

Zambia

National Parks and Wildlife Act, 1991

Chapter 201

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National Parks and Wildlife Act, 1991

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Zambia

National Parks and Wildlife Act, 1991

Chapter 201

Commenced on 6 September 1991

[This is the version of this document at 31 December 1996.]

[Act No. 10 of 1991; 13 of 1994]

Act to repeal and replace the National Parks and Wildlife Act, 1971; to provide for the establishment, control and management of National Parks and for the conservation and protection of wildlife and objects of aesthetic, prehistoric, historical and scientific interest in National Parks; to provide for the establishment of game management areas; to provide for the licensing of hunting and the control of the possession, transfer, sale, import and export of wild animals and trophies; to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the National Parks and Wildlife Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**aerodrome**" has the meaning assigned to it by section two of the Aviation Act;

[Cap. 444]

"**aircraft**" includes all flying machines, aeroplanes, seaplanes, helicopters, flying boats, and other aircraft designed to be heavier than air, and includes all airships, balloons, kites and other aircraft designed to be lighter than air, whether captive, navigable or free and whether controlled by a human agency or not;

"**animal**" means any vertebrate animal, including any mammal, bird, reptile and amphibian and the egg of any bird or reptile, but does not include a fish or a human being;

"**Appeals Board**" means the wildlife Police Appeals Board constituted under section twenty-four;

"**apprentice professional hunter's licence**" means a licence issued under section eighty-nine;

"**appropriate fee**" in relation to any licence issued under Part VII, means, in the case of any game licence so issued, the fee prescribed by regulations made under section sixty-two; in the case of a professional hunter's licence, the fee prescribed in the Second Schedule; and in relation to any trophy dealer's permit, the fee prescribed in the Second Schedule;

"**bird licence**" means a game licence as specified in section sixty-eight and issued under section sixty-nine;

"**bird sanctuary**" means an area declared as a bird sanctuary under section one hundred and eighty-five;

"**Board**" means the National Parks Board established by section thirty;

"**capture**" includes the taking of eggs or nests;

"**council**" means any urban, township or rural council established, or deemed to have been established, under the Local Government Act;

[*Cap. 281*]

"**court**" means a subordinate court;

"**dangerous animal**" means an elephant, a rhinoceros, a hippopotamus, a buffalo, a lion, a leopard or a crocodile;

"**Deputy Director**" means the Deputy Director of National Parks and Wildlife Service designated under section five;

"**Director**" means the Director of National Parks and Wildlife Service designated under section four;

"**district game licence**" means a game licence as specified in section sixty-five and issued under section sixty-six;

"**domestic animal**" means any horse,, donkey, mule, camel, cow, sheep, pig, goat, dog, cat or domestic fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

"**elephant licence**" means a game licence as specified in section seventy-four and issued under section seventy-five;

"**game animal**" means any wild animal specified in the First Schedule pursuant to section fifty-seven, other than any wild animal specified as a protected animal in any other made under section fifty-eighty;

"**game licence**" means a licence issued under Part VII, other than a professional tour guide's licence;

"**game management area**" means an area of land declared to be a game management area under section fifty-four;

"**honorary wildlife police officer**" means any person appointed as such under section eleven;

"**hunt**" includes to kill, to capture and includes the doing of any act immediately directed at killing or capturing;

"**ivory**" means elephant ivory but does not include any article manufactured from ivory;

"**meat**" includes fat, blood or flesh, whether fresh or dried, pickled or otherwise preserved;

"**national game licence**" means a game licence as specified in section seventy-one and issued under section seventy-two;

"**National Parks and Wildlife Service**" means service in the National Parks and Wildlife Department;

"**National Park**" means an area of land declared to be a National Park under section twenty-seven;

"**owner**" in relation to land, includes the person or persons entitled to the immediate and exclusive possession of land under any right and includes a licensee in lawful occupation of land under a licence and any person authorised by the owner to act on his behalf in respect of land during the owner's absence from Zambia;

"**photographic or viewing safari**" means an organised commercial tour for the purpose of taking photographs of, or viewing of, wild animals or scenery;

"**prescribed trophy**" means any ivory or rhinoceros horn or any other trophy prescribed by regulations made under section one hundred and thirty-one;

"**professional hunter's licence**" means a licence specified in section eighty-five and issued under section eighty-seven;

"**professional tour guide's licence**" means a licence specified in section ninety-one and issued under section ninety-two;

"**proper officer**" means any wildlife police officer or any police officer not below the rank of Assistant Inspector;

"**protected animal**" means any wild animal specified as a protected animal in an order made under section fifty-eight;

