

Statutory Instrument No. 37 of 1968.

THE FAUNA CONSERVATION PROCLAMATION, 1961

**THE FAUNA CONSERVATION (BAKWENA TRIBAL TERRITORY)
HUNTING REGULATIONS, 1968**

(Published on 26th April, 1968)

In the exercise of the powers vested in him by section 4(2), as read with section 93, of the Fauna Conservation Proclamation, 1961 and after consultation with the Chief of the Bakwena Tribal Territory and the appropriate District Council, the Minister of Commerce, Industry and Water Affairs hereby makes the following regulations —

Title and Application

1. (1) These regulations may be cited as the Fauna Conservation (Bakwena Tribal Territory) Hunting Regulations, 1968.

(2) These regulations shall apply to members of the Bakwena Tribe when hunting on the tribal territory.

Interpretation

2. In these regulations, unless the context otherwise requires —

“Chief” means the Chief of the Tribe and includes any person performing the functions of Chief;

“licence” means a current and valid licence issued under regulation 8;

“licence fee” means the fee prescribed in the Third Schedule;

“member” means member of the Tribe;

“tribally conserved animals” means the animals prescribed in Part I of the First Schedule;

“tribally protected game” means the animals prescribed in the first column of Part II of the First Schedule;

“tribal game” means the animals prescribed in the first column of the Second Schedule;

“tribal territory” means the territory of the Tribe;

“Tribe” means the Bakwena Tribe.

Restriction on Hunting Tribally Conserved Animals

3. (1) No member shall capture or hunt a tribally conserved animal.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 14.

Restriction on Hunting Tribally Protected Game

4. (1) Subject to the provisions of regulations 7, 10 and 11, no member shall hunt tribally protected game without being in possession of a licence permitting him to do so.

(2) The total number of animals, being tribally protected game, which may be killed in any year by all licence holders shall not exceed the number prescribed in respect of an animal in the second column of Part II of the First Schedule and no licence

shall be issued which authorizes the killing of any tribally protected game in excess of the number prescribed in the third column thereof.

(3) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 14.

Tribal Game

5. (1) Subject to the provisions of regulation 7, no member shall hunt tribal game without being in possession of a licence permitting him to do so and no licence shall be issued which authorizes the killing of any tribal game in excess of the number prescribed in the second column of the Second Schedule.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 14.

Licence Not Required for Hunting Certain Animals

6. A licence shall not be required by a member to hunt animals other than those specified in the First and Second Schedules :

Provided that nothing in this section shall authorize the hunting of any animal which is a conserved animal under the provisions of the Fauna Conservation Proclamation, 1961.

Close Season

7. (1) Notwithstanding the provisions of regulations 4 and 5, no member shall hunt protected game or tribal game between the 16th November in any year and the 30th April in the year next following.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 14.

Appointment of Licensing Officers

8. (1) The Chief in Council shall appoint licensing officers for the purpose of issuing licences under these regulations.

(2) A licensing officer shall, subject to the provisions of these regulations and any direction which may be given by the Chief for the better conservation of game and the equitable apportionment of rights to hunt between members, issue a licence to a member on receipt by him of the licence fee :

Provided that no licence authorizing the hunting of tribally protected game shall be issued save by or on the authority of the Chief.

(3) For the purposes of subregulation (1) "Chief in Council" means the Chief acting after consultation with the Kweneng District Council.

Licences

9. (1) A licence shall specify the period of validity of the licence, the name of the person to whom it is issued and the number and species of animals which may be killed by the holder thereof :

Provided that no licence authorizing the hunting of tribally protected game shall be valid for a period in excess of 90 days.

(2) A licence shall not authorize the hunting of tribally protected game unless such authority is expressly conferred by the licence and, if so conferred, it shall authorize the hunting of the number and species of animals specified in the licence only.

(3) A licence authorizing the hunting of tribal game shall authorize the hunting of the number and species of animals specified in the licence only.

(4) The fees prescribed in the Third Schedule shall be paid for a licence.

