



**MAGISTRATES' COURT JUDICIARY
REPUBLIC OF SOUTH AFRICA**

OFFICE OF THE CHIEF MAGISTRATE BLOEMFONTEIN: ADMINISTRATIVE REGION 3

NATURE CONSERVATION ORDINANCE 8 OF 1969

DETERMINATION IN TERMS OF SECTION 57(5) OF THE CRIMINAL PROCEDURE ACT, NO 51 OF 1977

[The issuing of a Notice as provided for in section 66 of the Criminal Procedure Act, 1977, is a discretion and is not compulsory.]

DESCRIPTION OF CHARGE	ADMISSION OF GUILT FINE
<p><u>Section 2(3) read with sections 2(1) and 40(1)(a) and read with Schedule 1</u></p> <p>Hunt protected game without a permit.</p> <p>(Note: The species of wild animals that qualify as protected game are listed in Schedule 1 of the Ordinance.)</p>	<p>Court</p>
<p><u>Section 5(1) read with sections 3(1), 4 and 40(1)(b) and read with Schedule 2</u></p> <p>Hunt ordinary game during closed season, without a permit.</p> <p>(Note: This provision shall not apply to a hunt- (a) carried out in a private nature reserve, which has been declared as such in terms of section 36(1), by the owner of such reserve or a person under his direct supervision; (b) during the period between half an hour before sunrise and half an hour after sunset, by the owner of land while such game is damaging cultivated trees or crops on such land.)</p> <p>(Note: The species of wild animals that qualify as ordinary game are listed in Schedule 2 of the Ordinance.)</p>	<p>R 3000-00 (THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the second offence: Court</p>
<p><u>Section 5(2)(a) read with sections 37(2) and 40(1)(b)</u></p> <p>Hunt ordinary game without a hunting licence.</p> <p>(Note: This provision shall not apply to the owner of land or a relative of such owner, or a full-time employee of such owner acting on the instructions of such owner, when he hunts on such land.)</p> <p>(Note: The species of wild animals that qualify as ordinary game are listed in Schedule 2 of the Ordinance.)</p>	<p>R3000-00 (THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the second offence: Court</p>

* Scratch what is not applicable

Convey a protected plant or a plant of an endangered or scarce species which was imported into or exported from the Province under a permit, without being in possession of such permit at the time such conveyance.	R5000-00 (FIVE THOUSAND RAND)
<u>Section 34(c) read with section 40(1)(b)</u> Convey a protected plant or a plant of an endangered or scarce species through the Province, without being in possession of authoritative documents indicating that the exportation thereof from the area of origin and the importation thereof into the area of destination, are lawful.	Court
<u>Section 34(d) read with section 40(1)(b)</u> Convey a protected plant or a plant of an endangered or scarce species in circumstances other than referred to in section 34(a) to (c), without being in possession of a permit issued by the administrator at the time of such conveyance, which permit authorizes the conveyance of the plant.	Court
<u>Section 35(3) read with section 40(1)(b)</u> Hunt a wild animal or pick an indigenous plant in a provincial nature reserve without permission.	Court
<u>Section 36(3) read with section 40(1)(b)</u> Hunt a wild animal or pick an indigenous plant in a private nature reserve without the written permission of the owner of such reserve or of a person authorized in writing by such owner to give such permission.	Court
<u>Section 36C read with section 40(1)(b)</u> Enter upon private land by a problem-animal hunter or authorized officer, to hunt an animal suspected of having caused damage or to carry out any other act, without the approval of the owner of such land.	R5000-00 (FIVE THOUSAND RAND)
<u>Section 36E(a) read with section 36C</u> Obstructs or hinder a problem-animal hunter or an authorized officer in the exercise of a power or the discharge of a duty.	R1500-00 (ONE THOUSAND FIVE HUNDRED RAND)
<u>Section 36E(b) read with section 36C</u> Knowingly kills, injures, damages or destroys a horse, dog, equipment or other property used in connection with a hunt for animals suspected of having caused damage.	R3000-00 (THREE THOUSAND RAND)
<u>Section 36E(c)</u> Being an occupier of land refuses or fails to render such reasonable assistance as a problem-animal hunter or an authorized officer may acquire of him during any such hunt.	R2000-00 (TWO THOUSAND RAND)
<u>Section 37(4) read with section 40(1)(b)</u>	

