

# **MPUMALANGA NATURE CONSERVATION ACT NO. 10 OF 1998**

Assented to: 28 October 1998

Date of commencement: 1 January 1999

**catch**, in relation to-

- (a) a wild animal, exotic animal or invertebrate, includes to-
  - (i) use any means or method to take or to catch or to attempt to take or to catch such animal alive;
  - (ii) search for, to pursue, to drive, to lie in wait, to lure or to allure, to poison with the intent to catch or to injure or to kill such animal in the process of catching;

**hunt**, in relation to-

- (a) a problem animal, means to hunt, to shoot at, to kill, to pursue, to capture or to search in an organized manner for;
- (b) any other animal, means to hunt, to shoot at, to kill, to capture, to pursue, to search or to lie in wait for or use any other means, method or device with the intent to kill or to shoot, to disturb wilfully or to collect or destroy the eggs of a bird or reptile;

**game** means any, specially protected game, protected game, ordinary game or protected wild animal, whether alive or dead, contemplated in section 4 (1);

**poison** includes any poison, preparation or chemical used to catch, to immobilize, to sterilize, to kill or to harm physically a wild animal, exotic animal or invertebrate, and any like word has a corresponding, meaning;

**problem animal** means a wild animal contemplated in section 44 (1);

**weapon** means a firearm or other weapon or implement with which a projectile can be so propelled that it can kill, injure or immobilize a wild animal or exotic animal, the ammunition for a firearm and any projectile for use in connection with such other weapon or implement and any chemical or preparation for use in connection with such projectile;

**wild animal** means any vertebrate, including a bird and a reptile but excluding a fish, belonging to a species which is not a recognized domestic species and the natural habitat of which is either temporarily or permanently in the Republic and any sub-species thereof occurring in Africa and includes the carcass, egg, flesh (whether fresh or cured), biltong, hide, skin, thong, tooth, tusk, bone, horn, shell, scale, claw, nail, hoof, paw, tail, ear, hair, feather or

any other part of such vertebrate, including any part of such vertebrate which has been processed into a final product.

### **Hunting during night**

- (1) Subject to the provisions of this Act, no person shall hunt game during, the night, unless he or she is the holder of a permit which authorizes him or her to do so.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 4 years or to both a fine and such imprisonment.
- (3) Notwithstanding the provisions of subsection (2), any person convicted of a contravention of subsection (1) in respect of specially protected game shall be liable to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment, and to a fine not exceeding three times the commercial value of the wild animal in respect of which the offence was committed.

### **11. Hunting of game with certain weapons**

- (1) Subject to the provisions of this Act, no person shall hunt game with-
  - (a) a weapon which can, after it has been discharged, automatically reload and fire when the trigger thereof is pulled or held in a discharged position;
  - (b) a weapon discharging a rimfiring cartridge of 0,22 of an inch or smaller calibre;
  - (c) a weapon firing a bullet not smaller than 0,375 of an inch, if such game is specially protected game;
  - (d) a shotgun;
  - (e) an air-gun;
  - (f) a weapon fitted with a silencer or any other device which is intended to mute the sound thereof when it is fired;

unless he or she is the holder of a permit which authorizes him or her to do so: Provided that-

- (i) any person may hunt a hare or a bird with a shotgun or a weapon discharging a rimfiring cartridge of 0,22 of an inch calibre;
- (ii) the owner of land or his or her relative may with his or her permission hunt game, excluding specially protected game, with any firearm on the land of the owner.

- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.

## **12. Prohibited acts with certain devices or means**

- (1) Subject to the provisions of this Act, no person shall, on land on which any wild animal is found or is likely to be found-

- (a) brine, or be in possession of a snare, trap, gin, net, bird-lime, trap-cage or other device or means intended or suitable for the hunting or catching of a wild animal;

- (b) construct a pitfall or holding pen:

Provided that a-

- (i) snare, trap, gin, net, bird-lime, trap-cage or other device or means contemplated in paragraph (a);  
(ii) pitfall or holding pen contemplated in paragraph (b),

may be brought, possessed or constructed by-

- (aa) the owner of land or his or her relative with his or her permission on the land of the owner;  
(bb) the occupier of land on land of which he or she is occupier;  
(cc) a trader on the premises on which he or she conducts business;  
(dd) any other person on any land if he or she has obtained the prior written permission of the owner or occupier of such land.

- (2) The proviso to subsection (1) shall not apply in respect of land on which specially protected game is found or is likely to be found.

- (3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years or to both a fine and such imprisonment.

