

Illegal Hunting with Dogs on Private Land Owners

INTRODUCTION

South African farmers are not only concerned about increasingly unfavorable weather patterns, land issues and farm murders, but must also address the growing criminal activities on their farms, such as dealing with the illegal hunting with dogs.

These hunting activities have become more organized and sophisticated over the past decade and contributes to tensions between farmers, communities and even conservation organizations.

There have been several unpleasant experiences for farmers with these trespassers, which mostly well informed, regarding their rights and legal issues, and they use it to the fullest advantage.

For the purpose of these guidelines, “hunting” includes all actions by persons owning private property entered illegally, probably with the intent to steal, capture or kill livestock or game with the help of a dog or dogs.

The purpose of the guidelines is to give an overview of the problem and to establish guidelines that can be followed and is not intended to be legal advice.

SCOPE OF THE PROBLEM

There can be no doubt about the extent of the problem when looking at newspaper reports, journal articles and related research. Examples of the past few year includes the following:

- The National Council of Animal Protection Associations (NSPCA) already chaired the of the Endangered Game Trust, Dr John Ledger, quoted in this regard. Dr. Ledger is from opinion that hunting with dogs poses the greatest threat to biodiversity in Africa;
- According to a 2002 NSPCA report, Sian Hall, an academic who teaches traditional hunting dogs studied over a period of 10 years, found that a large percentage of dogs that use are for hunting purposes, in an extremely poor condition: malnourished, uncared for and infected with worms and ticks, is.
- Dr Gerhard Verdoorn from Griffon, a regular contributor to Agri, confirmed this in an earlier article.

"These dogs are deliberately starved to ensure that they are more cruel when hunting." Verdoorn refers to a specific case where he saw how 14 men with 42 dogs everything from spring hares to meerkats and larks on a farm near Carletonville torn. Police were very apathetic when he reported the incident.

- The University of KwaZulu-Natal emphasized that dogs are not effective hunters not - they tear their prey while the animals are still alive. The university found that the blue crane and other crane species have already decreased by 90% compared to the previous 10 years due to the ill-considered

use of dogs. This is done despite the fact that if people are convicted of hunting endangered species, they with millions rands can be fined or face up to 25 years in prison;

- Several provincial organizations of Agri SA have become actively involved in efforts to address this issue, which has recently worsened greatly.

IMPORTANT INDICATIONS

Agri SA's Rural Safety Committee recently spent a lot of time addressing the problem discuss looking for solutions. Illegal hunting with dogs is increasingly a problem, and landowners must act extremely judiciously to avoid prosecution.

Several important legal and other guidelines are available to farmers in this regard, including the following:

- There is enough legislation that deals with the illegal hunting of dogs, such as nature conservation ordinances, which provide some protection to wildlife, especially species which is considered endangered. There is also anti-cruelty legislation such as the Animal protection that prohibits certain acts against animals.
- Most South African municipalities have by-laws and regulations to keep pets control. Non-compliance is punishable and the animals involved can also be shot.
- When a landowner suffers damage, he can sue the owner of the animal for to compensate him for the damage.
- The SAPS recommends that, where possible, hunting dogs be caught and handed over to the SPCA word. Although some nature conservation ordinances allow farmers to shoot dogs, the SAPS it as a risk. Although landowners have the right to shoot for self-defense and to to protect their property, there are many consequences that can sour the farmer's life.
- A successful defense of self-defense requires, among other things, that it must be an emergency be with an immediate threat due to illegal behavior and - very importantly - that the damage caused by the action disproportionate to the interest that protects must not be.

Therefore, farmers must be well informed about legal aspects and act with extreme caution. Keep always keep the following important guidelines in mind:

- It is recommended that livestock or game farmers who suffer losses due to dogs, a complaint of trespassing under the Entry Act and a charge of cruelty to animals under submit the Animal Protection Act. Complaints in terms of the Fencing, Stock Theft or the Game Theft Act, nature conservation ordinances and relevant municipal ordinances can also be submitted. A claim for compensation where the owners of the dogs are known can also submitted.
- The SAPS recommends that, where possible, dogs be caught and handed over to the SPCA word. Although under certain circumstances it is legal to shoot these dogs, there are many risks, including abuse of law by offenders, with the result that farmers falsely accused of intimidation, pointing a firearm or even attempted murder. Herds of dogs over 20 that can be very aggressive are also sometimes involved.

- It is also recommended that a landowner notify his local farm guard system when suspects are observed on the farm. The illegal hunters usually work in groups of at least four and it would be unwise to confront them alone. They are usually very arrogant and aggressive and also heavily armed.
- Safety representatives of farmers' associations can solve the problem on behalf of their members highlight at local Priority Committee meetings.

RELEVANT LEGISLATION

The issue of farm and farmer safety, disregard for private property, the impact its on game and farm livestock and the shooting of expensive dogs causes increasing tension between hunters and the landowners on whose farms they hunt.

The following legislation is available to farmers to take action against illegal hunting with dogs:

Entry Act, Act 6 of 1959

In terms of the Entry Act, no person may enter private land without the permission of the owner, the legal occupant or the person in charge of the land. Article 1 of this law deals with the prohibition of access to and presence on private land.

Any unauthorized person who uses dogs to hunt another person's livestock or game is guilty of the common law crime of malicious damage to property. If the landowner has informed his employees that no person will obtain permission to enter land, accompanied by dogs or for hunting purposes, no employee may legally does not grant such permission.

