

PARKS AND WILDLIFE AMENDMENT

H.B. 1, 2024.]

PARKS AND WILDLIFE AMENDMENT BILL, 2024

MEMORANDUM

This Bill will make amendments to the Parks and Wildlife Act [*Chapter 20:14*]. In more detail, the individual clauses of the Bill provide as follows:

Clause 1

This clause sets out the Bill's short title.

Clause 2

This clause introduces new definitions and amendments to existing definitions in the principal Act of particular note are the new definitions of "appropriate authority" and "delegated appropriate authority" (under this Bill all RDCs are appropriate authorities subject to the Minister's power to withdraw that status temporarily for certain purposes; also areas of communal land with an appropriate authority may obtain delegated appropriate authority status); "parks ranger" (this definition will formalise a term already in use among the wildlife fraternity) and "honorary park ranger" (this will revive an honorary appointment under better safeguards); "consumptive sector" and "non-consumptive sector" (in wildlife conservation terminology these terms are used to distinguish hunting or non-hunting activities); quota (a term used in the allocation of wild animals for sustainable consumptive purposes); "alienated land" (this definition has been replaced to accommodate the changes to land tenure resulting from the land reform); "animal" and "wildlife" (the reference to indigenous or exotic covers cases where person in Zimbabwe may be found in possession of exotic animals or animal parts that are protected nationally or internationally). The new subsection (2) permits any statutory meeting under this Act to be held virtually as well as or instead of physically.

Clause 3

Clause 3 inserts two new sections in the Act. The first new section sets forth the general principles according to which this Act will be administered by the Authority. Of particular note is the principle that enjoins the Authority to devolve as much as possible the responsibility for wildlife conservation and management to local communities adjacent to areas of wildlife. The second new section clarifies and reforms the common law on the issues of ownership of wildlife. The new section generally restates the common law position that wild animals are ownerless (*res nullii*), however, specially protected animals are vested in the President and private persons may obtain ownership of wild animals in certain circumstances.

Clause 4

Clause 4 amends the section on the functions of the Authority by adding new functions. Particularly noteworthy is the promotion of community participation in consumptive and non-consumptive wildlife based commercial activities.

Clause 5

Clause 5 replaces the section on the establishment and composition of the Authority's board by ensuring fair gender and regional representation on the board consistently with the Constitution. Provision is also made for the representation of the traditional leadership on the board.

Clause 9

Clause 9 inserts two new Parts in the Act. The first Part (IIB) establishes the Wildlife Professionals Council of Zimbabwe. At present there is no qualification certifying, and disciplinary body for wildlife professionals, this Part will establish

such a body that is fairly representative of professional interests of wildlife sector. The Council must formulate binding codes of ethics in every sector and subsector of the professional wildlife industry. The Council will be funded in the main by fees for professional certification.

The second Part (IIC) establishes human-wildlife conflict relief fund, the object of the fund is to offer some monetary relief to victims of human wildlife conflict, that is to say innocent victims of any encounter with a wild animal resulting in the death of a victim, or his or her maiming (that is to say any permanent disablement of a bodily function) or any other physical injury to the victim.

Clause 10

The clause provides for lease of areas in the Parks estates. Currently the law limits leasing to Safari Areas only. The clause expands the areas to include national parks, recreational parks, botanical gardens and sanctuaries.

Clause 11

Clause 11 inserts a new section criminally penalising the hunting in and removal of animals or animal products from recreational park and sale of animals or animal products.

Clause 15

This clause introduces a new section in the Act formalising the existing system of allocation for quotas for hunting of animals and for other consumptive profitable and management activities. Every quota is scientifically determined to ensure that the animals in question are not consumed beyond a sustainable level. A civil penalty is provided for quota holders who exceed their quota.

Clause 17

This clause introduces a new section in the Act providing for the private donation of animals outside of Zimbabwe.

Clause 18

The Authority is frequently confronted by cases of licenced hunters illegally killing animals under guise of an innocent error on their part when on further investigation the Authority finds that the hunters have abused their lawful privilege. This clause introduced an expeditious and administratively fair way of dealing with such cases.

Clause 31

This clause makes provision for the containment of problem animals. In some cases, it has been found that the declaration of an animal as a problem animal has afforded unlawful licence for some people to destroy such animals without provocations. The responsibility for the containment of such problem animals' rests with appropriate authorities or delegated appropriate authorities.

Clause 32

This clause incorporates the Trapping of Animals Act into the Parks and Wildlife Act for ease of administration. The trapping of animals enables the Authority to contain problem animals.

Clause 36

The clause introduces park rangers, their appointment, and powers among other issues. The clause also reintroduces honorary park rangers who are individuals conferred with powers to assist in the park estate and prescribes their powers. It also provides for the limitation of liability of the Authority.

Clause 40

In the scope and course of its work the Authority often confiscates property used in the commission of illegal wildlife harvesting. The section now provides a mechanism for the Authority to retain confiscated property such as ammunition, boats among others for use in its law enforcement activities.

Clause 41

This section is an expansion of the previous section. It provides for the conferment of appropriate authority status on RDCs and community arrangements. It caters for community participation through CAMPFIRE or other community structures.

Clause 45

This clause provides for the consultation of the President and the Minister responsible for the Parks and Wildlife in relation to mining activities to be conducted in a national park, botanical garden and botanical reserves.

Clause 50

Zimbabwe is signatory to various regional and international instruments. The new clause provides for domestication of such instruments and acknowledges the country's various commitments.

Clause 55

The Rhodes Committees have been incorporated into the main Parks board committees.

Clause 56

This clause provides for the incorporation of designated water bodies such as Tugwi-Mukosi, Darwendale, Osborne into the Fifth Schedule.

BILL

To amend the Parks and Wildlife Act [*Chapter 20:14*]; to repeal the Trapping of Animals Control Act [*Chapter 20:21*]; to repeal the Quelea Control Act [*Chapter 19:10*]; and to provide for matters connected therewith or incidental to or connected with the foregoing.

ENACTED by the Parliament and the President of Zimbabwe.

PART I PRELIMINARY

1 Short title

This Act may be cited as the Parks and Wildlife Amendment Act, 2024.

2 Amendment of section 2 of Cap. 20:14

Section 2 (“Interpretation”) of the principal Act is amended—

(a) by the insertion of the following definitions—

“consumptive tourism” means that sector of the wildlife industry that is engaged in the hunting, fishing, collection of eggs and propagation of wildlife and the processing of any product of such hunting fishing, collection of eggs and propagation in the form of fauna;

“delegated appropriate authority” means a delegated appropriate authority referred to in section 108(4);

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- “donation” means donation of wildlife referred to in section 59A;
- “honorary park ranger” means a person appointed as an honorary park ranger in terms of section 96B;
- “Learner’s Professional Guides License” means a Learner’s Professional Guides License issued in terms of section 69; 5
- “non-consumptive tourism” means the sector of the wildlife industry that is engaged in promoting activities for leisure and interaction with flora and fauna that does not involve harvesting;
- “park ranger” means a person referred to in section 96A;
- “quota” means a scientifically determined number or allocation of a species distinguished by sex and age that may be harvested annually without causing any negative impact to the remaining wild population in a given geographical area”; 10
- (b) by the repeal of the definition of “animal” and the substitution of—
- ““animal” means any individual wild or domesticated wild animal whether vertebrate or invertebrate or the species thereof, and whether indigenous or exotic, and the eggs and young thereof, whether live or dead;”;
- (c) by the repeal of the definition of “alienated land” and the substitution of—
- ““alienated land” means — 20
- (a) private land; or
- (b) State land held in terms of an agreement of purchase ultimately resulting in its alienation; or
- (c) partially alienated, that is to say—
- (i) occupied Communal Land; and 25
- (ii) land held by any person under any enactment or agreement whereby such person is entitled to obtain from the State title thereto on the fulfilment by him or her of the conditions prescribed by such enactment or agreement; and 30
- (iii) land held by the holder of an offer letter, securitised A2 permit, land settlement lease or land settlement permit;
- (d) by the repeal of the definition of “appropriate authority” and the substitution of the following— 35
- ““appropriate authority” —
- (a) in relation to any land, means —
- (i) in the case of alienated land—
- A. the owner thereof; or
- B. where the land is held under an agreement of purchase, the purchaser unless the agreement otherwise provides; 40
- and includes any person appointed to be an appropriate authority for the land by such owner, purchaser or lessee, as the case may be; 45
- (ii) in the case of partially unalienated lands means the person lawfully entitled to occupy such land;

- (iii) in the case of unalienated land which is—
 - A. forest land, the Forestry Commission;
 - B. parks and wildlife land or State land other than forest land, the Authority;
 - 5 C. any part of Communal Land that on the date of commencement of the Parks and Wildlife (Amendment) Act 2023, was declared to be an appropriate authority;
- (b) in relation to any waters, means—
 - 10 (i) the person specified in a notice made in terms of section 83 as the appropriate authority for such waters; or
 - (ii) if no person has been specified in a notice made in terms of section 83 as the appropriate authority for such waters, the appropriate authority for the land riparian to such waters;
- 15 (e) by the repeal of the definition of “fish” and the substitution of—
 - ““fish” means wild and farmed fish, within the Parks and Wildlife Estate;
- (f) by the repeal of the definition of “plant” and the substitution of—
 - ““plant” means any vegetation and includes fungi, lichens and mosses;
- 20 (g) by the repeal of the definition of “wildlife” and the substitution of—
 - ““wildlife” means all forms of animal life, wild or domesticated, whether vertebrate or invertebrate, indigenous or exotic and the eggs or young, or any species thereof;”.

3 Insertion of new section of Cap 20:14

25 The principal Act is amended in Part I by the insertion of the following sections after section 2—

“2A General Principles of Wildlife Conservation and Management

Subject to this Act, wildlife conservation and management shall be guided by the following principles—

- (a) sustainable utilisation of wildlife;
- 30 (b) promoting sustainable development within or adjacent to wildlife areas through ecologically sensitive consumptive and non-consumptive activities;
- (c) the application of the precautionary approach to wildlife conservation (that is to say adoption of wildlife conservation measures is not precluded by the absence of full scientific evidence justifying such measures);
- 35 (d) the application of adaptive management of wildlife resources (that is to say the progressive improvement of wildlife resource management practices through continuous monitoring, evaluation and adaptation);
- 40 (e) the promotion of community participation, gender equality and equity in the management and conservation of wildlife and the distribution of the benefits thereof;
- (f) preservation of Zimbabwe’s wildlife cultural heritage;
- 45 (g) the promotion of multilateral and transboundary cooperation in the sphere of wildlife management and conservation.

2B Ownership of wildlife

(1) In this section—

“exotic wild animal” means an animal that is not endemic to Zimbabwe.

(2) There shall be no *dominium* in wild animals except— 5

(a) specially protected animals, whose *dominium* is vested in the President;

(b) for exotic wild animals in the care and custody of a person permitted by this Act to have such care and custody;

(c) for wild animals that have been purchased for value and kept in captivity for commercial and non-commercial purposes; 10

(d) where a wild animal or protected animal is lawfully captured or killed or reduced into possession by a person in terms of a permit issued under this Act, in which event *dominium* in that animal or any carcass or trophy of that animal shall vest in such person, and, subject to this Act or the terms and conditions of the permit concerned may be transferred to any other person by the person in whom the *dominium* vests. 15

(3) Subject to subsection (2) where a person hunts or reduces into possession a wild animal in contravention of this Act *dominium* in that animal or any carcass or trophy of that animal shall not be transferred nor be deemed to have been transferred to that person or to any other person by reason of it having been hunted or reduced to such possession. 20

(4) Regulations may provide for *dominium* in wild animals that have been killed or reduced into possession in error of what has been permitted by a licence to pass to the hunter or possessor if he or she pays the prescribed penalties therefor. 25

(5) No person shall import into the country or purchase an exotic animal without approval from the Minister and a permit issued by the Authority.”. 30

4 Amendment of section 4 of Cap. 20:14

Section 4 (“Functions of Parks and Wildlife Management Authority”) of the principal Act is amended in subsection (1) by the insertion of new paragraphs after paragraph (f)— 35

“(g) promote community participation in consumptive and non-consumptive wildlife based commercial activities through conferment of delegated appropriate authority status and community partnerships;

(h) put measures to mitigate against human wildlife conflict and promote co-existence.”. 40

5 Amendment of section 5 of Cap 20:14

Section 5 is repealed and the substitution of—

“5 Establishment and composition of Parks and Wildlife Management Authority Board

(1) The operations of the Authority shall, subject to this Act, be controlled and managed by a board to be known as the Parks and Wildlife Management Authority Board. 45

(2) The Board shall consist of not fewer than six members and not more than twelve members (at least half of them shall be women) appointed by the Minister, after consultation with the President.

(3) Of the members appointed in terms of subsection (2)—

- 5 (a) six shall be chosen for their experience or professional qualifications in the following fields or areas of competence—
- (i) wildlife conservation and ecology; and
 - (ii) environmental management; and
 - (iii) tourism and marketing; and
 - 10 (iv) information and technology; and
 - (v) an Auditor; and
 - (vi) human resources management;
- and
- (b) one shall be a legal practitioner registered in terms of the Legal Practitioners Act [*Chapter 27:07*];
- 15 (c) one shall be an Accountant registered in terms of the Public Accountants and Auditors Act [*Chapter 27:12*];
- (d) a traditional leader appointed by the Minister from a list of nominees submitted by the Chief’s Council.