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<p>instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	
<p><u>Section 26(2)(c) read with section 40(1)(b)</u></p> <p>Catch or attempt to catch fish by means of a set line.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R1500-00 (ONE THOUSAND FIVE HUNDRED RAND)</p>
<p><u>Section 27(1) read with section 40(1)(b)</u></p> <p>Be in possession of a fish-net or trap, except a landing-net or keep-net designed for the purpose of bringing to land or keeping fish caught with a line and fish-hook.</p> <p>Note: Subsection (1) shall not apply to an owner of land on which there is a constructed dam as contemplated in section 22, or the holder of licence authorizing him to carry on a business with fish-nets and traps (provided he keeps record in the prescribed manner of fish-nets and traps sold by him), or to a person who holds a permit authorizing him to catch fish with a fish-net or trap.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R1500-00 (ONE THOUSAND FIVE HUNDRED RAND)</p>
<p><u>Section 28(a) read with section 40(1)(b)</u></p> <p>Import any live fish into the Province without a permit.</p> <p>Provided that: a fish may be replaced immediately after it has been caught, in the waters in which it was caught.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p><u>Section 28(b) read with section 40(1)(b)</u></p> <p>Sell live freshwater fish without a permit.</p> <p>(Provided that: a fish may be replaced immediately after it has been caught, in the waters in which it was caught.)</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam</p>	<p>R1000-00 (ONE THOUSAND RAND)</p>

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<p>the period when and in the waters in which the catching of such fish is prohibited.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>(THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the second offence: Court</p>
<p><u>Section 25(2)(b) read with section 40(1)(b)</u></p> <p>Wilfully injure or disturb any spawning, bed, bank or shallow whereon or wherein the spawn of any fish is deposited.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R3000-00 (THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the second offence: Court</p>
<p><u>Section 26(1) read with section 40(1)(b)</u></p> <p>Catch fish in any waters otherwise than by angling, except with a permit.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p><u>Section 26(2)(a) read with section 40(1)(b)</u></p> <p>Angle otherwise than by using not more than two lines to each of which is attached –</p> <ul style="list-style-type: none"> (i) not more than two single hooks with natural bait; or (ii) one or more non-spinning artificial flies; or (iii) not more than one artificial lure or spoon. <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his instruction, in so far as it applies to waters in a constructed dam which is not constructed in a public stream as defined in section 1 of the Water Act (Act 54 of 1956) and which is entirely surrounded by such land.)</p>	<p>R1500-00 (ONE THOUSAND FIVE HUNDRED RAND)</p> <p>Repeated offence within six months after the last offence: R3000-00 (THREE THOUSAND RAND)</p>
<p><u>Section 26(2)(b) read with section 40 (1)(b)</u></p> <p>While angling, employ any method calculated to hook a fish in any part of its body other than in the mouth.</p> <p>(Note: this section does not apply to the owner of land or a relative of such owner or to an employee of such owner acting on his</p>	<p>R3000-00 (THREE THOUSAND RAND)</p>