"**public roads**" has the meaning assigned to it by section three of the Roads and Road Traffic Act;

[*Cap. 464*]

"**road**" means any public or other way, capable of being used by vehicular traffic and to which the public has access, and includes bridges over which a road passes;

"**safari licence**" means a game licence as specified in section seventy-six and issued under section seventy-seven;

"**special licence**" means a game licence as specified in section eighty-one and issued under section eighty-two;

"**supplementary safari licence**" means a licence specified in section seventy-eight and issued under section seventy-nine;

"**tribunal**" means a Class I or Class II Tribunal constituted under section thirteen;

"**trophy**" means any horn, tooth, tusk, bone, claw, hoof, skin, hair, egg, feather or other durable part of any game animal or protected animal, whether added to or changed by work of man or not, provided that it is in such form as to be recognisable as a durable part of a game animal or protected animal;

"**trophy dealer**" means a person who engages in the buying, selling or processing of trophies, but does not include a person who sells, processes or manufactures any article from any trophy of any game animal or protected animal lawfully hunted by him under a game licence;

"**trophy dealer's permit**" means a permit to engage in the business of a trophy dealer issued under section one hundred and twenty-nine;

"**unit leader**" means any wildlife police officer in charge of any part of a game management area or any part of a game management area where hunting is conducted by a professional game hunter;

"**vegetation**" includes any form of vegetable matter alive or dead;

"**wild animal**" means any animal *ferae naturae*, and includes any game or protected animal, but does not include any domestic animal;

"**wildlife**" means wild animals or birds of species which are found in Zambia in a wild state and vegetation which is indigenous to Zambia and grows naturally without cultivation;

"**wildlife police officer**" means any officer so designated under section six.

3. Ownership of wild animals

- (1) Subject to the other provisions of this Act, the absolute ownership of every wild animal existing in its natural habitat within Zambia, whether a game animal, protected animal or not, is, for the purpose of this Act, vested in the President on behalf of the Republic:

Provided that—

- (i) where any wild animal which is not a game animal or a protected animal, is lawfully captured or killed or otherwise reduced into possession by any person, the absolute ownership of that animal or of the carcass of that animal, as the case may be, is hereby transferred to and vested in such person;
- (ii) where any game animal or protected animal is lawfully captured or killed or otherwise reduced into possession by any person in terms of a game licence issued under Part VII or a permit issued under subsection (3) of section forty four or subsection (1) of section fifty-six

or under any authority granted under this Act, the absolute ownership of the game animal or protected animal or of the carcass or any trophy of those animals, is, subject to the other provisions of this Act and to the terms and conditions of the licence, permit, or authority, as the case may be, hereby transferred to, and shall vest in, the licensee under the licence or the holder of the permit, or the person so authorised, as the case may be.

- (2) Notwithstanding subsection (1), the absolute ownership of any wild animal, which has been captured or reduced into possession by any person prior to the commencement of this Act, subject to any other written law in force on the date of the capture of the animal or of its reduction into possession, is hereby declared to be vested in the person, who, on the commencement of this Act, whether directly or through an agent, is in actual lawful possession of the animal.
- (3) Except as provided by subsection (1), nothing in this section shall be deemed to transfer to any person the ownership of any game animal or protected animal which is found dying or dead, or of any found carcass, part of a carcass, trophy or meat of any game animal or protected animal.
- (4) Notwithstanding any other provisions of this section if any person hunts or reduces into possession any game animal or protected animal in contravention of this Act, the absolute ownership of that game animal or protected animal or of the carcass or any trophy of the animal shall not be transferred, or be deemed to have been transferred, to that person or to any other person by reason of its having been so hunted or reduced into possession.
- (5) The Director may, in writing, transfer to any person the absolute ownership of any game animal or protected animal which has been hunted or reduced into possession by any other person in contravention of this Act, and such other person shall forthwith deliver up the game animal or protected animal or the carcass of the animal together with every trophy of the animal to the person to whom the ownership has been transferred in terms of this subsection.

Part II – Administration

4. Director of National Parks and Wildlife Service

- (1) There shall be a Director of National Parks and Wildlife Service who shall be a public officer and who, subject to the general or special directions of the Minister, shall be responsible for the carrying out of the provisions of this Act.
- (2) The Director may, subject to the other provisions of this Act and to the general or special directions of the Minister, delegate any of his functions under this Act to the Deputy Director, to any wildlife police officer or any honorary wildlife police officer.

5. Deputy Director of National Parks and Wildlife Service

There shall be a Deputy Director of National Parks and Wildlife Service who shall be a public officer and who shall exercise such functions and duties as are delegated to him by the Director and who shall be responsible to the Director for the exercise of those functions or duties.