20 (4) In appointing members of the board the Minister shall endeavour to ensure that the board is fairly representative of Zimbabwe’s regions.

(5) The Twelfth Schedule shall apply to the terms and conditions of office of the Board.”.

6 Amendment of section 10 of Cap 20:14

25 Section 10 (“Appointment and Functions of Director-General of Authority”) of the principal Act is amended in subsection 10, by the deletion of “and shall act as its secretary”.

7 Amendment of section 11 of Cap 20:14

30 Section 11 (“Appointment of other staff of Authority”) of the principal Act is amended—

- (a) in subsection (1), by the deletion of the word “Authority” after “and with the concurrence of the” and the substitution with the word “Board”;
- (b) in subsection (4), by the deletion of “it” and the substitution of “he or she”.

35 **8 Amendment of section 14 of Cap 20:14**

Section 14 (“Annual Programmes and Budgets of Authority”) of the principal Act is amended by the insertion at the end of subsection (7), of the following proviso—

“Provided that before withdrawing, varying or modifying his or her approval, the Minister shall invite the Authority to make its representations.”.

40 **9 Insertion of New Part of Cap 20:14**

The principal Act is amended by the insertion of new Parts—

“PART IIB

WILDLIFE PROFESSIONALS COUNCIL OF ZIMBABWE

16D Establishment of Council

(1) There is hereby established the Wildlife Professionals Council of Zimbabwe which shall be a body corporate capable of suing and being sued in its name. 5

(2) The Council shall regulate all persons specified in the First Schedule.

16E Composition of Council

(1) The Council shall consist of 9 elected and appointed members who shall be elected and appointed in the manner prescribed in the regulations of whom— 10

(a) the chairperson and vice-chairperson shall be persons nominated by the Council members—

Provided that the appointees under this paragraph shall alternate the chairpersonship and the vice-chairpersonship of the Council in each calendar year; 15

(b) three shall be nominated by the Minister from the Ministry responsible for Wildlife, the Authority, and one shall be from the Ministry responsible for Rural District Councils; 20

(c) the Council may co-opt one legal practitioner, registered in terms of the Legal Practitioners Act [*Chapter 27:07*] who need not be necessarily a member of the Council.

(2) The term of office of members of the council shall be a period of two years. 25

16F Mandate of Council

Mandate of the Council shall be to—

(a) register (at intervals of not less than 1 year) individuals as wildlife professionals in their sector or subsector as a precondition for them to be able to operate as such; 30

(b) keep a register of all wildlife professionals and their addresses;

(c) any other registers which may be necessary;

(d) to represent the views of the wildlife profession and to maintain its integrity and status;

(e) to define and enforce correct uniform practice and discipline among wildlife professionals; 35

(f) formulate and keep up to date codes of ethics for the consumptive and non-consumptive sectors, and for each subsector identified by the Council and to ensure compliance with such codes by every operator in the sector or subsector concerned; 40

(g) after the prescribed due process, deregister individuals referred to in paragraph (a), or apply to them the prescribed monetary or non-monetary penalties, if they have been found to have breached any code of ethics applicable to them. 45

16G Funds of Council

5 (1) The funds of the Council shall consist of the prescribed registration fees referred to in section 16F (a) and (b) and such other funds as may vest in or accrue to the Council whether in the course of its operations or otherwise.

(2) The amount of any registration fees shall be a debt due to the Council and shall be sued for in any proceedings in the name of the Council.

10 (3) Proceedings in a court for the recovery of a civil penalty shall be deemed to be proceedings for the recovery of a debt as if the defaulter had acknowledged the debt in writing.

15 (4) Not more than thirty *per centum* of the income of the funds of the Council in any financial year shall be expended on administrative expenses and on the remuneration and allowances of the members of the Council or any employees of the Council.

16H By-laws of Council

(1) The Council shall with the approval of the Minister prescribe by-laws on any matter which it is necessary or expedient to them to prescribe in this Part:

20 Provided that no monetary penalty prescribed in this Part shall exceed any amount exceeding three times level 14.

(2) The by-laws of the Council shall be published in the *Government Gazette*.

PART IIC

25 HUMAN-WILDLIFE CONFLICT RELIEF FUND

16I Establishment, objects and disbursement of fund

30 (1) There shall be established a Fund to be called the Human Wildlife Conflict Relief Fund (HWCRF) whose object shall be to offer some monetary relief to victims of human wildlife conflict, that is to say victims of any encounter with a wild animal resulting in the death of a victim, or his or her maiming (that is to say any permanent disablement of a bodily function) or any other physical injury to the victim.

35 (2) No person shall be entitled to monetary relief where they are injured, maimed or killed by a wild animal whilst illegally harvesting a wild animal or where they have negligently interfered with wild animals.

(3) Monetary relief shall be paid to the victim from the HWCRF (upon a claim made in the prescribed manner by or on behalf of the victim no later than 12 months after the encounter resulting in the death, maiming or injury) in accordance with the prescribed scale for disbursements.

40 16J HWCRF quota

The HWCRF shall annually be allocated its own quota (“HWCRF quota”) in terms of section 58A.

16K Monies of HWCRF

(1) The funds of the HWCRF shall consist of—

45 (a) the proceeds of the allocated hunting quota; and

(b) 0.5% human wildlife relief levy on revenue accruing to consumptive and non-consumptive tourism and wildlife based business.

(2) Such monies as may be appropriated for the purpose of the HWCRF by Parliament. 5

(3) Not more than thirty *per centum* of the income of the funds of the HWCRF in any financial year shall be expended on administrative expenses and on the remuneration and allowances of the members of the HWCRF or any employees of the Fund.

16L Administration of fund and proof of claims 10

(1) The Director-General shall be the administrator of the HWCRF for which purpose he or she shall be assisted by any officer of the Authority designated by him or her in writing.

(2) Claims upon the HWCRF shall be proved upon the following manner— 15

(a) the prescribed claim form shall be—
 (i) timeously submitted by and on behalf of the victim accompanied by an affidavit of the victim setting forth all the relevant circumstances of the encounter concerned; and 20

(ii) an affidavit by a Parks officer who investigated such encounter; and

(iii) a copy of the police incident report bearing such encounter; and

(iv) a medical report by the medical officer who treated the victim; 25

(b) where the victim is deceased the deposition shall contain—

(i) an affidavit by a Parks officer who investigated such encounter;

(ii) a copy of the police incident report bearing such encounter; 30

(iii) a post-mortem report by the medical officer who examined the victim; and

(iv) certified copy of the death certificate.

(3) If the Director-General has cause to query anything about the claim he or she may constitute an *ad hoc* committee to review such matter. 35

16M Non-liability of Authority

Nothing in this Part shall be construed to create a cause of action against the Authority. 40

16N Regulations

The Minister may make regulations on any matter that is necessary or expedient to prescribe for the purpose of this Part.

160 Accountability

(1) At the end of each fiscal year, the Director-General shall transmit to the Minister a detailed report on payments made under this Part for such year.

5 (2) The Fund shall be audited annually.”.

10 Amendment of section 37 of CAP 20:14

Section 37 of the principal Act is repealed and the substitution of—

“37 Lease of areas and grant of rights in parks estates

(1) The Authority with the concurrence of the Minister, may—

- 10 (a) lease sites in a safari area to such persons and for such purposes as it deems fit;
- (b) grant hunting or other rights over or in a safari area to such persons as it deems fit;

subject to such terms and conditions as it may impose:

15 Provided that—

- (i) the period of a lease in terms of paragraph (a) shall not exceed 25 years;
- (ii) the period of hunting or other rights in terms of paragraph (b) shall not exceed 10 years;
- 20 (iii) a grant of hunting or other rights in terms of paragraph (b) shall not prohibit persons from entering into the safari area concerned for purposes other than those for which the rights have been granted.

(2) The Authority with the concurrence of the Minister, may—

- 25 (a) lease sites in national parks, recreational parks, botanical gardens, sanctuaries, and any land gazetted, donated or bequeathed into the custody of the Authority, to such persons and for such purposes as it deems fit to promote the conservation of flora and fauna;
- 30 (b) grant such non-consumptive rights over or in such area as it deems fit:

subject to such terms and conditions as it may impose:

Provided that the period of a lease in terms of paragraph (a) shall not exceed 25 years.”.

35 **11 Insertion of new section of Cap 20:14**

41— The principal Act is amended by the insertion of the following section after section

“41A Prohibition of hunting in and removal of animals or animal products from recreational park and sale of animals or animal products

- 40 (1) No person shall—
- (a) hunt any animal in a recreational park; or
- (b) remove any animal or any part of an animal from a recreational park; or

- (c) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a recreational park;
- except in terms of—
- (i) such regulations as may be prescribed for such recreational park; or
- (ii) a permit issued in terms of this section.
- (2) The provisions of section 39 shall apply with necessary changes to the issuance of a permit for the purposes of this section.
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 7 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”.
- 12 Amendment of section 47 of Cap 20:14**
- Section 47 (“Trophies of specially protected animals which are State trophies”) of the principal Act is amended—
- (a) by deletion of “level five” and the substitution of “level 7”;
- (b) by deletion of “six months” and the substitution of “2 years”.
- 13 Amendment of section 57 of Cap 20:14**
- Section 57 (“Minister may prohibit persons from picking indigenous plants”) of the principal Act is amended by the repeal of subsection (3) and the substitution of—
- “(3) Before acting in terms of subsection (1) or (2), the Authority shall invite the person concerned to make his or her representations and after making its decisions in terms of subsection (1) or (2), the Authority shall provide its reasons thereof.”.
- 14 Repeal of section 58 of Cap 20:14**
- Section 58 of the principal Act is hereby repealed.
- 15 Insertion of new section of Cap 20:14**
- The principal Act is amended by the insertion of a new section after section 58 as follows—
- 58A Authority to determine and allocate quotas for consumptive purposes**
- (1) The Authority shall annually, in respect of its safari areas, appropriate authorities and delegated appropriate authorities, on sufficient notice to all appropriate authorities and delegated appropriate authorities in respect of such authorities, undertake an assessment of the wildlife population by species that are resident and migratory in the safari area and the areas of those appropriate authorities and delegated appropriate authorities, with a view to—
- (a) allocating quotas to appropriate authorities and delegated appropriate authorities;
- (b) allocating a management quota to hunting areas for purposes of training, research and control of wildlife populations and other conservation related purposes;
- (c) allocating to appropriate authorities and delegated appropriate authorities’ management quotas to each for purposes of

training, research and control of wildlife populations and other conservation related purposes;

- (d) a quota and a management quota must be consumed in the year for which it is allocated and shall not be transferrable to any other person

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(2) Any appropriate authority or delegated appropriate authority that is party to or permits its quota or management quota to be over consumed shall to the extent of such over consumption, be liable to—

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- (a) pay to the Authority the amount of the penalty prescribed in section 104 for each animal hunted or killed in excess of the quota as if the appropriate authority or delegated appropriate authority has been convicted of an offence involving the hunting of the animal in question;

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- (b) to surrender any trophy or carcass that was hunted or killed in excess of the quota or in the absence of such trophy or carcass the value of that trophy or carcass (for which purpose the value to be attributed to such trophy or carcass is twice the penalty payable for that animal under paragraph (a).

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(3) Before exacting the penalty under subsection (2) the Authority shall make due investigation and by written notice afford the appropriate authority or delegated appropriate authority concerned an opportunity to respond to any allegations resulting from such investigation, and if no satisfactory response is made thereto within 30 days of service of the written notice, the appropriate authority shall thereupon become liable to pay the penalty, which shall accrue interest at the prescribed rate for each month it is unpaid.

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(4) Any penalty paid under this section shall form part of the funds of the Authority.

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(5) Any penalty due from an appropriate authority or delegated appropriate authority shall be deemed to be a liquid debt due to the Authority, which may be recovered as such by civil proceedings instituted in the Authority's name in any court of competent jurisdiction.

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(6) Any interested person who is aggrieved by a decision of the Authority taken under subsection (2) may seek a review by the Minister of such decision within 30 days after the date of its notification to the interested person, whereupon the Minister may—

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- (a) dismiss the complaint by upholding the decision of the Authority; or
- (b) refer the decision back to the Authority for reconsideration (whether with or without directions on how the decision is to be reconsidered, including a direction to the Authority to investigate the matter further) on any one or more of the following grounds—

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- (i) allowing extraneous or irrelevant considerations to affect the decision; or
- (ii) failure to take into account relevant considerations in arriving at the decision; or
- (iii) any material mistake of fact or law that tainted the decision; or

- (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision:

Provided that the Minister shall not make a finding on this ground without affording the Authority an opportunity to respond to such finding.”. 5

16 Amendment of section 59 of Cap 20:14

Section 59 (“Control of hunting, removal and sale of live animals and animal products”) of the principal Act is amended—

- (a) in subsection (4) after the words “for any land may”, by the insertion of the words “based on allocated quotas issued in terms of section 58A”; 10
and
- (b) in subsection (5), by the deletion of the words “subsection (2) or (3)” and the substitution of “subsection (2), (3), (4)”.