## **Hunting or catching of wild animals in certain manners**

- (1) Subject to the provisions of this Act, no person shall hunt or catch a wild animal with the aid of, by means of or by the use of-

- (a) a snare, trap, gin, net, bird-lime, pitfall, holding pen, trap-cage or similar device, means or method;

- (b) a bow and arrow or similar weapon or any other weapon discharging an arrow or dart;

- (c) a dog;
- (d) an aircraft;
- (e) a setgun or similar device,

unless he or she is the holder of a permit which authorizes him or her to do so: Provided that-

- (i) the owner of land or his or her relative with his or her permission may, on the land of the owner, or the occupier of land may, on land of which he or she is the occupier, hunt or catch a wild animal with the aid of, by means of or by use of a trap or trap-cage where it is-
    - (aa) in the immediate vicinity of the carcass of stock which it has or apparently has killed;
    - (bb) about to cause damage to stock;
  - (ii) any person may, with the aid of, by means of or by the use of any of such weapons contemplated in paragraph (b) as the Responsible Member may prescribe, hunt any of such species of wild animals as the Responsible Member may likewise prescribe;
  - (iii) a dog may be used for the-
    - (aa) lawful hunting of a bird;
    - (bb) pursuit of a wild animal which has been wounded during the lawful hunting thereof;
  - (iv) a problem animal may be hunted or caught with the aid of, by means of or by the use of a trap, gin, pitfall or dog.
- (2) The proviso to subsection (1) shall not apply in respect of land on which specially protected game is found or is likely to be found.
  - (3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years or to both a fine and such imprisonment.
  - (4) Notwithstanding the provisions of subsection (3), any person convicted of a contravention of subsection (1) in respect of specially protected game shall be liable to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment, and to a fine not exceeding three times the commercial value of the wild animal in respect of which the offence was committed.

#### **19. Hunting or catching of exotic animals and wild animals which are not game**

- (1) Subject to the provisions of this Act, no person shall hunt or catch an exotic animal or a wild animal which is not game on land of which he or she is not the owner, unless he or she has obtained the written permission of the owner of the land on which he or she hunts or catches the exotic or wild animal beforehand and carries the permission with him or her when he or she hunts or catches it.

- (2) The written permission contemplated in subsection (1) shall contain-
- (a) the name and residential address of the person granting it;
  - (b) the date on which it is granted;
  - (c) a definition of the land on which the exotic or wild animals may be hunted or caught;
  - (d) the name and residential address of the person to whom it is granted and the relationship, if any, to the person granting it;
  - (e) particulars of the number, species and sex of the exotic or wild animals that may be hunted or caught;
  - (f) the date on which or period during which the exotic or wild animals may be hunted or caught;
  - (g) the signature of the person-
    - (i) granting it; and
    - (ii) to whom it is granted.
- (3) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years or to both a fine and such imprisonment.

### **Poisoning of game or wild animals which are not game**

- (1) Subject to the provisions of this Act, no person shall poison game or hunt a wild animal which is not game by making use of a device for shooting poison or making use of poison, unless he or she is the holder of a permit which authorizes him or her to do so.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years or to both a fine and such imprisonment.
- (3) Notwithstanding the provisions of subsection (2), any person convicted of a contravention of subsection (1) in respect of specially protected game shall be liable to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment, and to a fine not exceeding three times the commercial value of the wild animal in respect of which the offence was committed.

#### **44 Problem animals**

- (1) The wild animals referred to in Schedule 8 to this Act are problem animals and inclined to cause damage.
- (2) The Responsible Member may by notice in the Provincial Gazette amend, substitute or repeal Schedule 8 to this Act.

#### **49. Poisoning of problem animals by means of poison-pellets**

- (1) Subject to the provisions of this Act, a problem animal may be hunted by making use of a poison-pellet Provided that such poison-pellet shall be concealed in such a manner under vegetation or is so covered with plant debris or a layer of soil or sand, that it can only be traced by the smell thereof.
- (2) For purpose of subsection (1) "poison-pellet" means-
  - (a) a piece of meat;
  - (b) any other animal tissue;
  - (c) any other substance,

which lures certain species of wild animals by virtue of its edibility, smell or taste, and in which only prescribed poison is placed according to the prescription of a veterinarian as defined in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).

#### **50. Prohibited acts relating to problem animals**

- (1) No person shall-
  - (a) subject to the provisions of this Act or any other law, hunt a problem animal with the aid of any device or method whatsoever, including the use of poison, without the permission of the owner or occupier of land upon which such problem animal is to be hunted first having been obtained;
  - (b) use a device, method or type of poison to hunt a problem animal other than a device, method or type of poison as may be prescribed;
  - (c) keep, possess, sell, buy, donate, or receive as a donation, import, convey, breed or set free a live problem animal in the Province, or export or remove such an animal from the Province, unless he or she is the holder of a permit which authorizes him or her to do so;
  - (d) place poison in the carcass or part of the carcass of any animal.

- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years or to both a fine and such imprisonment.

**Schedule 1**  
**SPECIALLY PROTECTED GAME (SECTION 4 (1) (a))**

Common name	Scientific name
Elephant	<i>Loxodonta africana</i>
all species of rhinoceros	all species of the Family Rhinocerotidae

**Schedule 2**  
**PROTECTED GAME (SECTION 4 (1) (b))**

AMPHIBIANS, REPTILES AND MAMMALS	
Common name	Scientific name
bullfrog	<i>Pyxicephalus adspersus</i>
all species of reptiles excluding the water leguan, rock leguan and all species of snakes	all species of the Class Reptilia excluding <i>Varanus niloticus</i> , <i>Varanus exanthematicus</i> and all species of the Sub Order Serpentes
riverine rabbit	<i>Bungolagus monticularis</i>
hedgehog	<i>Atelerix frontalis</i>
samango monkey	<i>Cercopithecus mitis</i>
bushbaby	<i>Otolemur crassicaudatus</i>
lesser bushbaby	<i>Galago moholi</i>
honey-badger	<i>Mellivora capensis</i>
pangolin	<i>Manis temminckii</i>
aardwolf	<i>Proteles cristatus</i>
Cape hunting dog	<i>Lycan pictus</i>
brown hyaena	<i>Hyaena brunnea</i>
antbear	<i>Orycteropus afer</i>
mountain zebra	<i>Equus zebra zebra</i>
Hartmann's zebra	<i>Equus zebra hartmannae</i>
hippopotamus	<i>Hippopotamus amphibius</i>
giraffe	<i>Giraffa camelopardalis</i>
nyala	<i>Tragelaphus angasi</i>
red duiker	<i>Cephalophus natalensis</i>
blue duiker	<i>Philantomba monticola</i>
reedbuck	<i>Redunca arundinum</i>
mountain reedbuck	<i>Redunca fulvorufula</i>
sable antelope	<i>Hippotragus niger</i>
AMPHIBIANS, REPTILES AND MAMMALS	
roan antelope	<i>Hippotragus equinus</i>
black wildebeest	<i>Connochaetes gnou</i>
tsessebe	<i>Damaliscus lunatus</i>
Lichtenstein's hartebeest	<i>Alcelaphus lichtensteinii</i>
klipspringer	<i>Oreotragus oreotragus</i>
oribi	<i>Ourebia ourebi</i>
steenbok	<i>Raphicerus campestris</i>
Sharpe's grysbok	<i>Raphicerus sharpei</i>
sun	<i>Neotragus moschatus</i>
grey rhebok	<i>Pelea capreolus</i>
eland	<i>Taurotragus oryx</i>

waterbuck	Kobus ellipsiprymnus
cape clawless otter	Aonyx capensis
spotted necked otter	Lutra maculicollis
<b>BIRDS</b>	
Any bird which is a wild animal, excluding a bird referred to in Schedule 3, and the-	
white breasted cormorant	Phalacrocorax lucidus
reed cormorant	Phalacrocorax africanus
red-eyed turtle dove	Streptopelia semitorquata
Cape turtle dove	Streptopelia capicola
laughing dove	Streptopelia senegalensis
all species of mousebirds	all species of the Family Colidae
pie crow	Corvus albus
black crow	Corvus capensis
red-eyed bulbul	Pycnonotus nigricans
black-eyed bulbul	Pycnonotus barbatus
red-winged starling	Onychognathus morio
Cape sparrow	Passer melanurus
spotted-backed weaver	Ploceus cucullatus
Cape weaver	Ploceus capensis
masked weaver	Ploceus velatus
red-billed quelea	Quelea quelea
red bishop	Euplectes orix

**Schedule 3**  
**ORDINARY GAME (SECTION 4 (1) (c))**

Common name	Scientific name
spur-winged goose	Plectropterus gambensis
Egyptian goose	Alopochen aegyptiacus
yellow-billed duck	Anas undulata
red-billed teal	Anas erythrorhyncha
coqui partridge	Francolinus coqui
crested partridge	Francolinus sephaena
greywing partridge	Francolinus africanus
Shelley's partridge	Francolinus shelleyi
redwing partridge	Francolinus levaillantii
Orange River partridge	Francolinus levaillantoides
red-billed francolin	Francolinus aspersus
Natal francolin	Francolinus natalensis
Swainson's francolin	Francolinus swainsoni
red-necked francolin	Francolinus afer
helmeted guinea-fowl	Numida meleagris
red-knobbed coot	Fulica cristata
rock pigeon	Columba guinea
all species of hare	all species of the Family Leporidae
Burchell's zebra	Equus burchelli
bushbuck	Tragelaphus scriptus
kudu	Tragelaphus strepsiceros
gemsbok	Oryx gazella
red hartebeest	Alcelaphus buselaphus
grey duiker	Sylvicapra grimmia
blue wildebeest	Connochaetes taurinus
blesbok	Damaliscus dorcas phillipsi
bontebok	Damaliscus dorcas dorcas
impala	Aepyceros melampus
springbok	Antidorcas marsupialis