(5) All licence fees shall be paid into the revenue of the Kweneng District Council.

(6) No licence shall be transferable.

Destruction of Animals in Self-Defence

10. (1) Notwithstanding anything contained in these regulations, it shall be lawful for any member to kill or injure any wild animal in defence of himself or other person if immediately and absolutely necessary.

(2) The burden of proving that any animal has been killed or injured in accordance with the provisions of this section shall lie upon the person who killed or injured such animal.

Destruction of Animals Causing Damage to Livestock, etc.

11. (1) Notwithstanding anything contained in these regulations, it shall be lawful for the occupier of land or any member authorized by him to destroy on such land any wild animal causing damage to any livestock, crops, water installation or fence.

(2) The Chief may authorize the killing of, and it shall be lawful to kill or injure in accordance with such authority, any wild animal which, in the opinion of the Chief, has caused and is likely again to cause damage to any livestock, crops, water installation or fence.

Use and Possession of Poisoned Bait, Etc. Prohibited

12. (1) No member shall, except under and in accordance with the written permission of the Chief, use for the purpose of hunting or capturing any animal, any poisoned bait, metal trap, set gun or wire snare:

Provided that nothing in this regulation shall render unlawful the setting of a metal trap or wire snare for the protection of livestock in the immediate vicinity of any enclosure in which livestock is kept.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of any offence and shall be liable on conviction to the penalties prescribed in regulation 14.

Exemption from Provisions Relating to Tribal Game

13. The provisions of these regulations relating to the hunting of tribal game shall not apply to a member belonging to a community which is entirely dependent for its living on hunting and gathering veld produce, and who is himself so dependent, where the animal is hunted for the reasonable food requirements of the hunter or of the members of the community to which he belongs.

Penalties

14. Any person convicted of an offence under these regulations shall be liable —
- (a) in the case of a first conviction to a fine of R40 or, in default of payment, to imprisonment for a period not exceeding one month, or such imprisonment without the option of a fine, or to both such fine and such imprisonment ;
 - (b) in the case of a second conviction to a fine of R100 or, in default of payment, to imprisonment for a period not exceeding three months, or such imprisonment without the option of a fine, or to both such fine and such imprisonment ;
 - (c) in the case of third conviction to a fine not exceeding R200 or, in default of payment, to imprisonment for a period not exceeding six months, or such imprisonment without the option of a fine, or both such fine and such imprisonment.

FIRST SCHEDULE

PART I

(Regulation 3)

(Regulation 3)

Tribally Conserved Animals

Aardwolf (Thukwe Mabudu)
Reedbuck (Vlei) (seBugata)
Mountain Reedbuck (Mhele moTsosa)

PART II

(Regulation 4)

Tribally Protected Game

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Eland (Phofu)	5	1
Gemsbok (Kukama)	25	1
Kudu (Tholo)	40	1
Leopard (Nkwe)	5	1
Lion (Tau)	5	1
Ostrich (Ntshwe, Otshwe)	50	1

SECOND SCHEDULE

(Regulation 5)

Tribal Game

<i>First Column</i>	<i>Second Column</i>
Duiker (Phuti)	2
Red Hartebeest (Kgama)	4
Springbok (Tshephe)	6
Steenbok (Phuduhudu, Puruburu)	4
Warthog (Kolobe)	4
Blue Wildebeest (Kgokong)	4

THIRD SCHEDULE

(Regulation 9)

Licence Fees

(a) Tribally Protected Game Per Animal Hunted :

	<i>Fee</i>
Eland (Phofhu)	R15
Gemsbok (Kukama)	R3
Kudu (Tholo)	R3
Leopard (Nkwe)	R10
Lion (Tau)	R10
Ostrich (Ntshé, Otshwe)	R1

(b) Tribal Game Per Season

R1

P.W. REARDON,
Permanent Secretary.

Ministry of Commerce, Industry and Water Affairs,
GABERONES.
16th April, 1968.