17 Insertion of New Section of Cap 20:14

The principal Act is amended by the insertion of a new section after section 59 as follows— 15

“59A Donation of Wildlife

(1) Any donation of wildlife outside Zimbabwe shall be done by the President.

(2) Any person wishing to donate wildlife outside Zimbabwe shall, in a prescribed manner, apply to the Minister and furnish the following information— 20

- (a) the numbers of animals to be donated specified by species and sex;
- (b) the country of destination of the animals and the purpose for which the animals are to be donated; 25
- (c) whether the donor is prepared to donate the animals to another person within Zimbabwe, and if not furnishing the reasons thereof.

(3) The application shall be accompanied by an application fee, which may be calculated according to the number and sex of species being donated as prescribed by the Minister. 30

(4) Before approving or rejecting the application, the Minister shall direct the Authority to carry out an assessment and an investigation as the Minister may require, for which purpose the applicant shall pay the prescribed fee to the Authority. 35

(5) The Authority in carrying out an investigation shall look into—

- (a) whether the application is a donation in good faith;
- (b) whether the animals in question are scarce within Zimbabwe;
- (c) whether the translocation of the animals in question will have positive or negative impact on the ecosystem from which they are to be translocated; 40
- (d) whether the habitat to which the animals are to be translocated will be suitable for them or if the animals are to be held in captivity whether the conditions of the same are conducive to their wellbeing; 45

(e) whether there are any public health implications or animal health implications involved in their translocation and what measures are provided to address the same;

5 (f) whether the animals in question can be donated to some other person within Zimbabwe.

(6) After completing the assessment and investigation in terms of subsection (4), the Authority shall, within 30 days (or such further period not exceeding another 30 days on good cause shown by the Authority to the Minister) from the date the matter was referred to it for investigation, submit its recommendations on the application to the Minister.

10 (7) After considering the application in terms of subsection (3) and the results of an investigation in terms of subsection (5), the Minister may—

(a) approve the application subject to this section; or

15 (b) reject the application and furnish the applicant with the reasons thereof.

(8) Any interested person who is aggrieved by a decision of the Minister or proposed to be taken under subsection (7) may seek a review by the High Court of such decision within 21 days after the date of its notification to the interested person, whereupon the court may—

20 (a) dismiss the application by upholding the decision of the Minister; or

(b) refer the decision back to the Minister for reconsideration (whether with or without directions on how the decision is to be reconsidered, including a direction to the Minister to investigate the matter further) on any one or more of the following grounds—

(i) allowing extraneous or irrelevant considerations to affect the decision; or

30 (ii) failure to take into account relevant considerations in arriving at the decision; or

(iii) any material mistake of fact or law that tainted the decision; or

35 (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision:

Provided that the Court shall not make a finding on this ground without affording the Minister an opportunity to respond to such finding.

(9) Upon approval of the application, the applicant shall—

40 (a) pay the prescribed fee for each animal to be donated analysed by species, age and sex;

(b) unless the donor themselves makes arrangement satisfactory to the Authority for the safe translocation of the animals, pay the expenses incurred by the Authority for ensuring such translocation.”.

45

18 Amendment of section 60 of Cap 20:14

Section 60 (“Minister may prohibit or restrict hunting and removal of animals in defined areas”) of the principal Act is amended—

- (a) by the repeal of subsection (6) and the substitution of—
 - “(6) Before acting in terms of subsection (4) or (5), the Authority shall invite the person concerned to make his or her representations and after making its decisions in terms of subsection (4) or (5), the Authority shall provide its reasons thereof.”; 5
- (b) the repeal of subsection (7);
- (c) in subsection (8), by the deletion of “level six” and “one year” and substitution of “level 9” and “2 years”, respectively. 10

19 Amendment of section 63 of Cap 20:14

Section 63 (“Report of killing of animals or injury of animals other than dangerous animals”) of the principal Act is amended—

- (a) in subsections (2), (4) and (5), by the deletion of the words “or museum”; 15
- (b) by the insertion, after subsection (4), of the following subsections—
 - “(4a) It shall be presumed that the killing of an animal referred to in subsection (3) or (4) resulted from the negligence of the person responsible for the killing, unless the person satisfies the Authority by means of an affidavit that he or she was not so negligent. 20
 - (4b) If the Authority after due investigation—
 - (a) finds that the person responsible was neither negligent nor acted deliberately as described in paragraph (b), absolve the person of any liability under this section;
 - (b) is not satisfied as mentioned in subsection (4a), but finds on a balance of probabilities that— 25
 - (i) the person responsible was negligent, the person shall be liable to pay to the Authority the amount of the penalty prescribed in section 104 for the animal concerned, as if the person had been convicted of an offence involving the hunting of the animal in question; or 30
 - (ii) the person responsible deliberately killed the animal, that person shall be liable to pay five times the amount of the penalty for the animal concerned. 35
 - (4c) Before exacting the penalty under subsection (4b)(b) the Authority by written notice may afford the person concerned an opportunity to respond to any allegations resulting from its investigation under subsection (4b), and if no satisfactory response is made thereto within 30 days of service of the written notice, the person shall thereupon become liable to pay the penalty, which shall accrue interest at the prescribed rate for each month it is unpaid. 40
 - (4d) Any penalty paid under this section shall form part of the funds of the Authority.
 - (4e) Any penalty due from a person under subsection (4b) shall be deemed to be a liquid debt due to the Authority, which may be recovered as such by civil proceedings instituted in the Authority’s name in any court competent of jurisdiction. 45

(4f) Any person who is aggrieved by a decision of the Authority taken under subsection (4b) may seek a review by the High Court of such decision within 21 days after the date of its notification to the interested person, whereupon the High Court may —

- 5 (a) dismiss the complaint by upholding the decision of the Authority; or
- (b) refer the decision back to the Authority for reconsideration (whether with or without directions on how the decision is to be reconsidered, including a direction to the Authority to investigate the matter further) on any one or more of the following grounds—
 - 10 (i) allowing extraneous or irrelevant considerations to affect the decision; or
 - 15 (ii) failure to take into account relevant considerations in arriving at the decision; or
 - (iii) any material mistake of fact or law that tainted the decision; or
 - 20 (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision:

Provided that the court shall not make a finding on this ground without affording the Authority an opportunity to respond to such finding.”.

20 Amendment of section 65 of Cap 20:14

- 25 Section 65 (“Control of safaris”) of the principal Act is amended—
- (a) in subsection (1)(a)(ii) after the words “horseback”, by the insertion of the words “or using any other model aircraft or any other contraption that the Director-General may approve”;
 - (b) by the repeal of subsection (2);
 - 30 (c) in subsection (6), by the deletion of “one year” and substitution of “2 years”.

21 Amendment of section 66 of Cap 20:14

- Section 66 (“Professional hunter’s licence”) of the principal Act is amended—
- 35 (a) in subsection (1)(a)(i), by the deletion of the words “for which the Authority is the appropriate authority if any”;
 - (b) in subsection (1)(a)(i) after the words “horseback”, by the insertion of the words “or using any other model of aircraft or any other contraption that the Director-General may approve”;
 - 40 (c) in subsection (3), by the deletion of “one year” and substitution of “2 years”.

22 Amendment of section 67 of Cap 20:14

- Section 67 (“Learner professional hunter’s licence”) of the principal Act is amended—
- 45 (a) in paragraph (a)(i), by the deletion of the words “for which the Authority is the appropriate authority if any”;
 - (b) in paragraph (a)(i), by the insertion, after the words “horseback”, by the insertion of the words “or using any other model of aircraft or any other contraption that the Director-General may approve”.

23 Amendment of section 68 of Cap 20:14

Section 68 (“Professional guide’s licence”) of the principal Act is amended—

- (a) in paragraph (a), by the deletion of “for which the Authority is the appropriate authority if any”;
- (b) in paragraph (a) after “horseback”, by the insertion of “or using any other model of aircraft or any other contraption that the Director-General may approve”. 5

24 Insertion of new section of Cap 20:14

The principal Act is amended by the insertion of the following section after section 68— 10

“68A Learner professional guide’s licence

A learner professional guide’s licence shall authorise the holder thereof, subject to this Act—

- (a) to conduct for reward under the instructions of the holder of a professional guide’s licence — 15
 - (i) in such national park, sanctuary or safari area or on such forest land or in such area of Communal Land, as may be specified in the licence, a photographic or viewing safari on foot or on horseback or using any other model of aircraft or any other contraption that the Director-General may approve; 20
 - (ii) on such land as may be specified in the licence, a photographic safari;
- (b) to offer to conduct for reward any safari referred to in paragraph (a).” 25

25 Amendment of section 69 of Cap 20:14

Section 69 (“Minister may issue professional hunter’s, learner professional hunter and professional guide’s licence”) of the principal Act is amended by the deletion of “and professional guide’s licence”, and the substitution of “professional guide’s licence and learner professional guide’s licence”. 30

26 Amendment of section 71 of Cap 20:14

Section 71 (“Prohibition of sale of meat of animal unlawfully hunted”) of the principal Act is amended in subsection (2) by the deletion of “level six” and “one year” and the substitution of “level 9” and “2 years”, respectively.

27 Amendment of section 73 of Cap 20:14 35

Section 73 (“Sale and manufacture of articles from trophies”) of the principal Act is amended in subsection (2) by the deletion of “level six” and “one year” and the substitution of “level 7” and “2 years”, respectively.

28 Amendment of section 74 of Cap 20:14

Section 74 (“Purchase of live animals and trophies”) of the principal Act is amended in subsection (3) by the deletion of “level six” and “one year” and the substitution of “level 7” and “2 years”, respectively. 40

29 Amendment of section 77 of Cap 20:14

Section 77 (“Declaration of trophy”) of the principal Act is amended in subsection (14) by the deletion of “level six” and “one year” and the substitution of “level 7” and “2 years”, respectively. 45

30 Amendment of section 79 of Cap 20:14

Section 79 (“Environment committee may order cessation of hunting”) of the principal Act is amended in subsection (3) by the deletion of “level six” and “one year” and the substitution of “level 7” and “2 years”, respectively.

5 **31 Amendment of section 80 of Cap 20:14**

Section 80 of the principal Act is repealed and the substitution of—

“80 Problem Animals

(1) A problem animal is an animal that—

- 10 (a) endangers the lives and health of humans or domestic animals;
- (b) damages the property of a person;
- (c) obstructs the reasonable and comfortable use of the property of the owner or tenant thereof;
- 15 (d) annoys, inconveniences and discomforts any person in a manner that can be reasonably presumed to result in damage or harm to persons or property.

(2) In managing the problem animals, the Authority or appropriate authority may—

- 20 (a) chase, scare, drive, herd or fly it back to wildlife protected areas;
- (b) capture and translocate it;
- (c) put down or euthanise where it has killed a human being or where it has threatened human life;
- (d) manage it in any manner.

25 (3) For purposes of determining whether the animal is a problem animal, the following shall be considered—

- (a) the location of the animal; or
- (b) whether or not the animal concerned has threatened, destroyed livelihoods or killed live stock of any person.

30 (4) The declaration of an animal as a problem animal under this section does not entitle a person to kill such an animal except where the life of that person or of any other person is immediately threatened by that animal.

35 (5) Appropriate authorities shall be responsible for the containment of problem animals and shall at the request of the Authority produce a written plan satisfactory to the Authority for the containment of such animals.”.

32 Insertion of new parts to Cap 20:24

The principal Act is amended by the insertion of the following new parts—

40 “PART XIII A
TRAPPING OF ANIMALS

81A Interpretation under Part XIII A

In this Part—

45 “class I trap” means a trap specified in Part I of the Thirteenth Schedule;

“class II trap” means a trap specified in Part II of the Thirteenth Schedule;

“class III trap” means a trap specified in Part III of the Thirteenth Schedule;

“nylon” means any line of synthetic plastic material; 5

“scheduled offence” means an offence specified in the Fourteenth Schedule;

“specially restricted trapping area” means an area of land within Communal Land which has been declared to be a specially restricted trapping area in terms of section 81F. 10

81B Classification of traps

(1) Each of the traps specified in—

(a) Part I of the Thirteenth Schedule is hereby declared to be a class I trap;

(b) Part II of the Thirteenth Schedule is hereby declared to be a class II trap; 15

(c) Part III of the Thirteenth Schedule is hereby declared to be a class III trap.

