10	one month
Springbok	50	one month
Wildebeest	25	one month
Zebra	10	one month

ELEVENTH SCHEDULE

(s. 16B)

ANIMALS KILLED ON PRIVATE OR LEASED LAND
PRIVILEGES OF WHICH RECORD MUST BE
ENTERED IN REGISTER

Any game animal

TWELTH SCHEDULE

(s. 16)

REPUBLIC OF BOTSWANA

FAUNA CONSERVATION ACT

(Cap. 38:01)

PERMISSION TO ENJOY LANDHOLDER'S PRIVILEGES

(section 16)

UNDER section 16 (1) of the Fauna Conservation Act, I

.....
.....
.....

(postal address, if any, and place of abode)

being entitled to landholder's privileges in respect of

.....
.....

(description, including location, of land concerned)

by virtue of –

- (a) the said land being private land of which I am the owner or the owner of not less than one-quarter undivided share in the same*,
- (b) the said land being land, elsewhere than in a game reserve, of which I am the occupier under an agreement of lease or agreement of purchase granted to me by the State or by the Land Board **

DO NOW HEREBY give my permission to

.....
(full name)

of

.....
(postal address, if any, and place of abode)

who is —

- (i) the occupier of the said land which he has occupied for not less than 3 months immediately before the date hereof*;

*Delete if inapplicable

**Complete name of land board

- (ii) the spouse or child of the occupier referred to in paragraph (i)*;

- (iii) the *bona fide* employee of the occupier referred to in paragraph (i)*;

- (iv) the spouse or child of a *bona fide* employee such as is referred to in paragraph (iii)*;

- (v) my *bona fide* employee*;

- (vi) the spouse or child of my *bona fide* employee*;

to enjoy those landholder's privileges.

Date..... Signature.....

*Delete if inapplicable.”.

PASSED by the National Assembly this 6th day of March, 1979.

I.P. GONTSE,
Clerk of the National Assembly.