

REGULATIONS RELATING TO PROFESSIONAL HUNTERS AND HUNTING-OUTFITTERS

[Published in PN 176/1985 dated 23/5/1985]

DEFINITIONS

1. In these regulations, unless inconsistent with the context -

"the ordinance" means the Nature Conservation Ordinance, 1974 (Ordinance 15 of 1974), and "trophy" means any part of game which has been hunted by a client and which he retains as a token, souvenir or memento of the hunting of such game,

and any other word or expression to which a meaning has been assigned in the ordinance shall, when used in these regulations, have the meaning so assigned thereto.

LICENCE TO ACT AS PROFESSIONAL HUNTER OR HUNTING-OUTFITTER

2. (1) (a) A professional hunter's licence contemplated by section 93(1)(a) of the ordinance, and a hunting-outfitter's licence contemplated by section 93(1)(b) of the ordinance, shall be in the form approved by the Board from time to time.
- (b) Every licence hereinbefore contemplated shall be subject to such conditions as the Board may determine.
- (c) A professional hunter's licence or a hunting-outfitter's licence shall not be issued to any person who, within a period of three (3) years immediately prior to his application for such licence, has been convicted of contravening or failing to comply with any provision of the ordinance or any regulation in force thereunder or any similar ordinance or regulation in force thereunder of another Province.

[Inserted by PN 536/1986]

- (2) The Board may issue or authorise the issue by an officer of the Board of -
- (a) a professional hunter's licence, if it is of opinion that the applicant -
- (i) possesses the necessary knowledge, ability, skill and experience, and
- (ii) is of or above the age of twenty-one (21) years, and
- (b) a hunting-outfitter's licence, if it is of opinion that the applicant -
- (i) possesses the necessary knowledge, ability, skill and experience;
- (ii) is of or over the age of twenty-one (21) years;
- (iii) is a South African citizen or is in possession of a permanent residence permit contemplated by section 4 of the Aliens Act, 1937 (Act 1 of 1937), and
- (iv) can provide the services, facilities and conveniences referred to in regulation 7(1) and that those services, facilities and conveniences comply with the requirements determined by the Board.

[Afrik. text of subpara (iv) amended by PN 338/1985]

- (3) Any person who applies for a licence contemplated by subregulation (1) shall submit such references, documents, securities and insurance policies as the Board may require..
- (4) A licence fee of sixty (60) rand shall be payable once every three (3) years for the issue of a professional hunter's licence or a hunting-outfitter's licence: Provided that no such fee shall be payable for the issue of - [Amended by PN 42/1994]
- (a) a professional hunter's licence to an applicant who -
- (i) acts as a professional hunter on land of which he is the owner, or

- (ii) Is the holder of a hunting-outfitter's licence, and
- (b) a hunting-outfitter's licence to an applicant who -
 - (i) acts as a hunting-outfitter on land of which he is the owner, or
 - (ii) is the holder of a professional hunter's licence.

[Amended by P.N. 536/1986]

TESTING-TEAM

3. A testing-team appointed in terms of section 94(1) of the ordinance shall consist of such persons as, in the opinion of the Board, are competent to -
- (a) test the knowledge, ability, skill or experience in respect of professional hunting and the occupation of hunting-outfitter of any person who applies for or is the holder of any licence contemplated by section 93(1) of the ordinance, and
 - (b) determine whether any person who applies for or is the holder of any licence contemplated by section 93(1) of the ordinance can provide the services and conveniences referred to in regulation 7(1) and whether those services and conveniences comply with the requirements determined by the Board.

LEADER OF THE TESTING-TEAM

4. (1) The Board shall appoint a member of a testing-team as the leader thereof.
- (2) The procedure at a testing by a testing-team shall be determined by the leader thereof and he shall -
- (a) co-ordinate and regulate the activities of the members of the testing-team, and
 - (b) record the results achieved by every applicant and report thereon to the Board.

KEEPING OF REGISTER BY PROFESSIONAL HUNTER

5. (1) A professional hunter shall keep a register in which he shall, immediately after the termination of the escorting of the client, record -
- (a) the name and business address of such professional hunter;
 - (b) the name and permanent postal address of every client;
 - (c) the name and business address of the hunting-outfitter who presented or organised the relevant hunt for the client;
 - (d) the place where and the date on which the escorting of the client commenced and terminated;
 - (e) the name and grant number of every farm hunted on and the name of every owner of such farm;
 - (f) the species, number and sex of the game killed or wounded and the length of the longest horn (if any) of the game killed by the client on each of the farms referred to in paragraph (e) and the date on which each such animal was killed or wounded.
- (2) The register contemplated by subregulation (1) shall consist of pages which are numbered consecutively and of which -
- (a) every original page shall have two copies with the same number, and

- (b) the original page and the first copy shall be perforated in such a manner that it can be easily removed from the register.
- (3) After the professional hunter has recorded the various particulars contemplated by subregulation (1) in the register, he and the client shall each sign the original page and each of the two copies thereof and the professional hunter shall thereafter -
- (a) hand the original page to the client;
 - (b) transmit the first copy to the Director, and
 - (c) retain the second copy in the register.
- [Afrk. text of subreg. (3) amended by P.N. 338/1985]
- (4) The professional hunter and his client shall sign every alteration on any original page and every copy thereof on which particulars contemplated by subregulation (1) have been recorded.

SUPERVISION OF HUNTING BY CLIENT

6. A professional hunter -
- (a) shall at all times be present at and supervise the hunting of game by his client, and
 - (b) who knows or has reason to believe that his client has contravened any provision of the ordinance or any regulation (including these regulations) in force under the ordinance, shall report such knowledge or belief to the nearest police station.