(2) The Minister after consultation with the Authority may from time to time, by notice in a statutory instrument, add to or amend the Thirteenth Schedule or may replace the whole or any part thereof. 20

81C Making, possession and use of class I traps prohibited

Any person who makes, possesses or uses a class I trap for the purpose of trapping any animal shall be guilty of an offence and liable to a fine not exceeding level 8 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment. 25

81D Control of class II traps

Any person who—

(a) makes, possesses or uses a class II trap for the purpose of trapping any animal, except in terms of a permit granted in terms of section 81E; or 30

(b) fails to comply with any condition of a permit granted to him in terms of section 81 E;

shall be guilty of an offence and liable to a fine not exceeding level 7 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment. 35

81E Permit for class II traps

(1) Any person who wishes to obtain a permit to make, possess or use a class II trap for the purpose of trapping any animal may make application therefor in writing to the Authority. 40

(2) The Authority may, subject to such conditions as it may deem fit to impose, grant a permit to any person to make, possess or use a class II trap for the purpose of trapping any animal:

Provided that the Authority shall not grant such a permit unless it is satisfied that— 45

- 5
- (a) the purpose for which the class II trap is required cannot effectively be achieved by any other means; and
- (b) the trapping is necessary for—
- (i) scientific purposes; or
- (ii) educational purposes; or
- (iii) providing specimens for a museum, zoological garden or similar institution; or
- (iv) the taking of animals live for the purpose of export or restocking; or
- 10 (v) management and control of animal populations; or
- (vi) the protection of life or property; or
- (vii) any other purpose not inconsistent with subparagraphs (i) to (vi) which, in the opinion of the Authority, is in the interests of the conservation of animals.

15 (3) The Authority may—

- (a) refuse to grant a permit in terms of this section;
- (b) at any time cancel any permit granted in terms of this section or amend any existing condition or impose any new condition thereon:

20 Provided that, before such refusal, cancellation or amendment the Authority shall give reasons for its decisions.

(4) The Authority shall forthwith give notice in writing to the holder of any permit granted in terms of this section of any action taken by him in terms of subsection 3(b).

25 (5) The holder of a permit granted in terms of this section shall, upon receipt of any notice given to him or her in terms of subsection (4), return the permit concerned to the Authority for cancellation or amendment, as the case may be.

30 (6) A holder of a permit granted in terms of this section who fails to comply with the provisions of subsection (5) shall be guilty of an offence and liable to a fine not exceeding level 4 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

35 **81F Declaration of specially restricted trapping areas in relation to class III traps**

(1) Subject to subsection (3), the Minister may after consultation with the Authority, by notice in a statutory instrument, declare any area of Communal Land to be a specially restricted trapping area for the purpose of this Part.

40 (2) Subject to subsection (3), the Minister may after consultation with the Authority, by notice in a statutory instrument, amend or revoke any notice made in terms of subsection (1).

45 (3) Before making a notice in terms of subsection (1) or (2) in respect of any area of Communal Land for which the Authority is not the Appropriate Authority, the Minister shall consult the appropriate authority concerned.

81G Control of class III traps

(1) Any person who on any land—

- (a) makes, possesses or uses a class III trap for the purpose of trapping any animal except in terms of a permit granted in terms of section 81H by the Appropriate Authority for the land; or 5
- (b) fails to comply with any condition of a permit granted to him in terms of section 81H;

shall be guilty of an offence unless it is proved that the making, possession or use of the class III trap was intended for use or was used, as the case may be, for trapping household pests within a building. 10

(2) Any person who is guilty of an offence under subsection (1) shall be liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

81H Permission to make, possess or use class III traps 15

(1) Subject to this section, the appropriate authority for any land may—

- (a) make, possess or use a class III trap at any time on the land; or
- (b) grant a permit to any person subject to such conditions as it may deem fit to impose, allowing him or her or any other person or any class of persons to make, possess or use a class III trap on the land or any part of the land. 20

(2) The appropriate authority for any unalienated land shall not grant a permit in terms of this section— 25

- (a) in respect of land which is constituted a National Park in terms of this Act or in respect of a specially restricted trapping area unless it is satisfied that the purpose for which the class III trap is required cannot effectively be achieved by any other means and that the trapping is necessary for— 30
 - (i) scientific purposes; or
 - (ii) educational purposes; or
 - (iii) providing specimens for a museum, zoological garden or similar institution; or
 - (iv) the taking of animals live for the purpose of export or re-stocking; or 35
 - (v) in the case of a national park, the management of that park; or
 - (vi) the protection of life or property; or
 - (vii) any other purpose not inconsistent with subparagraphs (i) to (iv) which, in the opinion of the Minister, is in the interests of the conservation of animals; 40
- (b) in respect of forest land unless, before issuing such a permit, it has consulted the Minister.

(3) The appropriate authority for any land may— 45

- (a) refuse to grant a permit in terms of this section;
- (b) at any time cancel any permit granted by it in terms of this section or amend any existing condition or impose any new condition thereon.

5 Provided that, before such refusal, cancellation or amendment the Authority shall give reasons for its decisions:

(4) The appropriate authority for any land shall forthwith give notice in writing to the holder of any permit granted by it in terms of this section of any action taken by it in terms of subsection (3)(b).

10 (5) The holder of a permit granted in terms of this section shall, upon being given notice in terms of subsection (4), return such permit to the appropriate authority for cancellation or amendment, as the case may be.

15 (6) The holder of a permit granted in terms of this section who fails to comply with subsection (5) shall be guilty of an offence and liable to a fine not exceeding level 4 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

811 Declaration of specially restricted traps

20 (1) If a land owner considers that on the whole or any part of alienated land within its area the use of any class III trap or any particular type or size thereof for the purpose of trapping any animal should be specially restricted, it may recommend to the Authority that such trap or such type or size thereof be declared a specially restricted trap in respect of the land concerned.

25 (2) Upon receipt of a recommendation in terms of subsection (1), the Authority may, after consideration thereof—

- (a) remit the matter to the land owner concerned for further consideration; or
- (b) reject the recommendation and inform the land owner concerned of such rejection; or
- (c) approve the recommendation in whole or in part and submit the recommendation, as approved, to the Minister.

(3) After consideration of a recommendation submitted to him in terms of subsection (2)(c), the Minister may—

- 35 (a) remit the matter to the Authority for further consideration; or
- (b) reject the recommendation and inform the Authority accordingly; or
- 40 (c) by notice in a statutory instrument, declare the trap or the type or size thereof concerned to be a specially restricted trap in respect of the land concerned and cause notice of the declaration to be given in a newspaper circulating in the area concerned.

45 (4) The Minister may, after consultation with the Authority, by notice in a statutory instrument, amend or revoke any notice made in terms of subsection (3)(c) and shall cause notice thereof to be given in a newspaper circulating in the area concerned.

(5) Any person who, except in terms of a licence issued in terms of subsection (7) uses a specially restricted trap or permits another to do so for the purpose of trapping any animal on land in respect of which such trap has been declared to be a specially restricted trap shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. 5

(6) An owner or occupier of land who wishes to obtain a licence to use a specially restricted trap may make application therefor in writing to the Authority specifying the land on which he/she wishes to use such trap, his or her reasons therefor and by whom the trapping will be done. 10

(7) Within thirty days of the receipt of an application made to it in terms of subsection (6), the Authority shall—

- (a) call upon the applicant to supply such further information in regard to the application as it may specify; or
- (b) refuse the application and state its reasons therefor to the applicant; or 15
- (c) grant the application and issue a licence subject to such conditions as it may deem fit to impose.

(8) Any person who is aggrieved by the refusal of the Authority to issue a licence or by the inclusion of any condition in such licence may appeal to the Minister within 30 days of receiving the decision of the Authority. 20

(9) Upon an appeal being made to him/her in terms of subsection (8), the Minister may—

- (a) require the Authority or the appellant to supply, within such time as he or she may specify, such further information relating to the appeal as he or she may specify; or 25
- (b) dismiss the appeal; or
- (c) uphold the appeal and direct the Authority to issue a licence upon such conditions as the Minister may specify. 30

(10) The Authority shall forthwith comply with a direction given to it by the Minister in terms of subsection (9)(c).

81J Orders for restriction of use of class III traps

(1) If a landowner considers that on any alienated land within his or her area class III traps are being used by or with the permission of the appropriate authority for such land on a scale which is or is likely to be injurious to wild animal populations in the area, he/she may give notice in writing to such appropriate authority that he/she proposes to recommend to the Authority that measures be taken in terms of this section to restrict the use of such traps to a scale specified by him/her in such notice on the land concerned. 40

(2) The appropriate authority shall within 30 days—

- (a) invite the landowner to make further representations in the matter; or
- (b) reject the recommendation and supply the reasons therefor; or 45

(c) adopt the measures for the recommendation or such terms and conditions as the appropriate authority may determine.

(3) If the landowner is aggrieved by the decision of the appropriate authority, he or she may within 30 days appeal to the Authority.

5 (4) On receipt of the appeal the Authority may, after consideration thereof—

(a) remit the matter to the appropriate authority concerned for further consideration; or

10 (b) dismiss the appeal and inform the landowner concerned of such dismissal; or

(c) uphold the appeal in whole or in part together with any recommendation made as to the restriction of the use of class III traps and submit such recommendation, as approved, to the Minister.

15 (5) After consideration of a recommendation submitted to him or her in terms of subsection (4)(c), the Minister may—

(a) remit the matter to the Authority for further consideration; or

20 (b) reject the recommendation and inform the Authority accordingly; or

(c) by order in a statutory instrument, declare that in respect of the whole or part of the land concerned, which shall be specified in that order, the use of class III traps shall be restricted to the extent specified in such order.

25 (6) The Minister shall cause a copy of any order made in terms of subsection (5)(c) to be published in three consecutive issues of a newspaper circulating in the area where any land to which the order relates is situated and shall cause a copy of the order to be sent to the last known address of the appropriate authority for the land affected by such order.

30 (7) The Minister may, by notice in a statutory instrument, amend or revoke any order made in terms of subsection (5)(c) and in such event the provisions of subsection (6) shall apply, with necessary changes, as if any reference therein to an order included a reference to such notice.

35 (8) Any person who uses a class III trap on any alienated land for the purpose of trapping an animal or permits another to do so contrary to the terms of any order made in terms of this section shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

81K Powers of entry of Authority

40 The Authority, any member thereof nominated by the Authority for the purpose or any person appointed for the purpose by the Authority may—

45 (a) on giving not less than forty-eight hours' notice to the occupier of alienated land or, if there is no such occupier, to the owner thereof, enter upon such land for the purpose of investigating and reporting upon wild animals and the trapping of animals on that land:

Provided that the provisions of this paragraph shall not authorise the entry of any dwelling-house without the consent of the occupier thereof and of the occupier of the land or, if there is no such occupier, of the owner thereof;

- (b) require the occupier of alienated land entered upon in terms of paragraph (a) or, if there is no such occupier, the owner thereof to answer any question relating to wild animals and the trapping of animals on his or her land: 5

Provided that no person shall be required to answer any question put to him or her in terms of this paragraph if he would be entitled to decline to answer that question were he or she is a witness giving evidence in a court of law. 10

81L Obstruction of Authority

Any person who—

- (a) hinders or obstructs the Authority or any member or appointee thereof in the exercise of the powers conferred upon the Authority or appointee thereof in terms of this Act; or 15
- (b) fails to answer or gives any answer which he knows to be false or which he does not reasonably believe to be true to any question which he/she may lawfully be required to answer in terms of section 81J; or 20
- (c) makes any false representation or any representation which he does not reasonably believe to be true to the Authority in terms of section 81J; 25

shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 25

81M Evidence and presumptions

(1) If a person is found making or in possession of a class I, class II or class III trap it shall be presumed, unless the contrary is proved, that he or she intended to make or possess such trap for the purpose of trapping an animal. 30

(2) If a person is found in possession of any animal or the whole or any part of any freshly killed animal and with a class I, class II or class III trap it shall be presumed, unless the contrary is proved, that he or she trapped such animal with such trap. 35

(3) The burden of proving any fact which would be a defence to a charge of committing any scheduled offence shall lie upon the person charged.

(4) Whenever in any prosecution in respect of a scheduled offence— 40

- (a) the question whether any flesh, whether fresh, dried, unprocessed or partly processed, is or was the flesh of any particular species of animal is relevant to the issue, such flesh shall be presumed to be or to have been the flesh of the species of animal stated in the indictment or charge, unless the contrary is proved; 45
- (b) the question whether any unprocessed or partly processed hide or skin, which has been rendered unidentifiable, is or

5 was the hide or skin of any particular species of animal is relevant to the issue, such hide or skin shall be presumed to be or to have been the hide or skin of the species of animal stated in the indictment or charge, unless the contrary is proved.

10 (5) Whenever in any proceedings against any person upon a charge alleging that he or she committed upon any particular piece of land any scheduled offence, it is proved that any act constituting or forming an element of such offence was committed in or near the locality wherein such piece of land is situated, such act shall be presumed, unless the contrary is proved, to have been committed upon such piece of land.

15 (6) Whenever in any prosecution in respect of a scheduled offence it is alleged in any indictment or charge that the offence was committed in connection with or in respect of any species of animal stated in such indictment or charge, it shall be presumed, unless the contrary is proved, that the offence was committed in connection with or in respect of such species of animal.

20 (7) In any prosecution in respect of a scheduled offence, any prescribed record, book or document kept by a prescribed officer or any person authorised thereto under this Act in the course of his or her duty shall be *prima facie* evidence of the facts recorded therein upon its production by the officer or person in whose custody it is.