6. Wildlife police officers

- (1) There shall be wildlife police officers for the purposes of this Act, who shall be public officers and shall serve in the National Parks and Wildlife Service.
- (2) Wildlife police officers shall exercise such functions and perform such duties as are conferred upon them by this Act or as are delegated or assigned to them by the Director.

7. Attestation

A wildlife police officer joining the National Parks and Wildlife Service shall be attested to serve in the National Parks and Wildlife Service for such period and on such conditions as may be prescribed.

8. Signing of attestation

- (1) A person, on joining the National Parks and Wildlife Service, shall make and sign an attestation before a superior wildlife police officer in such manner as he may declare to be most binding on his conscience in the form set out in the Third Schedule.
- (2) A person, on joining the National Parks and Wildlife Service, shall before making the attestation required by subsection (1) answer truly any questions which may be put to him as to any previous service in any public or private organisation and as to whether he has at any time been convicted of any crime in Zambia or elsewhere.
- (3) Any person who wilfully makes a false statement in reply to a question put to him under sub section (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eighty penalty units.

[As amended by Act [No. 13 of 1994](#)]

9. Release on completion of service

- (1) Subject to the provisions of this Act, every wildlife police officer who has completed his period of service shall be released from the National Parks and Wildlife Service unless at the date of completion of his service he stands charged with the commission of any offence against discipline under this Act, in which case his service shall be prolonged and his release from service deferred until he has undergone his trial and any punishment which may be imposed in respect of the offence charged.
- (2) Subject to the other provisions of this Act, every wildlife police officer shall, until he has received a certificate of service, remain in the National Parks and Wildlife Service.

10. Arms, uniforms, etc., to be delivered upon ceasing to belong to the service

- (1) When a person ceases to be a member of the National Park and Wildlife Service, he shall forthwith deliver up to a person appointed by the Director for that purpose or to the officer-in-charge of the National Parks and Wildlife Service at the place at which he was last stationed, all arms, ammunition, uniform and other appointments which have been supplied to him and which are the property of the Government.
- (2) Any person who, having ceased to be a member of the National Parks and Wildlife Service fails to deliver up any arms, ammunition, uniform or other appointments in his possession as required by this section shall be guilty of an offence, and shall be liable upon conviction, to a fine not exceeding eighty penalty units or to imprisonment for a term not exceeding six months, or to both and the court which convicted him may issue a warrant to search for, and seize, all arms, ammunition, uniform and other appointments not so delivered.

[As amended by Act [No. 13 of 1994](#)]

11. Honorary wildlife police officer

- (1) The Minister may, by *Gazette* notice, appoint any person to be an honorary wildlife police officer for a period of not more than three years, and may, in like manner, on the expiry of each such period, renew such appointment for further periods so however that, each such period shall not exceed three years.
- (2) The Minister may, at any time, by *Gazette* notice revoke any appointment or renewed appointment made under subsection (1).

- (3) The appointment of an honorary wildlife police officer may be—
 - (a) general, so that the honorary wildlife police officer is empowered to act as such in any part of the Republic including any National Park or game management area as is specified in the instrument of his appointment; or
 - (b) limited, so that the honorary wildlife police officer is empowered to act as such in any part of the Republic or in any National Park or game management area as is specified in the instrument of his appointment.
- (4) Subject to the provisions of this Act and to the terms of the instrument of his appointment, every honorary wildlife police officer shall, within the terms of his appointment, exercise the functions and perform the duties of a wildlife police officer.

Part III – Discipline

12. Offences against discipline

- (1) Disciplinary control over wildlife police officers of and above the rank of wildlife police warden and equivalent shall be exercised by the Public Service Commission.
- (2) Notwithstanding any other law providing for discipline in the civil service, a wildlife police officer below the rank of wildlife police warden and equivalent commits an offence against discipline if he —
 - (a) disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
 - (b) is insubordinate or is oppressive in his conduct, by—
 - (i) being disrespectful in word, act or demeanour to a wildlife police officer superior in rank to him;
 - (ii) being oppressive or tyrannical in conduct towards any other wildlife police officer;
 - (iii) using obscene, abusive or insulting language to any other wildlife police officer;
 - (iv) assaulting any other wildlife police officer;
 - (v) wilfully or negligently making any false, complaint against any other wildlife police officer;
 - (vi) failing to report any complaint or report made against any wildlife police officer;
 - (vii) talking or being inattentive or otherwise misbehaving on parade;
 - (viii) leaving or escaping from arrest or confinement before he is set at liberty by proper authority;
 - (ix) resisting an escort under whose charge he is;
 - (c) neglects his duty, by—
 - (i) omitting without good or sufficient cause promptly and diligently to attend to, or carry out, anything which it is his duty as a wildlife police officer to attend to or carry out;
 - (ii) being idle or gossiping or sitting or lying down without reasonable cause when on duty;
 - (iii) sleeping when on duty;