SERVICES, FACILITIES AND CONVENIENCES TO BE PROVIDED BY HUNTING-OUTFITTER

7. (1) A hunting-outfitter shall provide a client with -
- (a) hunting, skinning, handling and dispatch services;
 - (b) accommodation and washing and sanitary conveniences;
 - (c) catering facilities;
 - (d) transport;
 - (e) cleaning and refuse removal services;
 - (f) first-aid and fire-fighting services, and
 - (g) staff services.
- (2) The services, facilities and conveniences referred to in subregulation (1) shall comply with such requirements as the Board from time to time may determine.
- [Afrk. text of subreg. (2) amended by P.N. 338/1985]
- (3) Written notice of the requirements determined in terms of subregulation (2) shall be given to every holder of a hunting-outfitter's licence.

AGREEMENT BETWEEN HUNTING-OUTFITTER AND CLIENT

8. (1) A hunting-outfitter and his client shall, prior to any hunt, conclude a written agreement in which is specified -
- (a) the name and permanent postal address of the client;
 - (b) the name and business address of the hunting-outfitter;
 - (c) the name and business address of the professional hunter who will escort such client;
- [Afrk. text of para (c) amended by P.N. 338/1985]

- (d) the address to which trophies are to be forwarded;
 - (e) particulars sufficient to identify the place at which the liability of the hunting-outfitter to such client will commence and terminate;
 - (f) particulars of the species and sex of the game offered for hunting and the fees or charges payable for every species of game killed or wounded;
 - (g) the fees or charges payable for the services, facilities and conveniences to be provided by the hunting-outfitter, and
 - (h) the duration of the hunt and the daily fee or charge therefor.
- (2) The provisions of any agreement contemplated by subregulation (1) may be amended or substituted by a subsequent written agreement entered into by the hunting-outfitter and the client.
- (3) An agreement entered into in terms of subregulation (1) or (2) shall be prepared and signed in duplicate and a signed copy thereof shall be retained by the hunting-outfitter and by the client.
- (4) A hunting-outfitter may claim from a client with whom he has entered into an agreement contemplated by subregulation (1) or (2), payment of the fees or charges referred to in such agreement for -
- (a) game killed or wounded by the client;
 - (b) the services, facilities and conveniences provided by the hunting-outfitter, and
 - (c) the duration of the hunt.

OBTAINING OF LICENCES, PERMITS, EXEMPTIONS, DOCUMENTS AND PERMISSIONS FOR CLIENT AND DISPATCHING OF TROPHIES BY HUNTING-OUTFITTER

9. A hunting-outfitter shall be responsible for -
- (a) obtaining all licences, permits, exemptions, documents and permissions in terms of which his client is authorised to -
 - (i) hunt game, or
 - (ii) convey any trophy in or export or remove it from the Province, and
 - (b) packing trophies and dispatching them to the address contemplated by regulation 8(1)(d).

ADVERTISING AS HUNTING-OUTFITTER

10. No person shall advertise his preparedness to act as a hunting-outfitter unless -
- (a) he is the holder of a licence contemplated by section 93(1)(b) of the ordinance;
 - (b) he is -
 - (i) the owner of the land on which he will present or organise the hunt, or
 - (ii) the holder of the permission in writing contemplated by section 96(1) of the ordinance in respect of the land on which he will present or organise the hunt;
 - (c) the species, number and sex of game advertised for hunting purposes are found in a free and natural state on the land contemplated by paragraph (b), and
 - (d) the advertisement, brochure or pamphlet by which he advertises the hunting of game has received the approval of the Board.

LANDOWNER'S PERMISSION

11. (1) An owner of land who desires to grant permission in terms of section 96(1) of the ordinance shall do so by means of a document containing -
- (a) his name and residential address;
 - (b) the name, grant number and area of the land in respect of which such permission is granted;
 - (c) the name and business address of the hunting-outfitter to whom such permission is granted;
 - (d) particulars of the species, number and sex of the game to be found on the land in respect of which such permission is granted;
 - (e) the date on which and the period for which such permission is granted;
 - (f) his signature and the date on which such document was signed, and
 - (g) the signature of the hunting-outfitter to whom such permission is granted.
- (2) A professional hunter shall carry the document contemplated by subregulation (1) or a certified copy thereof with him at all times when he escorts a client on the land in respect of which such document is issued.

RETEST BY TESTING-TEAM

12. The Board may authorise a testing-team to test -
- (a) a professional hunter if the Board has reason to believe that such professional hunter no longer possesses the necessary knowledge, ability, skill or experience to continue to act as a professional hunter, and
 - (b) a hunting-outfitter if the Board has reason to believe that such hunting-outfitter no longer provides the services, facilities and conveniences referred to in regulation 7(1) or that those services, facilities and conveniences no longer comply with the requirements determined by the Board.

CANCELLATION OF LICENCES

13. (1) The Board may cancel a licence contemplated by section 93(1) if the holder of such a licence -
- * (a) is convicted of contravening or failing to comply with any provision of the ordinance or any regulation in force thereunder or any similar ordinance or any regulation in force thereunder of another province;
 - (b) wilfully advertises misleading information concerning his activities as a professional hunter or hunting-outfitter, or
 - (c) fails a test contemplated by regulation 12.
[Amended by P.N. 536/1986]
- (2) No professional hunter or hunting-outfitter whose licence as such has been cancelled in terms of subregulation (1) may apply for a similar licence within a period of one year from the date on which such firstmentioned licence was cancelled.

PENALTY

14. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
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