81N Powers of police officers, inspectors, parks rangers

25 (1) A police officer, inspector or an honorary parks ranger authorised thereto by the Minister, may —

30 (a) at all reasonable times enter upon and search any land, premises or place on or in which there is or is on reasonable grounds suspected to be any class I, class II or class III trap being made, kept or used in contravention of any provision to this Act:

35 Provided that this paragraph shall not authorise the entry of any dwelling-house unless the police officer, inspector or parks ranger concerned has reasonable grounds for believing that such entry is necessary for the prevention or detection of an offence in terms of this Act or for the lawful arrest of any person and conveys to any occupant of the premises his or her reason for entry;

40 (b) require any person found in possession of or using any class II or class III trap to produce to him or her any authority required in terms of this Act in respect of the possession or use of such trap;

(c) subject to subsection (2), seize any trap or other thing which appears on reasonable grounds to afford evidence of the commission of an offence in terms of this Act:

45 Provided that the police officer, inspector or parks ranger shall issue a receipt for any trap or other thing seized in terms of this paragraph to the person from whom such thing was seized;

- (d) undertake any other inspection which he or she may deem necessary to determine whether the provisions of this Act are being complied with;
- (e) subject to subsection (2), arrest and detain any person who is suspected on reasonable grounds of having committed any offence in terms of this Act, unless he or she is satisfied that such person will appear and answer any charge which may be preferred against him or her.

(2) Every person who is detained and any trap or other thing which is seized in terms of subsection (1) shall be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law.

(3) Every police officer, inspector or parks ranger shall exercise his or her powers in terms of this section in such manner as is likely to cause as little interference with the rights of the public and to cause as little inconvenience to the public as is reasonably possible in the circumstances.

(4) Any search undertaken in terms of this section shall be conducted with strict regard to decency and order and, where a woman's person is searched, shall be conducted by a medical practitioner or by a woman.

81O Special jurisdiction of magistrates courts

Notwithstanding anything to the contrary contained in any law relating to magistrates courts, a magistrates court shall have special jurisdiction to impose, in respect of a scheduled offence, the maximum penalty which may be imposed for that offence in terms of this Act or any other law.

81P Court shall order payment for trapping of wild animal

(1) Where a person is convicted of an offence specified in section 81D, 81E, 81I and—

- (a) the person convicted has appropriated or disposed of any wild animal which forms the subject of the charge and which has not been restored to the land on which it was trapped; or
- (b) the commission of the offence has caused the death of a wild animal or has made it necessary or expedient for a wild animal to be killed;

the court shall, in addition to any penalty which it may impose on the person convicted, order him/her to pay to the appropriate authority for the land on which the wild animal was trapped such amount as may be specified in terms of subsection (2) in respect of the wild animal concerned.

(2) The Minister may, by notice in a statutory instrument, specify in respect of different species of wild animals the amount to be imposed in terms of an order made in terms of subsection (1) and may, in like manner, amend or revoke any such notice.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, with necessary changes, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall be paid to the appropriate authority for the land on which the wild animal was trapped:

Provided that, except where the appropriate authority is in the full-time employment of the State, the appropriate authority shall give security *de restituendo* in case the judgment of the court which made the order is reversed on appeal or review.

5 (4) Where an order is made in terms of this section on two or more persons, the liability thereunder shall be joint and several unless the court, in its order, apports the amount which each such person shall be required to pay.

10 (5) An amount specified in an order made in terms of this section which is received by an appropriate authority for land who in such capacity is in the full-time employment of the State shall be paid into the Consolidated Revenue Fund or such other fund as the Minister responsible for finance may direct.

15 **81Q Court shall order payment of compensation for trapping of domestic animal**

(1) Where a person is convicted of an offence specified in section 81D, 81E and 81I and—

- 20 (a) the person convicted has appropriated or disposed of any domestic animal which forms the subject matter of the charge; or
- (b) the commission of the offence has caused the death of a domestic animal or has made it necessary or expedient for a domestic animal to be killed or has caused injury to or deterioration in the condition of a domestic animal;

25 the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay as compensation to the owner of the animal concerned such amount as may, subject to subsection (2), be specified by the court if—

- 30 (i) the court is satisfied that the animal concerned is the property of some other person; and
- (ii) the owner of the animal concerned has suffered loss as a result of such appropriation, disposal, death or deterioration in condition of or injury to the animal concerned; and
- 35 (iii) application has not been made in terms of the Criminal Procedure and Evidence Act [*Chapter 9:07*] for compensation in respect of the offence.

(2) The amount specified in an order made in terms of subsection (1) shall not exceed—

- 40 (a) in the case where the animal has not been restored to or recovered by its owner, an amount equal to the market value of the animal at the time of the offence;
- (b) in the case where the animal has been injured or has suffered a deterioration in condition, an amount equal to the difference between the market value of the animal at the time of the offence and the value of such injured or deteriorated animal;
- 45

less in each case the amount of any compensation which may have been paid to the owner by or on behalf of the person convicted.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, with necessary changes, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall be paid to the owner of the animal concerned: 5

Provided that the owner shall give security *de restituendo* in case the judgment of the court which made the order is reversed on appeal or review.

(4) Where an order is made in terms of this section upon two or more persons, the liability thereunder shall be joint and several unless the court, in its order, apportions the amount which each such person shall be required to pay. 10

81R Forfeiture

Where any person is convicted of a scheduled offence, the court shall, unless it considers there are special circumstances which justify not making such order, order that any article or thing used for the purpose of or in connection with the commission of the offence shall be forfeited to the State and be deemed to be State trophy. 15

81S Control of sale, etc., of animals trapped

(1) Notwithstanding the trapping, in terms of this Part or in terms of a permit or licence granted in terms of this Part, of any animal as defined in section 2, the sale or disposal of such animal or the whole or any part of the carcass thereof shall be subject to the provisions of this Act. 20

(2) No person shall sell or dispose of any animal or the whole or any part of the carcass thereof which he has trapped in contravention of any of the provisions of this Act. 25

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

81T Appointment of appropriate authority 30

(1) The Minister may, by notice in a statutory instrument, appoint a rural district council or a legally recognised community arrangement to be the appropriate authority for such area of Communal Land as may be specified in such notice and may in like manner amend or revoke such appointment. 35

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any area of Communal Land is changed, any permit granted by the previous appropriate authority which was of force and effect immediately before the date of commencement of the notice shall remain of force and effect and be subject to amendment or cancellation as if it had been granted by the new appropriate authority. 40

81U Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Part. 45

(2) Regulations made in terms of subsection (1) may provide for—

- 5
- (a) forms of applications, permits and returns and other forms that may be required for the purposes of this Part;
 - (b) the officers to whom applications for permits may be made;
 - (c) regulating, controlling, restricting or prohibiting the sale of any net, gin, trap, snare or similar contrivance which may be used in the trapping of animals;
 - (d) the fees, if any, to be paid for a permit granted in terms of this Part.

10 (3) Any regulations made in terms of subsection (1) may provide penalties for any breach thereof, but no such penalty shall exceed level 5 or imprisonment for a period of six months or both such fine and such imprisonment.

(4) The Minister shall make regulations to regulate the import, sale and keeping of exotic animals in the country.

15

PART XIII B

QUELEA CONTROL

81CC Interpretation under Part XIII B

In this Part—

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“occupier” in relation to any land, means the person who exercises general control over the land;

“officer” means a person designated as an officer in terms of section 81HH;

“quelea” means any bird of the species *Quelea quelea*.

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81DD Duty of occupier to report quelea nestling or roosting sites

(1) The owner or occupier of any land upon which queleas are nesting or roosting shall, as soon as possible and in any event within seven days after he or she first becomes aware of the nesting or roosting of queleas on his or her land, give notice thereof to—

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(a) the local authority for the area in which his or her land is situated; or

(b) the nearest—

(i) police station; or

35

(ii) office of the Department of Conservation and Extension in the Ministry responsible for Agriculture; or

(iii) office of the Authority.

(2) In giving the notice required by subsection (1) the owner or occupier shall—

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(a) define as nearly as possible the locality upon his or her land where the queleas have established nesting or roosting sites; and

(b) give such other information relating to queleas as may be prescribed.

45

(3) On receipt of any notice under this section the person to whom such notice is given shall transmit the report thereof to the Director-General.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence unless he or she satisfies the court—

(a) that he or she made every reasonable effort to comply with the subsection concerned; or

(b) that he or she was ignorant of the presence of the queleas concerned and that his or her ignorance was not due to any lack of reasonable supervision of his or her land; 5

and shall be liable to a fine not exceeding level 4 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment. 10

(5) Any person who, without just cause, contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding level 4 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

81EE Minister may give orders to occupiers or owners 15

(1) The Minister may order the occupier or owner of any land to take such steps or measures in relation to his or her land as the Minister may consider necessary or desirable for the destruction or control of any queleas in the area.

(2) Any person who, without just cause, fails to comply with an order given to him or her in terms of subsection (1), he or she shall be guilty of an offence and liable to a fine not exceeding level 4 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment. 20

81FF Powers of Minister and officers 25

(1) The Minister may take such steps, including the use of poisons, as he or she may consider advisable for the destruction of queleas upon any land.

(2) For the purpose of observing or destroying queleas an officer may enter upon any land with such assistants, material and apparatus as he or she may require. 30

81GG Compensation not payable in respect of injury or destruction caused by exercise of powers

(1) No compensation shall be payable by the State or the Minister or any other person in respect of loss or injury caused by or in the exercise or performance of any functions conferred or imposed by or in terms of this Act: 35

Provided that this subsection shall not prevent any person from recovering by proceedings in any competent court compensation for any loss or injury suffered by him or her which was caused by any wrongful act or omission. 40

(2) Notwithstanding subsection (1), if any person has suffered any loss or injury as a result of the exercise or performance of functions conferred or imposed by or in terms of this Act and the Minister has reasonable cause to believe that such loss or injury was caused by any wrongful act or omission otherwise than by or on behalf of any person to whom an order in terms of section four has been given, although conclusive proof thereof is not forthcoming, he or she may, with the consent of the 45

Minister responsible for finance, pay such compensation for such loss or injury as he or she may determine from moneys appropriated for the purpose by Act of Parliament.

81HH Designation of officers

5 (1) The Minister may designate the persons or classes of persons employed in the Public Service who shall be officers for the purpose of exercising and performing the functions conferred and imposed upon officers in terms of this Act:

10 Provided that the Minister shall not designate persons employed in any Ministry the administration of which has not been assigned to him or her without the consent of the Minister to whom the administration of that Ministry has been assigned.

15 (2) An officer shall be provided with a certificate signed by or on behalf of the Minister which shall state that the holder has been designated as an officer for the purposes of this Act.

(3) An officer exercising or performing any function conferred or imposed upon him or her in terms of this Act, or about to do so, shall, on demand by any person concerned, produce the certificate issued to him or her in terms of subsection (2).

20 (4) The Minister may delegate to officers such of the powers conferred upon him or her in terms of this Act as he or she thinks fit.

(5) All functions conferred upon officers in terms of this Act or delegated to them by the Minister shall be exercised subject to the directions of the Minister.

25 81II Offences

If any person—

- 30 (a) obstructs or hinders any officer in the exercise of his or her functions under this Act; or
- (b) fails to disclose any information required by an officer as to the presence or movements of queleas; he or she shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

81JJ Regulations under Part XIII B

35 (1) Subject to subsection (3), the Minister may, by regulation, provide for all matters which by this Act are required or are permitted to be prescribed or which, in his or her opinion, are necessary or expedient to be provided for in order to carry out or give effect to this Act.

40 (2) The Minister may, in the exercise of the powers conferred upon him or her by subsection (1), make regulations providing for—

- (a) the duties of officers;
- (b) the provision and safe use of poisons used for the purposes of this Act;
- (c) the methods of quelea destruction.

45 (3) Regulations in terms of subsection (1) may provide for penalties for any contravention thereof:

Provided that such penalties shall not exceed a fine of level 4 or imprisonment for a period of six months or both such fine and such imprisonment.

33 Amendment of section 87 of Cap. 20:14

Section 87 (“Use of explosives, etc., for fishing prohibited”) of the principal Act is amended in subsection (3) by the deletion of “level six” and “one year” and the substitution of “level 7” and “2 years” respectively. 5

34 Amendment of section 92 of Cap. 20:14

Section 92 (“Registration as dealer in or manufacturer of fishing nets”) of the principal Act is amended by the insertion of a proviso at the end of subsection (2)— 10

“Provided that the Authority shall—

- (a) invite the dealer to make representations before refusing to register or cancel the registration;
- (b) furnish the dealer or manufacturer with reasons for its refusal to register or the cancellation of the registration.”. 15

35 Amendment of section 96 of Cap. 20:14

Section 96 (“Minister may prohibit persons from fishing”) of the principal Act is amended—

- (a) by the repeal of subsection (3) and the substitution of the following—
“(3) Before acting in terms of subsection (1) or (2), the Authority shall invite the person concerned to make his or her representations and after making its decisions in terms of subsection (1) or (2), the Authority shall provide its reasons thereof.”; 20
- (b) by the repeal of subsection (4).

36 Insertion of new part of Cap. 20:14 25

The principal Act is amended by the insertion of a new Part XIVA

“PART XIVA

PARK RANGERS

96A Park ranger

Persons employed by the Authority in the operations division and who— 30

- (a) have received the prescribed training in the handling of firearms; and
- (b) are regularly employed on duties requiring the bearing of firearms; 35

shall be known as Park Rangers and shall be entitled to wear the uniform and bear the insignia of a Park Ranger.