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<p>than an endangered or scarce species</p> <p>(Note: The importation from another province or the territory of Namibia of the carcass, fresh meat or biltong of any such wild animal of another species is not prohibited if it is accompanied by an authoritative document indicating that it was hunted or acquired lawfully in such other province or territory.)</p>	
<p><u>Section 18 read with section 40(1)(b)</u></p> <p>Hunt an exotic animal on any land, not being the owner of such land or under direct supervision of such owner or with the written permission of such owner in his possession.</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p><u>Section 19(1)(a) read with section 40(1)(b)</u></p> <p>Release an exotic animal in the Province without a permit.</p>	<p>Court</p>
<p><u>Section 19(1)(b) read with section 40(1)(b) read with Schedule 4</u></p> <p>Keep in captivity or under control or supervision, sell, donate or otherwise dispose of, purchase or acquire in any other manner or convey, an exotic animal.</p>	<p>Court</p>
<p><u>Section 20(1) read with section 40(1)(b)</u></p> <p>Organize or arrange, for reward, a hunt in which a person who is not an inhabitant of the Republic participates, without a permit.</p> <p>(Note: for the purpose of subsection (1), "inhabitant" means a person who has been resident in the Republic for at least one year preceding the date of the hunt in question.)</p>	<p>Court</p>
<p><u>Section 21(1)(a) read with section 40(1)(b)</u></p> <p>Without lawful reason enter upon or be on land, except a public road, upon which game is likely to be found, while in possession of a weapon, without the written permission of the owner of such land in his/her possession.</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p><u>Section 21(1)(b) read with section 40(1)(b)</u></p> <p>Hunt a wild animal on or from a public road without a permit.</p> <p>(Note: The above shall not apply to the owner of land over which the road runs.)</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p><u>Section 23(1)(a) read with sections 37(2) and 40(1)(b)</u></p> <p>Angle in any water without an angling licence.</p> <p>(Note: this does not apply to the owner of land or a relative of such owner when angling in waters on or from such land, in waters</p>	<p>R2000-00 (TWO THOUSAND RAND)</p> <p>Repeated offence within six</p>

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Licences Ordinance, 8 of 1972, shall not be prohibited from selling the carcass or meat of game lawfully hunted, provided he keeps a record in the prescribed manner of such carcasses or meat acquired by him.)	
<u>Section 11(2) read with section 40(1)(b)</u> Sell a wild animal without handing to the purchaser a document containing the prescribed particulars at the time of delivery of the animal.	R4000-00 (FOUR THOUSAND RAND) Repeated offence within six months after the last offence: Court
<u>Section 11(3)(a) read with sections 11(1) and 40(1)(b)</u> Purchase a wild animal from a person who sells it unlawfully.	Court
<u>Section 11(3)(b) read with sections 11(2) and 40(1)(b)</u> Possess a wild animal purchased by him/her, without being the holder of a document which contains the prescribed particulars.	R4000-00 (FOUR THOUSAND RAND)
<u>Section 12(1) read with section 40(1)(b)</u> Donate a wild animal to another person without handing a document containing the prescribed particulars to the recipient at the time of delivery of the animal.	R4000-00 (FOUR THOUSAND RAND) Repeated offence within six months after the last offence: Court
<u>Section 12(2) read with sections 14(1) and 40(1)(b)</u> Donate a wild animal which is kept in captivity under a permit to another person, without the required permit.	Court
<u>Section 12(3) read with sections 12(1) and 40(1)(b)</u> Possess a wild animal donated to him/her, without being the holder of a document containing the prescribed particulars.	R4000-00 (FOUR THOUSAND RAND)
<u>Section 13(1)(a) read with sections 2(3), 5 and 40(1)(b)</u> Convey a wild animal hunted by him/her under authority of a permit, licence or permission, without being in possession of such permit licence or permission at the time of conveyance. (Note: The above shall not apply to the owner of land on which the wild animal was lawfully hunted.)	R3000-00 (THREE THOUSAND RAND)
<u>Section 13(1)(b) read with sections 12 and 40(1)(b)</u> Convey a wild animal donated to him or her without being in possession of the document or permit at the time of conveyance. (Note: The above shall not apply to the owner of land on which the wild	R3000-00 (THREE THOUSAND RAND)