**Schedule 4**  
**PROTECTED WILD ANIMALS (SECTION 4 (1) (d))**

Common name	Scientific name
spotted hyaena	Crocuta crocuta
cheetah	Acinonyx jubatus
leopard	Panthera pardus
lion	Panthera Leo
African buffalo	Syncerus caffer

**Schedule 5**  
**WILD ANIMALS TO WHICH THE PROVISIONS OF SECTION 33 APPLY**

Common name	Scientific name
water leguan	Varanus niloticus
rockleguan	Varanus exanthematicus
all species of snakes	all species of the Sub Order Serpentes
any bird which is a wild animal but which is not game, excluding the ostrich	Struthio camelus
chacma baboon	Papio ursinus
vervet monkey	Cercopithecus mitis
all dassies	Family: Procaviidae
all mongooses	Family: Viverridae
tree squirrel	Paraxerus cepapi
warthog	Phacochoerus aethiopicus
serval	Felis serval
civet	Civettictis civetta
cape fox	Vulpes chama
side striped jackal	Canis adustus
all genets	Genetia spp.
springhare	Pedetes capensis
african wild cat	Felis lybica

**Schedule 8**  
**PROBLEM ANIMALS (SECTION 44 (1))**

Common name	Scientific name
black-backed jackal	Canis mesomelas
caracal (red lynx)	Felis caracal
bush pig	Potamochoerus porcus

**Regulations**

**poison-pellet** means -

- (a) a piece of meat;
- (b) any other animal tissue; or
- (c) any other substance,

which lures certain species of wild animals by virtue of its edibility, smell or taste, which has a mass of not more than 75 mg and in which only strychnine poison is placed according to the prescription of a veterinarian as defined in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);

### **3. Poisoning of game or wild animals which are not game.**

(1) A permit contemplated in section 21(1) of the Act for the hunting of a wild animal which is not game by making use of poison or a device for shooting poison shall only be issued to a person who is the holder of a certificate issued by the Board in which he or she is declared to be competent to use a device contemplated in that section.

(2) The Board may designate an officer or employee of the Board to advise whether an applicant is competent to use a device referred to in subregulation (1).

(3) In order to advise the Board as contemplated in subregulation (2), the officer or employee concerned may test an applicant and subject him or her to practical tests.

(4) The holder of a permit referred to in subregulation (1) shall not hunt a wild animal which is not game, unless -

(a) he or she has obtained the prior written permission of the owner or the occupier of the land on which he or she wishes to hunt;

(b) the owner or the occupier of the land contemplated in paragraph (a) and every owner or occupier of land bordering on such land have, at least 12 hours beforehand, being -

(i) notified by him or her of the place where and the date and approximate time when the hunt will commence, the duration thereof and the danger attached thereto;

(ii) requested by him or her to convey the information contemplated in subparagraph (i) in person to every other person on the land of such owner or occupier;

(c) he or she has erected a special warning board as approved by the Board at every recognised public access to the land on which he or she wishes to hunt, beforehand.

(5) The holder of a permit referred to in subregulation (1) shall -

(a) after he or she has hunted, remove every device used and the poison not used from the land on which he or she hunted, or destroy the poison in an efficient manner;

(b) record the -

(i) name and registration number of the land on which he or she hunted;

(ii) name of the owner or occupier of the land on which he or she hunted

(iii) purpose of the hunt;

(iv) kind of poison used;

(v) kind and number of devices used;

(vi) places where the poison and devices were set; and

(vii) time and date when every device and the poison were removed, or the poison was destroyed in terms of paragraph (a),

in a register which he or she shall keep for that purpose.

(6) No person shall place any poison whatsoever in a carcass of an animal or in any part thereof which can poison another animal or bird: Provided that -

(a) the landowner or person appointed by such landowner in writing may lay a poison-pellet where there are wild animals which are not game which cause or may cause damage to stock;

(b) no person shall lay a poison-pellet or cause it to be laid unless it is concealed in such a manner under vegetation or is so covered with plant debris or a layer of soil or sand, that it can only be traced by the smell thereof.