96B Honorary Park Rangers

(1) The Minister may appoint fit and proper persons to be honorary Park Rangers to assist in the carrying out of this Act. 40

(2) An honorary Park Ranger shall have such powers as may be prescribed:

Provided that such powers shall not be greater than the powers conferred upon a Park Ranger officer or Inspector in terms of this Act.

(3) An honorary Park Ranger shall hold office at the pleasure of the Minister.

(4) An honorary Park Ranger shall be furnished with a certificate signed by or on behalf of the Minister which shall state that the holder has been appointed as an honorary park ranger in terms of this Act.

(5) An honorary Park Ranger exercising any power conferred upon him or her by this Act or about to do so shall, on demand by any person concerned, produce the certificate issued to him or her in terms of subsection (4).

96C Protection of Property for Authority

(1) In this section—

“notified mark” means any mark, marks or insignia notified for the purposes of subsection (2).

(2) The Minister may, by notice in a statutory instrument, declare and make known what mark, marks or insignia shall denote that an item on which it appears (including any arms, clothing, equipment, animal, vehicle, aircraft or boat used by the Park Rangers on duty) is the property of the Authority.

(3) Any person who—

- (a) applies to any arms, clothing, equipment, animal, vehicle, aircraft or boat or other thing whatsoever any notified mark with the intent that it should be mistaken for being the property of the Park Rangers on duty; or
- (b) defaces or conceals any notified mark with the intent that it should not be identified as being the property of the Authority; or
- (c) without the leave in writing of the Director-General of the Authority unlawfully receives, possesses, advertises, delivers or otherwise deals with anything whatsoever bearing the notified mark that is used by the Park Rangers on duty, including any arms, clothing, equipment, animal, vehicle, aircraft or boat;

shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.”.

96D Wearing of uniforms, badges, etc of Parks Rangers

(1) In this section—

“uniform” means any article or apparel, including a badge, button, braid or insignia worn with any particular items of clothing, designed for the use of the Park Rangers.

(2) No person shall be in possession of, manufacture, trade, sale, exchange or dispose of or wear any uniform, badge, button, braid or insignia designed for the Park Rangers or anything which might reasonably be mistaken for any such uniform, badge, button, braid or insignia unless the person is—

- (a) a Park Ranger entitled by reason of his or her appointment, rank or designation to wear such uniform, badge, button, braid or insignia; and

- (b) a manufacturer or trader of the items in question lawfully contracted by the Authority to make the items in question on behalf of, or supply or sell them to the Authority alone;
- (c) an entertainer or agent of an entertainer who is permitted in writing by the Director-General of the Authority to wear the items in question or avail them to be worn by his or her principals, colleagues, associates or employees on specified occasions and places and for a specified time. 5

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. 10

96E Liability of Authority

(1) The Authority is not liable in law for any death, injuries or other personal or patrimonial loss by honorary officers in the course of that officer’s duty suffered as a result of the actions of any third party. 15

(2) The Authority is subject to section 114 liable in law for any death, injuries or other personal or patrimonial loss by honorary officers in the course of that officer’s duty suffered as a result of the actions of the Authority.”.

37 Amendment of section 97 of Cap. 20:14 20

Section 97 (“Evidence and presumptions”) of the principal Act is amended in subsection (12), by the insertion, after “carcass”, wherever it appears, of “or any animal products”.

38 Amendment of section 98 of Cap. 20:14 25

Section 98 (“Powers of police officers, officers, inspectors and employees”) of the principal Act is amended by the deletion of the introductory words to subsection (1) and the substitution of “A police officer, officer or inspector or an employee authorised thereto by the Authority including a park ranger or honorary park ranger may—”.

39 Amendment of section 102 of Cap. 20:14 30

Section 102 (“Erection of barriers on roads”) of the principal Act is amended in subsection (10) by the deletion of “other than a prescribed road”.

40 Amendment of section 106 of Cap. 20:14

Section 106 of the principal Act is repealed and by the substitution of—

“106 Forfeiture and cancellation of authority in terms of this Act

(1) For the purposes of this section— 35

(a) in the course of its investigation of any offence under this Act, the Authority may compile an inventory of all property seized by it with a view to using such property as an exhibit in the prosecution of an offence;

(b) if such inventory is compiled, at any time before the remand, or summons or indictment of the offender from whom the property was seized, the Director-General or anyone on his or her behalf shall— 40

(i) depose to an affidavit setting forth the inventory referred to in paragraph (a) together with the circumstances of the seizure of each item therein, an estimation of 45

their value and the particulars of their custody by the Authority or any other law enforcement agency;

(ii) transmit the same to the public prosecutor.

(2) Where any person is convicted of—

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(a) a contravention of section 15(1)(b), 24(1)(a) or 36(1); or

(b) an offence in terms of this Act involving hunting or fishing and such hunting or fishing took place at night;

the court—

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(i) shall, unless good cause to the contrary is shown, order that any weapon, explosive, fishing net or dazzling light; and

(ii) may order that any tent, vehicle, aircraft or boat;

used for the purpose of or in connection with the commission of the offence be forfeited to the State:

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Provided that to the extent that each item in an inventory referred to in an affidavit submitted in terms of subsection (1)(b) has been produced as an exhibit and admitted into evidence by the court in proof of the charge, at that prosecution, the court shall order such item to be directly forfeited to the Authority.

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(3) Where any person is convicted of an offence in terms of this Act involving hunting or fishing and the offence is not an offence mentioned in paragraph (a) or (b) of subsection (1), the court may order that any weapon, explosive, fishing net, tent, vehicle, aircraft or boat used for the purpose of or in connection with the commission of the offence shall be forfeited to the State:

25

Provided that to the extent that each item in an inventory referred to in an affidavit submitted in terms of subsection (1)(b) has been produced as an exhibit and admitted into evidence by the court in proof of the charge, at that prosecution, the court shall order such item to be directly forfeited to the Authority.

30

(4) Where any person is convicted of an offence in terms of this Act, the court may order that any animal, other than a specially protected animal, or the meat or trophy of any such animal or any fish in respect of which the offence was committed shall be forfeited to the appropriate authority for the land on which or the appropriate authority for the waters in which, as the case may be, the offence was committed.

35

(5) Anything ordered to be forfeited to the State in terms of subsection (2), (3) or (4) shall be deemed to be a State trophy.

(6) The conviction of a person who is employed by the Authority in terms of this Act for any offence, if he or she is sentenced thereof to pay a fine of level 4 or more or to imprisonment for a period of three months or more and whether or not such imprisonment is suspended or is an alternative to a fine, has the effect of cancelling employment or any authority, with effect from the date of such conviction unless in a particular case the Authority otherwise directs.”.

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41 Substitution of section 108 of Cap. 20:14

Section 108 (“Appointment of Authority”) of the principal Act is repealed and the substitution of—

“108 Appropriate Authority and Delegated Appropriate Authority

(1) In this section—

“responsible entity” means the entity responsible for managing a delegated appropriate authority (which entity shall be a body corporate capable of suing and being sued in its own name and subject to this Act, of doing everything that bodies corporate can do by law). 5

(2) Every Rural District Council shall be the Appropriate Authority for all land whose flora or fauna whether presently or in the future has actual or potential economic and ecological benefits for their communities including communal land within its jurisdiction except for land as described in paragraphs (a) and (b) of the definition of “Appropriate Authority” (that is to say land which independently has appropriate authority status). 10

(3) Within an RDC any owner of private land or holder of a 99 year lease over any land or person who has the right to purchase land from the State on fulfilment of any land purchase agreement with it, may apply to the Authority for Appropriate Authority status, whereupon the Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a Statutory Instrument, appoint such owner, holder or purchaser as the Appropriate Authority for the land in question. 15 20

(4) Subject to subsection (3) within an RDC—

(a) a traditional leader or group of traditional leaders acting collectively may, in respect of any communal ward or group of adjacent communal wards for which the traditional leader or leaders are responsible; or 25

(b) a village head or group of village heads acting collectively (with the leave of their traditional leaders or in absence of a traditional leader, a representative appointed by the Chief’s council) may, in respect of any subdivision of a ward; or

(c) a councillor or councillors in respect of a ward or any group of adjacent wards for which the councillors or councillors are the elected representatives may, in respect of the ward or wards concerned; 30

if the land in question, whether presently or in the near future has actual or potential economic and ecological benefits for their communities with respect to its flora or fauna, apply to the Authority in consultation with the RDC for delegated Appropriate Authority status: 35

Provided that no application may be made under this subsection, in relation to any single subdivision of a ward or a ward or a group of wards if the area in respect of which the application is made is either less than 1 000 hectares or more than 10 000 hectares. 40

(5) A group of adjacent wards straddling the boundaries of two or more RDCs may make a application to the Authority on notice to each of the RDCs in question for the wards to be included in the area of a single delegated appropriate authority, and in the event that such status is conferred on the group, the RDCs concerned shall jointly be the appropriate authority for the delegated appropriate authority. 45

(6) If the Minister is satisfied that an applicant is qualified in terms of subsection (4) and has notified the appropriate RDC of the application,

and otherwise complies with the prescribed conditions (including the conditions concerning the governance of the delegated appropriate authority by a responsible entity) the Minister shall confer delegated appropriate status on the applicant by notice in a Statutory Instrument.

5 (7) Where, after a notice is made in terms of subsection (6), the boundaries of any ward or district within an appropriate authority or delegated appropriate authority may be altered by the local government. Appropriate authority status or the grant of delegated appropriate authority status shall not be affected if the change of boundaries affects only wards
10 within a district.

(8) Appropriate authority status or the grant of delegated authority status shall be affected if—

15 (a) the effect of the change of a district boundary is to divide it with another district or to divide it in a way that the area for which a delegated appropriate authority is responsible is divided between the existing district and another district, in which event—

20 (i) any contract, permit or other time limited authorisation shall continue in force as if such division had not taken place for the life of the contract, permit or other authorisation concern;

25 (ii) if the appropriate authority is re-divided into two or more districts, the districts concerned shall be deemed to be the joint appropriate authorities for any delegated appropriate authority status;

or

30 (b) the land use of any part of the land of the delegated appropriate authority is changed to provide for the urban habitation of any of the occupants of such land in which case the delegated appropriate authority shall lapse unless the responsible entity earlier makes application to amend the conditions under which the delegated appropriate authority may continue to operate.

35 (9) If delegated appropriate authority status in terms of this section is conferred or deemed to be conferred by two or more appropriate authorities, such appropriate authorities shall jointly and equally benefit from any revenue that in accordance with the prescribed conditions is reserved for the appropriate authority.

40 (10) Not less than 20% of the revenues or other monetised benefits accruing from schemes or projects operated by a delegated appropriate authority in terms of this Act shall be reserved for the appropriate authority or authorities from which the delegated appropriate authority derives its status.

45 (11) The Minister may, on not less than 30 days written notice to the RDC or responsible entity concerned (setting forth the reasons for his or her proposed action)—

(a) in the case of an RDC suspend the appropriate authority status of that RDC for a period not exceeding 6 months to enable the rectification or remediation of the matters that

caused the Minister to suspend the appropriate authority status in the first place;

- (b) in the case of a responsible entity—
 - (i) suspend the delegated appropriate authority status of the area for which the responsible entity is the manager, and dissolve or suspend the managing board of the responsible entity for a period not exceeding 6 months to enable the rectification or remediation of the matters that caused the Minister to suspend the delegated appropriate authority status in the first place; or
 - (ii) cancel the delegated appropriate authority status of the area for which the responsible entity is the manager and dissolve the responsible entity.

(12) During the period of notice of intention to take the action referred to in subsection (12) the Minister shall receive and consider any written representation that the RDC or the managing board of the responsible entity or any stakeholder of the responsible entity (as the case may be) may wish to make, and on the basis of such representations the Minister may desist from taking such action or proceed with it.

(13) Any interested person who is aggrieved by a decision of the Minister taken or proposed to be taken under subsection (12) may seek a review by the Administrative Court of such decision within twenty-one days after the date of its notification to the interested person, whereupon the court may—

- (a) dismiss the application by upholding the decision of the Minister; or
- (b) refer the decision back to the Minister for reconsideration (whether with or without directions on how the decision is to be reconsidered, including a direction to the Minister to investigate the matter further) on any one or more of the following grounds—
 - (i) allowing extraneous or irrelevant considerations to affect the decision; or
 - (ii) failure to take into account relevant considerations in arriving at the decision; or
 - (iii) any material mistake of fact or law that tainted the decision; or
 - (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision:

Provided that the Court shall not make a finding on this ground without affording the Minister an opportunity to respond to such finding.

42 Amendment of section 112 of Cap. 20:14

Section 112 (“Personation”) of the principal Act is amended by the deletion of “level four” and “three months” and the substitution of “level 7” and “2 years”, respectively.

43 Amendment of section 117 of Cap. 20:14

Section 117 (“Compulsory acquisition of land, etc., in national parks, etc”) of the principal Act is amended—

- (a) in subsection (1) by the insertion, before the word “notice”, of “written”;
- 5 (b) in subsection (2) by the insertion, after the words “he shall” of “after consultation with the Authority”.