- (iv) leaving his place of duty to which he has been ordered, without due permission or sufficient cause;
 - (v) permitting, through carelessness, a person suspected of having committed a crime to escape;
 - (iv) failing to report an offender when he knows where the offender is to be found or failing to exert himself to make the offender amenable to the law;
- [Please note: numbering same as in original]*
- (vii) failing to report any matter which it is his duty to report;
 - (viii) failing to report anything which he knows concerning a criminal charge, or failing to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge;
 - (ix) failing or refusing to assist in the apprehension of any wildlife police officer charged with any offence;
 - (x) omitting, without reasonable cause, to make any necessary entry in any official document, book or paper;
 - (xi) refusing, or without good and sufficient cause omitting, to make or send a report or return which it is his duty to make or send;
 - (xii) failing to assist any person injured or taken ill in the field;
- (d) discredits himself in his conduct by—
- (i) acting in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the National Parks and Wildlife Service;
 - (ii) borrowing money from any wildlife police officer inferior in rank to him;
 - (iii) failing, without reasonable cause, to identify himself as a wildlife police officer when requested to do so by a member of the public;
 - (iv) incurring debt in or out of the National Parks and Wildlife Service without any reasonable prospect, or intention, of paying back the same, or having incurred any debt, making no reasonable effort to pay back the same;
 - (v) failing to furnish a full and true statement of his financial position when called upon to do so by the Director;
- (e) without reasonable cause or excuse, absents himself without leave or is late for duty or leaves without right or permission of lawful reason any wildlife police outpost or quarters;
- (f) knowingly makes or signs any false statement in any official book or document;
- (g) wilfully or negligently makes any false, misleading or inaccurate statement;
- (h) without good and sufficient cause destroys or mutilates an official document or record, or alters or erases any entry therein;
- (i) prevaricates before any court or inquiry;
- (j) is in breach of confidence by—
- (i) divulging any matter which it is his duty to keep secret;
 - (ii) giving notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or summons;

- (iii) communicating to the public, press or to any unauthorised person, any confidential matter concerning the National Parks and Wildlife Service;
- (iv) showing to any person outside the National Parks and Wildlife Service any book or written or printed document the property of the National Parks and Wildlife Service without proper authority;
- (v) making or joining in making, any anonymous communication to a wildlife police officer superior in rank to him;
- (vi) making any frivolous or vexatious complaint or making a complaint in an irregular manner;
- (vii) signing or circulating any petition or statement with regard to any matter concerning the National Parks and Wildlife Service, except through the proper channels of correspondence to the Director;
- (viii) calling or attending any unauthorised meeting to discuss any matter concerning the National Parks and Wildlife Service;
- (k) unlawfully or by unnecessary exercise of authority—
 - (i) makes without good and sufficient cause, any unlawful or unnecessary arrest;
 - (ii) uses any unnecessary violence on any person suspected of having committed a crime or other person with whom he may be brought into contact within the execution of his duty;
- (l) malingers by—
 - (i) feigning or exaggerating any sickness or injury with a view to evading duty;
 - (ii) neglecting or, without good and sufficient cause, omitting while absent from duty on account of sickness, to carry out any instruction of a medical officer or of a member of the hospital staff, by acting or conducting himself in a manner calculated to retard his return to duty;
- (m) is unclean while on duty, or while off duty in uniform in a public place, is, without reasonable cause, improperly dressed or dirty or untidy in his clothing;
- (n) damages property wilfully or by carelessness causes any waste, loss or damage to any article of clothing or to any book, document or other property of the National Parks and Wildlife Service served out to him or used by him or entrusted to his care and fails to report any such loss or damage however caused;
- (o) is drunk while on duty, or is unfit for duty through the consumption of intoxicating liquor or drugs;
- (p) enters while on duty any public bar where intoxicating liquor is sold except when his presence is required there in the execution of his duty;
- (q) engages without authority in any employment or office other than his wildlife police duties;
- (r) discharges without orders or just cause any firearm which has been issued to him;
- (s) neglects or fails to report the fact that he is suffering from any venereal or other contagious disease;
- (t) does any other act, conducts himself in any other manner, is disorderly or is otherwise negligent, to the prejudice of good order and discipline not specified under this Act;
- (u) connives with any other person in committing or knowingly is an accessory to, any offence against discipline under this Act.