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<p>not prohibited from hunting a wild animal which is not game on such land with the aid of any such medium, contrivance, methods or weapon or a dog;</p> <p>(ii) it is not prohibited to use a dog at a lawful hunt for birds or in pursuit of a wild animal which was wounded at a lawful hunt.)</p>	<p>(FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>
<p>Section 9(d) read with section 40(1)(b)</p> <p>Hunt a wild animal with the aid of a dog, without a permit.</p> <p>(Note:</p> <p>(i) The owner of land, a relative of such owner or, a full-time employee of such owner acting on the instructions of such owner is not prohibited from hunting a wild animal which is not game on such land with the aid of any such medium, contrivance, methods or weapon or a dog;</p> <p>(ii) it is not prohibited to use a dog at a lawful hunt for birds or in pursuit of a wild animal which was wounded at a lawful hunt.)</p>	<p>Court (If protected game.)</p> <p>(Note: The species of wild animals that qualify as protected game are listed in Schedule 1 of the Ordinance.)</p>
<p>Section 9(d) read with section 40(1)(b)</p> <p>Hunt a wild animal with the aid of a dog, without a permit.</p> <p>(Note:</p> <p>(i) The owner of land, a relative of such owner or, a full-time employee of such owner acting on the instructions of such owner is not prohibited from hunting a wild animal which is not game on such land with the aid of any such medium, contrivance, methods or weapon or a dog;</p> <p>(ii) it is not prohibited to use a dog at a lawful hunt for birds or in pursuit of a wild animal which was wounded at a lawful hunt.)</p>	<p>R 3000-00 (THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the second offence: Court</p> <p>(Note: All species of wild animals, except those that qualify as protected game as listed in Schedule 1 of the Ordinance.)</p>
<p>Section 10 read with section 40(1)(b)</p> <p>Found in possession of a snare, trap, gin, net, bird-lime, trap-cage or other contrivance intended or suitable for the hunting of wild animals, or construct a pitfall or holding pen thereon, without a permit.</p> <p>(Note: The owner of land or a relative or full-time employee of such owner who has the written permission of such owner, is not prohibited from being in possession of such contrivance.)</p>	<p>R 3000-00 (THREE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: R5000-00 (FIVE THOUSAND RAND)</p>
<p>Section 11(1)(a) read with section 40(1)(b)</p> <p>Sell a wild animal without a permit.</p> <p>(Note:</p> <p>(a) The owner of land shall not be prohibited from selling game lawfully hunted on such land, and</p> <p>(b) The holder of a butcher's licence issued in terms of the</p>	<p>R5000-00 (FIVE THOUSAND RAND)</p> <p>Repeated offence within six months after the last offence: Court</p>

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Obtain a permit, licence or exemption within such period as determined or without permission, after the cancellation of a permit, licence or permission.	R2000-00 (TWO THOUSAND RAND)
<u>Section 40(1)(b)</u> Contravene or fail to comply with a condition of permit, licence or exemption that was issued in terms of the Ordinance.	R5000-00 (FIVE THOUSAND RAND) Repeated offence within six months after the last offence: Court
<u>Section 40(1)(c)</u> Be in possession of a wild animal, fish or plant, or derivative or part thereof, in respect of which there is a reasonable suspicion that it has not been hunted, caught, picked or obtained in accordance with the provisions of this Ordinance and is unable to give a satisfactory account of such possession.	R3000-00 (THREE THOUSAND RAND)
<u>Section 40(1)(d) read with section 17 read with section 39</u> Hinders or obstructs a person in the exercise of any listed power or an authorized officer or an owner of land in the exercise of any listed power or refuses or fails to answer to the best of his/her ability any question lawfully put to him/her by such officer or owner.	R2000-00 (TWO THOUSAND RAND)
<u>Section 40(1)(e)</u> Falsely pretends that he/she is an authorized officer.	Court
<u>Section 40(1)(f)</u> Falsely pretends that a certain act may be performed on land.	Court
<u>Section 40(1)(g)</u> Knowingly makes a false statement in an application for a permit, licence or exemption in terms of this Ordinance	Court

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