44 Amendment of section 118 of Cap. 20:14

Section 118 (“Servitudes in respect of national parks, etc.”) of the principal Act is amended in subsection (1) (a) by the insertion, after the words “he may” of, “after
10 consultation with the Authority”.

45 Substitution of section 119 of Cap. 20:14

Section 119 (“Prospecting and mining”) of the principal Act is repealed and the substitution of—

“119 Restriction of Prospecting and Mining

15 (1) No prospecting and mining shall be conducted in a national park, botanical garden and botanical reserves except where the President after consultation with the Minister responsible for the Wildlife gives authority through a notice published in the *Government Gazette* in accordance with the appropriate provisions of the Mines and Minerals Act [*Chapter 21:05*].
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(2) No person shall prospect or mine in terms of the Mines and Minerals Act [*Chapter 21:05*] within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park except—

- 25 (a) if he or she is in possession of a written approval by the Minister; or
- (b) in accordance with any prospecting rights lawfully acquired in respect of the area of the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a national park,
30 botanical reserve, safari area, botanical garden, sanctuary or recreational park.

(3) Before approving any prospecting or mining in terms of subsection (2), the Minister shall invite the Authority to submit its recommendations within 30 days.

35 (4) No person shall acquire or work in any mining location in terms of the Mines and Minerals Act [*Chapter 21:05*] within the parks and wildlife estate or acquired land except—

- 40 (a) in terms of a written lease agreement, which may be renewed at prescribed intervals between the Authority and the person concerned, which has been approved by the Minister; or
- (b) in accordance with any mining rights lawfully acquired in respect of the area of the botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a botanical reserve, botanical garden,
45 sanctuary, safari area, recreational park or acquired land.

(5) Notwithstanding this Act, a person may pick any specially protected indigenous plant or indigenous plant where the picking is

necessary for the working of any mining location and in accordance with the exercise of mining rights lawfully acquired in terms of the Mines and Minerals Act [*Chapter 21:05*].

(6) The Minister may prescribe additional terms and conditions for mining and prospecting in the parks and wildlife estate and acquired land. 5

(7) Any person who contravenes subsection (1), (2), (4) (5) and (6) shall be guilty of an offence and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding 2 years or to both such fine and such imprisonment.

(8) Where any person has been convicted in terms of this section, the court may order that any equipment used to commit the offence be forfeited to the Authority. 10

(9) Anything ordered to be forfeited to the state in terms of subsection (8), shall be deemed to be an Authority trophy.”.

46 Repeal of section 122 of Cap. 20:14 15
Section 122 of the principal Act is repealed.

47 Amendment of section 123 of Cap. 20:14
Section 123 (“Authorities, permits and licences”) of the principal Act is amended—

- (a) in subsection (2)(b), by the deletion of the words “other than a permit to fish issued in terms of section 86”; 20
- (b) by the deletion in subsection (4) of the word “without”, and the substitution “after”;
- (c) in subsection (8), by the deletion of “level five” and “six months” and substitution of “level 6” and “1 year”, respectively.

48 Amendment of section 124 of Cap. 20:14 25
Section 124 (“Appeal against decision of appropriate authority for unalienated land”) of the principal Act is amended in subsection (1) by the insertion, after the word “may”, of “within 60 days”.

49 Amendment of section 125 of Cap. 20:24
Section 125 (“Director may order detention of live animal or specially protected indigenous plant which has been seized”) is amended—

- (a) in subsection (1) by the deletion of “section ninety-four” and substitution with “section 98”;
- (b) in the section heading and subsections (1), (2), (3), (4) and (5), by the deletion of “specially protected indigenous.”. 35

50 Insertion of new section of Cap. 20:14
Principal Act is amended by the insertion of a new section after section 126—

“127 International cooperation, agreements and instruments

(1) The Minister shall ensure cooperation with other countries in enhancing the role of the wildlife sector for international cooperation and regional integration. 40

(2) Subject to the Constitution and this Act and notwithstanding any other law, the Minister responsible for Wildlife may, on behalf of the Government—

- 5
- (a) enter into bilateral or multi-lateral agreements with a foreign State or organisation relating to wildlife conservation and management;
- (b) in liaison with other relevant Government Ministries, develop national, regional or international legal instruments for the protection and conservation of wildlife and encourage sustainable wildlife utilisation;
- 10 (c) establish or strengthen research and development programmes at national, sub-regional, regional and international levels for the assessment of activities with impact on wildlife and the environment and monitor such research and development programmes to ensure that they are appropriate for wildlife conservation and management;
- 15 (d) set up mechanisms for the sharing of appropriate knowledge and technology for the collection of data for the development of the wildlife sector;
- (e) increase cooperation with international organisations established or constituted under international instruments;
- 20 (f) in cooperation with other foreign States, formulate strategies and undertake joint promotional and enforcement programmes; and
- (g) participate in, and support, regional institutions that increase regional cooperation and promote regional development of the wildlife sector.

25 (3) The Minister shall, by statutory instrument, give effect to any international or regional agreement on wildlife conservation and management to which Zimbabwe is a State Party:

30 Provided that the Minister shall submit drafts of the bilateral and multilateral agreements to the Public Agreements Advisory Committee in terms of the International Treaties Act [*Chapter 3:05*] for further processing in accordance with that Act.”.

51 Amendment of section 128 of Cap. 20:24

Section 128 (“Special penalty for certain offences”) of the principal Act is amended by the insertion of a proviso at the end of the section—

35 “Provided that this section shall not apply to specially protected animals specified in the Sixth Schedule.”.

52 Amendment of section 129 of Cap. 20:24

Section 129 (“Regulations”) of the principal Act is amended—

- (a) by the repeal of subsection (2)(bb);
- 40 (b) by the insertion, after paragraph (cc) of the following new paragraphs—
- “(dd) prohibition and control of entry into parks and wildlife estate, whether by road, air, water, railway line or any other means;
- (ee) the ethics for the learner professional hunters, professional hunters, learner professional guides, and professional guides;
- 45 (ff) anything which the Minister considers necessary and consistent with the objects of this Act.”;

(c) by the repeal of subsection (3) and the substitution of—

“(3) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed—

- (a) a fine of level 7 or imprisonment for a period of 2 years or both such fine and such imprisonment; or 5
- (b) in the case of an offence involving ivory or rhinoceros horn, a fine of three times the value of the ivory or rhinoceros horn concerned in addition to the provisions of section (128).”.

53 Repeal of Quelea Control Act and Trapping (Control) of Animals Act 10

The Quelea Control Act [*Chapter 19:20*], and the Trapping (Control) of Animals Act [*Chapter 20:21*] are repealed.

54 Amendment of First Schedule to Cap. 20:24

The First Schedule (“National Parks”) to the principal Act is amended by the deletion of the words “Nyanga district” and “Part II”. 15

55 Amendment of Third Schedule to Cap. 20:14

The Third Schedule (“Sanctuaries”) to the principal Act is amended by the repeal of “Part II” and the substitution of—

“PART II

Matobo District 20

Item 6: Rhodes-Bulawayo Sanctuary Area: 1 100 hectares

All birds

The area of land bounded by a line drawn from the north-western beacon of Remainder of Sauerdale Block generally eastwards along its northern boundary to the Bulawayo-Matopos road; thence proceeding generally south-westwards along that road to its intersection by a track at map reference 35KPH625585 on the 1: 50 000 map The Worlds View 2028B3, Edition 2; thence generally north-westwards along that track, so as to include it, to the eastern boundary of Remainder of Sauerdale Block at map reference PH608592 on that map; thence north-eastwards along that boundary to the starting-point. Map references quoted in this description are given to the nearest hundred metres. 25 30

TOTAL EXTENT: 18620 hectares.”.

56 Amendment of Fifth Schedule to Cap. 20:14

The Fifth Schedule (“Recreational Parks”) to the principal Act is amended by the repeal of “Part II” and the substitution of— 35

“PART II

Matobo District

Item 15: Lake Matopos Area: 2 900 hectares

The area of land bounded by a line drawn from the north-eastern beacon of the Remainder of Westacre Creek southwards along the eastern boundary of the Remainder of Westacre Creek to its intersection by a track at map reference 35KPH591462 on the 1:50 000 map The World’s View 2028B3, Edition 2; thence proceeding generally south-eastwards along that track to its intersection by the southern boundary of the Remainder of Sauerdale Block at map reference PH620439 on that map; thence generally westwards along that southern boundary to its southernmost beacon;-thence generally southwards along the eastern boundary of Hazelside and the south-western boundary of Gulati Communal Land to its 40 45

intersection by an unnamed stream at map reference PH615363 on that map; thence generally westwards down that stream to its confluence with the Mtsheli River; thence generally southwards down that river to its confluence with an unnamed stream at map reference PH602356 on that map; thence generally westwards up that stream to a point at map reference PH595352 on that map; thence north-westwards direct to a point on the Matopos Circular Drive where it crosses an unnamed stream at map reference PH589356 on that map; thence generally northwards along that drive to its intersection by a road at map reference PH587406 on that map; thence generally south-westwards along that road to its intersection by the Matopos Circular Drive at map reference PH572399 on that map; thence westwards direct to an unnamed stream at map reference PH568398 on that map; thence generally westwards down that stream to its intersection by the eastern boundary of the Remainder of Gladstone; thence north-westwards along the eastern boundary of the Remainder of Gladstone, so as to exclude it, to the southern beacon of Lot 1 of Hazelside; thence northeastwards along the south-eastern boundary of that property and north-westwards along the north-eastern boundary of that property to the northern boundary of Hazelside; thence north-eastwards along that northern boundary to its intersection by the Bulawayo-Kezi Road; thence generally northwards along that road following the old road to its intersection by the Bulawayo-Matopos Research Station Road at map reference PH583459 on that map; thence westwards along that road to the eastern boundary of Rhodes Estate Preparatory School, as shown on plan BM54, filed in the offices of the Surveyor-General, Bulawayo; thence northwards along that boundary to the north-eastern beacon of Rhodes Estate Preparatory School; thence northwards direct to a point on a track at map reference PH578463 on that map; thence generally northwards along that track, so as to include it, to its intersection with a track at map reference PH573484 on that map; thence northwards along that track, so as to include it, to a point at map reference PH574488 on that map on the northern boundary of the remainder of Westacre Creek; thence south-eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest 100 metres.

Chivi and Masvingo District

Item 16: Tugwi Mukosi

The area of land bounded by a line drawn north-west wards from GPS coordinates 0270500E 7706000S in Ward 24, Chief Nemaushe’s area, near Chengwe mountain, about 400m from Masvingo-Beitbridge road. The line proceeds north-westwards passing through coordinates 0270 000E 7707000S in Ward 24, Makombwe mountain, 0269500E 7708000S, 0269000E 7709000S, 0268500E 7710000S Ward 24, Chivavarira mountain, 0268000E 7711000S Ward 24, 0267500E 7712000S, 0267000E 7713000S, 0266500E 7714000S, 0266000E 7716000S, 0265500E 7716000S, 0265000E, 7717000S in Ward 24, 0264500E 7718000S Ward 22, proceeding to 0264000E 7719000S excluding Chamanhede mountain on the north-west, 0263500E 7720000S in Ward 22 with Chehudo mountain to the south-west, 0263000E 7721000S, then crosses Faraneni river to 0262500E 7720000S, 0262000E 7723000S, 0261500E 7724000S. The line proceeds north-westwards to coordinate 0261000E 7725000S, a point which marks the north-western side of the area.

From this point, the line proceed eastwards to 0261500E 7725000 on Tokwe river in ward 22, proceeding eastwards to 0262500E 7725000S on a property owned by Hwata, then proceeds eastwards passing through 0263500E 7721000S at Karonga farm 0264500E 7725000S, and 0265000E 7725000S at the foot of Gadziguru mountain, 01266539E 7724940S Gadziguru mountain, 0268000E, 7725000S on a small track in Ward 22, Chief Mapanzure’s area, proceeding eastwards to 0271000E 7725000S, 0272000E 7725000S, 0273000E 7725000S. The line then proceeds

northwards along a small track to 0276000E 7727000S in Ward 22, Village 10, eastwards to 0278000E 7727000S along a mountain range to 0280000E 7727000S excluding Gunikuni Shopping centre to the north, it proceeds to 0282000E 7727000S excluding Gunikuni School to the north to 0282217E 7727008S which is on the Ngomahuru-Renco mine road.

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The line then precedes southwards along the Ngomahuru road, crosses Mukorsi River at 0285270E 7725 564S, proceeds eastwards along Ngomahuru road to 0288991E 7725805S, proceeds southwards along a small track to 0289618E 77246735 near a certain primary School so as to exclude it, proceeding further southwards to 029888E 7720810S, then follows the road passing through 0290915E 7719534S, 0290843E 7717291S, 0289082E 7715897S, proceeds to Madziwa river at 0288880E 7714645S, then proceeds south-westwards along Madziwa river to point 0286867E 7710714S, the line leaves river and proceeds westwards to 0285132E 7709505S at the foot of the mountain range, proceeds southwards along the mountain range so as to include it passing through 0284896E 7708122S, 0285448E 7707136S, 0283453E 7706069S, proceeds to 0282596E 7705355S point on Tokwe river, below the dam wall, crosses the river westwards to 0281093E 7704414, proceeds along the mountain range of the indigenous forest reserve so as to include it, passes through 0278836E 7702783S, 0277356E 7701062S, proceeds 0274163E 7699553S, line then turns northwards and proceeds cutting across the mountain range (forest reserve) to 0274158E 7702809S, proceeds in the north-western direction passing through 0273334E 7703489S, 0272422E 7704202S, 0271125E 7705253S, proceeds from this point to the starting point, which is 027050E 7706000S.