However, landowners should take note of cases where the court has found that the shooting of A dog was disproportionate to the requirements in this case - even where it was argued that the person was shot to protect his property. This implies that the landowner may face civil litigation after shot the dog. Although this is not possible in many cases, a civil action against the owners of the dogs to follow the designated route.

Malicious damage to property

Malicious damage to property occurs when a person illegally and intentionally damage the movable or immovable property of another person. The damage of fences or gates, as well as the injury or killing of an animal belonging to the landowner will fall within the scope of this offense.

The Stock Theft Act, Act 57 of 1959

The Stock Theft Act provides for certain offenses related to illegal hunt. Section 9 (1) of the Act provides that the person is an intruder without A warrant may be arrested if there is a reasonable suspicion that he has committed a crime.

However, landowners should keep in mind that unlawful and malicious arrest - in the absence of a good reason - as such constitutes an offense. Section 4 of the Act also provides that a person who enters fenced land or a kraal, warehouse, stable or other walled place with the purpose of stealing livestock or farm products will be guilty of an offense.

The Game Theft Act, Act 105 of 1991

Section 3 of this Act specifies that any person who enters land or who drives wild or lure away, guilty of an offense

The Fencing Act, Act 31 of 1963

The Fencing Act prohibits access to property by climbing over fences or under doors to crawl fences, or by removing locks from gates, etc. Such entry will be considered becomes an offense. The malicious damage to fences and / or gates is also described as an offense under this Act.

Provincial and national nature conservation ordinances and legislation

Dogs may be legally used (without a permit) only for the purpose of killing an animal during a legal hunting wounded to follow or locate. This means that no person has ordinary game with dogs may not hunt unless he / she has a license / permit for this purpose or under the direct supervision of the landowner hunting.

National Environmental Management: Biodiversity Act, Act 10 of 2004

The law provides for regulations on endangered and protected species and trade in the hunting, trapping or killing of such species.

Animal Protection Act, Act 71 of 1962

This law prohibits any person from harassing or harassing any animal or harassing any animal to attack another animal.

Criminal Procedure Act, Act 51 of 1977

Section 20 of this Act provides that the state may seize items or objects that presumably used to commit a crime. Dogs can be considered as evidence within the context of this article. This law also stipulates that a private person (the landowner) without a warrant may arrest a person who has committed or is attempting to commit an offense, or where the private person has a reasonable suspicion that someone has committed an offense as referred to in Schedule 1 to the Act.

PRACTICAL GUIDELINES

Although illegal hunting with dogs is considered a serious offense, landowners must ensure that they follow the correct procedures and as much evidence as possible against the offenders collect. Also remember to involve the farm guard from the beginning. There's just too much on the game to act impulsively.

During recent discussions with the police, the following guidelines were tabled. Farmers can these guidelines follow when addressing the issue of illegal hunting with dogs.

- As indicated above, there is more than enough legislation to address the problem.
- Report all cases of illegal hunting with dogs at the local police station and keep record of all case numbers.
- Implement Agri SA's protocol and display the appropriate notice at entrances and boundary fences.

- Farmers' associations can raise awareness of the problem among the public and the create media.
- Collect evidence and preserve the crime scene:
 - The crime scene must be left untouched until the police gather evidence and recorded, e.g. vehicle tire prints, suspect and animal tracks.
 - Make sure there are no further suspects in the vicinity.
 - Preserve the evidence that may not be destroyed.
 - Access point, open gate, damaged fence.
 - No eating, drinking or smoking at the crime scene.
 - Record the names and addresses of possible witnesses.
 - Do not discuss the facts with witnesses.
 - Make notes on the position of vehicles, suspects, dogs, gates, fences, etc.
 - Where possible, take photos of vehicles, dogs and suspects.
- Nature conservation organizations must get involved immediately to be helpful with a complaint about illegal hunting. Involve the nearest Animal Protection Association to assist with the confiscation of the dogs.
- Farmers' associations must involve the local National Prosecuting Authority in meetings where assistance in dealing with incidents of illegal hunting with dogs is discussed.
- Get involved in the local police and sector community policing forum.
- Use the local priority committee to develop action plans for dealing with the problem, such as patrols and awareness programs.
- In the case of damage caused by dogs, landowners must also file a case of malicious damage to property opens up and insists on a compensatory fine that indicates the value of the property.
- If hunting activities were previously allowed and the landowner now wants to stop them, a legal procedure must be followed to protect neighbors, tenants, community members, etc. of it in to notify.

Conclusion

It is important to exercise extreme caution when dealing with the issue of illegal hunting with dogs. In cases where landowners find that dogs destroy their property, the police must be notified immediately. Before dogs are shot, however, landowners must realize that complaints against such landowners is common; therefore, all possible protective measures must be applied. There will be also recommends that farmers contact their safety network so neighbors can support them, especially when several offenders are involved in the illegal hunting with dogs on their land.

Remember, illegal hunting is a crime - but avoid vigilant actions that could lead to prosecution.

RECOGNITION

- The illegal hunting with dogs: What can you do? Annelize Crosby 2017
- Guideline: hunting with dogs, Kwanalu
- Illegal hunting with dogs, a brief overview of the legal issues, SAPS, 2017
- Illegal hunting with dogs on farms, provincial SAPS instruction Free State, November 2015
- Rural Safety Strategy, Implementation Guidelines
- The illegal hunting with dogs, Servamus, February 2015.