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Mutasa District

Item 17: Osborne

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The area of land bounded by a line drawn due South of Osborne Dam at GPS coordinates 445264E; 7922880S, which then proceeds westwards for a distance of 1.63km to a point with GPS coordinates 444531E; 7922793S, it then turns in a north western direction at a bearing of 02900 for a distance of 5.92km up to a point with GPS coordinates 444428E; 7923614S. The line proceeds due north for a distance of 13.1km up to a point with GPS coordinates 440986E; 7940933S, proceeds from this point eastwards at a bearing of 1870 up to a point with GPS coordinates 443711E; 7940758S. From this point, the line proceeds southwards for a distance of 6.8km up to a point with GPS coordinates 448021E; 7935776S, it then turns and proceed further eastwards for a distance of 5.5km up to a point with coordinates 452882E; 7937200S. Proceeds from that point southwards for a distance of 5.9km up to a point with coordinates 451459E; 7927214S, it then proceeds south-west to a point with GPS coordinates 453362E; 7931474S. The line proceeds from this point to the starting point which has GPS coordinates 445264E; 7922880S. All GPS coordinates were projected to WGS 84/UTM zone 36s.

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Zvimba District

Item 18: Mazvikadei

The area of a water body bounded by a line drawn north-eastwards wards from GPS coordinates 221090E, 8095763S at the dam wall of Mazvikadei Dam. The line proceeds westwards passing through a point with coordinates 221092E, 8095631S up to a point which is further west of the dam wall at point with coordinates 220472E, 8095613S. It then proceeds in a south eastern direction through a point with coordinates 220551E, 8095177S down to a point with coordinates 220973E, and 8095012S. The line then turns southwards following the dam flood line up to a point with coordinates 220905E, 8094612S, it then proceeds eastwards at a bearing of 345° up to point with coordinates 220283E, 8094746S. Line proceeds due south along the dam flood line passing through a point with coordinates 220558E, 8093980S, up to a point with coordinates 220303E, 8093303S, it then proceeds to due east up to a

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point with coordinates 219625E, 8093455S. The line proceeds southwards through a point with coordinates 219667E, 8093095S and turns eastwards to a point with coordinates 220007E, 8092909S and proceeds in a north eastern direction following the flood line a bearing of 060° up to a point with coordinates 222255E, 8094649S.

5 The line then proceeds due south through a point with coordinates 221911E, 8093828S up to a point with coordinates 221064E, 8092335S, then proceeds south east at a bearing of 173° for a distance of 1.8km up to a point with coordinates 222128E, 8091241S. The line proceeds north eastwards at a bearing 067° up to a point with coordinates 223469E, 8093320S, proceeds south eastwards up to a point
10 with coordinates 223536E, 8092409S, then proceeds eastwards through a point with coordinates 224397E, 8092117S up to a point which is due east with coordinates 226169E, 8089968S. The line proceeds south east following the dam flood line for a distance of 6.38km up to a point with coordinates 229883E, 8087812S, it turns north westwards to a point with coordinates 229339E, 8089676S, it then proceeds
15 south eastwards along the dam flood line up to a point with coordinates 233149E, 8087086S.

From this point, the line proceeds north eastwards along the dam flood line for a distance of 9.46km up to a point with coordinates 228471E, 8093873S, it turns due west up to a point with coordinates 228081E, 8093687S and then proceeds southwards
20 to a point with coordinates 228132E, 8093327S. The line proceeds eastwards for a distance of 1.7km up to a point with coordinates 226684E, 8093109S, it then proceeds due north up to a point with coordinates 226748E, 8093769S. The line then proceeds north westwards along the dam flood line up to a point with coordinates 222834E, 8096430S, from this point it proceeds south westwards through the dam wall to the
25 starting point, which has the coordinates 221090E, 8095763S.

Zvimba District

Item 19: Darwendale Recreational Park

The area of land bounded by a line drawn on the eastern side of Darwendale Dam, which starts a point the dam wall from GPS coordinates 0235623E 8027923S.
30 The line proceeds northwest wards along the Roehampton boundary to point with GPS coordinates 0238277E 8032292S, proceeds along the south westwards along the southern Eclipse Block boundary to point with GPS coordinates 0240189E 8030443S, proceeds Northwards along the Eclipse Block eastern boundary to a point with GPS coordinates 0241180E 8035976S, from that point it proceeds in
35 the eastern direction to a point with GPS coordinates 0241965E 8035886S along the eastern boundary of Audley End and proceeds southwards along the boundary to a point with GPS coordinates 0242059E 8035690S, hence southwards along the Longwood eastern boundary to a point with GPS coordinates 0242625E 8033693. The line proceeds further southwards at an angle of 124 degrees along the Tarnagulla
40 boundary to a point with GPS coordinates 0242374E 8031808S, from that point the line proceeds southwards and the eastwards following the Diandra Estate boundary up to the Breached Dam, the line leaves the Dam and proceeds due east along the southern boundary of Jonker Estate up to a point with GPS coordinates 0250950E 8032843S. From that point it proceeds southwards along the eastern boundary of
45 the Voorspoed to a point with GPS coordinates 0249403E 8032011S.

From that point it proceeds southwards along the eastern boundary of Wilbered up to a water weir at point with GPS coordinates 0252369E 8029560S, it then proceeds south westwards following the Arbedeen Estate southern boundary up to a point with GPS coordinates 0254100E 8027439S. From that point the line proceeds
50 due east along the Gowrie southern boundary up to a point with GPS coordinates 0256120E 8026538S, it then proceeds south eastwards along the Riverside E southern boundary to a point with GPS coordinates 0257510E 8025578.83, proceeds further southwards following the Clearwater southern boundary up to a point with GPS

coordinates 0258791E 8024824, from that point it then proceeds due east following the Parkland southern boundary up to a point with GPS coordinates 0260625E 8024565, it then proceeds further along the Lyndhurst southern boundary to a point with GPS coordinates 0262106E 8023165.

The line then proceeds due west along the Galloway northern boundary, passing through a point with GPS coordinates 0257334E 8021698S, it then proceeds north westwards along the Norton township northern boundary up to a point with GPS coordinates 0256607E 8025014S. From that point it then proceeds westwards along Endeavour’s northern boundary up to point 0252042E 8025018S, proceeding further north westwards along the Highfield northern boundary up to a point with GPS coordinates 0251301E 8026517S. From that point, it then proceeds due east along the Swandale Estate boundary up to a point with GPS coordinates 0248917E 8024394S. From that point it proceeds due east along the John D Groat northern boundary to a point with GPS coordinates 0245651E 8024499S, it further proceeds to eastwards along the Cressydale Estate up to a point with GPS coordinates 0241626E 8024216S. From that point it proceeds north westwards along the Hunyani Estate 3 northern boundaries up to the starting with GPS coordinate 0235623E 8027923S.

TOTAL EXTENT:hectares.”.

57 Repeal of Eighth Schedule to Cap. 20:14

The Eighth Schedule (“problem animals”) to the principal Act is repealed. 20

58 Repeal of Tenth Schedule to Cap. 20:14

The Tenth Schedule (“prescribed roads”) to the principal Act is repealed.

59 Amendment of Twelfth Schedule to Cap. 20:14

The Twelfth Schedule (“provisions applicable to the Board”) to the principal Act is amended— 25

- (a) in paragraph 1 by the repeal of the definitions of “Inyanga Estates”, “Inyanga Fund”, “Matopos Estates”, “Matopos Fund” and “Rhodes Estate”;
- (b) in paragraph 3(3), by the deletion of “for a fifth term” and the substitution of “once”; 30
- (c) in paragraph 9 by the insertion of the following subparagraph after subparagraph 1 of the existing paragraph—
 - “(2) Any reference in this Act to a meeting of the board or any other body of persons includes a reference to a virtual meeting under the prescribed conditions— 35
 - (a) in which event the participants of the meeting are deemed to be present at that meeting in every respect as if they have been physically present;
 - (b) for the purpose of which minutes and resolutions of the virtual meeting shall be recorded and authenticated by the use of electronic signatures in the prescribed manner.”. 40
- (d) in paragraph 11 by the repeal of paragraph 11 and the substitution of the following—

“11. The Board shall establish—

- (i) a committee, to be known as the Rhodes Nyanga Committee, with special responsibility for the Inyanga Estates; and 45

- (ii) a committee, to be known as the Rhodes Matopos Committee, with special responsibility for the Matopos Estates; and
 - (iii) The Rhodes Nyanga Committee and the Rhodes Matopos Committee shall consist of members of the Board, who shall be appointed by the chairperson of the Board”;
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- (e) paragraph 12 is amended by the deletion of the words “established in terms of paragraph 11”;
 - (f) by the repeal of paragraph 13;
 - (g) in paragraph 14(4), by the deletion of “two thousand dollars” and “three months” and the substitution of “level 6” and “1 year”, respectively.
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60 Insertion of Schedule to Cap. 20:14

Principal Act is amended by the insertion of a new Schedule after Schedule Twelve—

15 “THIRTEENTH SCHEDULE (section 81B)

PART I

CLASS I TRAPS

- 1. A snare, the noose of which is in any part made from wire.
 - 2. A snare, the noose of which is in any part made from nylon of a diameter of three millimetres or less.
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- Provided that a snare incorporating nylon of a diameter of three millimetres or less, may be used if its use is authorised in the Second Schedule.
- 3. A poisoned weapon.
 - 4. A pitfall.
 - 5. A baited hook.
 - 6. A whip trap the noose of which is in any part made from wire or nylon of a diameter of three millimetres or less.
 - 7. A wooden stake or group of wooden stakes fixed in the ground with the sharpened ends exposed close to a gap in a fence.
 - 8. Two lengths of expanding rubber attached to one or more objects that are fixed in the ground with the opposite ends of the rubber attached to a bar or a pole which is drawn back and released like a catapult.
 - 9. A powdered irritant spread on the ground.
 - 10. A wooden board pierced by metal spikes which is laid with the spikes pointing outwards on a pathway used by animals.
 - 11. A wire strung between fixed supports into which animals are driven by human beings or dogs.
 - 12. Use of poisonous substance such as cyanide, arsenic, mercury, termic or any other poisonous substance that result in death of wildlife.
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40 PART II

CLASS II TRAPS

- 1. A snare, other than a snare described in Items 1 and 2 of Part I and in Item 1 of Part III.

2. A net, used as a trap, other than a net described in Item 2 of Part III.
3. A syringe containing a tranquillizing or lethal drug projected by any method.
4. A spring-jaw trap.
5. Sheets or sheeting, used as a trap, made from any material which in the aggregate exceeds ten square metres. 5
6. A break-back or rodent trap other than a break-back or rodent trap described in Item 4 of Part III.
7. A whip trap other than a whip trap described in Item 6 of Part I and Item 9 of Part III.
8. A balchatri trap incorporating nylon of a diameter of three millimetres or less. 10
9. An enclosure of brushwood, poles or wire encircling water and having a door operated by a trigger-mechanism.
10. A cartridge containing a lethal substance used in conjunction with a bait.
11. A poisoned bait.

PART III 15

CLASS III TRAPS

1. A snare, the noose of which is made from any animal or vegetable fibre which has not been machine-manufactured.
2. A net, used as a trap, made from any animal or vegetable fibre which has not been machine manufactured. 20
3. Sheets or sheeting, used as a trap, made from any material which in the aggregate does not exceed ten square metres.
4. A break-back or rodent trap the base plate of which is twenty-five centimetres or less in length.
5. A set gun. 25
6. A deadfall.
7. Anything to which birdlime has been applied.
8. A whip trap, the noose of which is made from any animal or vegetable fibre which has not been machine-manufactured.
9. A cage trap. 30
10. A mole trap designed for use below ground level for trapping moles and rodent-moles.

PART IV (Section 81A)

SCHEDULED OFFENCES

1. An offence specified in Part XIII A. 35
2. An attempt, incitement or conspiracy to commit an offence referred to in paragraph 1.
3. Being an accessory after the fact to an offence referred to in paragraph 1.”.

61 Amendment of long title of Cap. 20:14

The long title of the Parks and Wildlife Act [*Chapter 20:14*] (hereinafter called “the principal Act”) is amended— 40

- (a) by the deletion of “to give certain powers to intensive conservation area committees”;

- (b) by the insertion after Recreational Parks of, the words “other properties that were acquired by the government on behalf of the Parks and Wildlife Management Authority and privately owned land bequeathed or donated to the Parks and Wildlife Management Authority”; and
- 5 (c) by the deletion of “to give certain powers to intensive conservation area committees”.