- (3) An offence against discipline under this section may be inquired of, tried and determined and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of this Act.
- (4) A wildlife police officer shall not be found guilty of an offence against discipline if it is proved that, when the offence was committed, he was on a specific duty for which he was specifically detailed.

13. Tribunal for the trial of disciplinary offence

- (1) There is hereby constituted tribunals for the purpose of dealing with any offence against discipline, as specified under section twelve, as follows:
 - (a) a Class I Tribunal which shall be presided over by the Director or by a wildlife police officer not below the rank of senior wildlife warden or its equivalent, generally or specially authorised in that behalf by the Director;
 - (b) a Class II Tribunal which shall be presided over by a superior wildlife police officer generally or specially authorised in that behalf by the Director, or presided over by a wildlife police officer-in-charge of a wildlife police outpost.
- (2) A Class I Tribunal shall have jurisdiction over wildlife police officers of, and above, the rank of Assistant Wildlife Ranger.
- (3) A Class II Tribunal shall have jurisdiction over wildlife police officers below the rank of Assistant Wildlife Ranger.

14. Powers of Tribunals

- (1) A Tribunal constituted under section thirteen shall, subject to subsection (6), have power to impose any of the following punishments:
 - (a) reprimand;
 - (b) severe reprimand;
 - (c) a fine not exceeding one-half of one's pay, or suspension from duty for a definite period;
 - (d) reduction in rank; and
 - (e) dismissal or discharge:Provided that any punishment imposed by a—
 - (i) Class I Tribunal under paragraph (c), (d), or (e), if not presided over by the Director, shall be subject to confirmation by the Director; or
 - (ii) Class II Tribunal under paragraphs (c), (d), or (e) shall be subject to confirmation by a Class I Tribunal.
- (2) Notwithstanding section thirteen and subsection (1) of this section a superior wildlife police officer or officer in charge of a wildlife police outpost or such other Wildlife Ranger, as the Director may generally or specially authorise in that behalf, may proceed summarily with any offence against discipline by a wildlife police officer below the rank of Assistant Wildlife Ranger and may impose any of the following punishments:
 - (a) admonition; or
 - (b) confinement to quarters with or without a guard for a period not exceeding fourteen days with or without extra drill or other duties.
- (3) A Class I Tribunal may review any case decided by a Class II Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of any finding of, or punishment imposed by, that Tribunal.

- (4) A Class I Tribunal when considering whether or not to confirm a punishment imposed by a Class II Tribunal or when reviewing any case decided on by a Class II Tribunal—
 - (a) shall have power to quash any conviction or to vary any punishment imposed by that Tribunal and impose any other punishment specified under subsection (1); or
 - (b) may, if it is of the opinion that the justice of the case so requires, order the re-trial of any wildlife police officer found guilty of an offence against discipline.
- (5) In addition to the power of confirmation provided for under subsection (1), the Director may—
 - (a) where he does not preside over a Class I Tribunal, quash any order made by a Class I Tribunal or vary any punishment imposed by that Tribunal and impose any other punishment specified under subsection (1);
 - (b) if he is of the opinion that the justice of the case so requires, order the re-trial of any wildlife police officer found guilty of an offence against discipline.
- (6) No punishment shall be imposed under this Act unless the offender has been given an opportunity of being heard.
- (7) Any wildlife police officer who is aggrieved by a decision of a Class I Tribunal or of the Director may appeal to the Advisory Board against such decision.

15. General powers relating to disciplinary offences

- (1) A tribunal or the Director empowered to try offences under this Act shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the trial.
- (2) Where a tribunal or the Director imposes any punishment on a wildlife police officer in respect of an offence against discipline, it may order that such punishment be suspended for a period not exceeding six months and, if during such period the offender commits no further offence against discipline, such punishment shall not be carried into execution.
- (3) Where any punishment has been suspended under subsection (2) and the offender is found guilty of another offence against discipline during the period of suspension, the suspended punishment shall immediately be carried into effect and shall run consecutively with any other punishment imposed.

16. Disciplinary proceedings to be in writing

All proceedings relating to discipline under this Act shall be recorded in writing.

17. Failure to obey summons, etc.

Any person summoned as a witness under this Act who fails to attend at the time and place stated in the summons, or on any adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding eighty penalty units or to imprisonment for a period not exceeding one month, or to both.

[As amended by Act [No. 13 of 1994](#)]

18. Fines to be recovered from officer's salary

Any fine imposed on a wildlife police officer in respect of any offence against discipline under this Act shall be recovered from the officer's salary in such instalments as the officer in charge of a wildlife police outpost may determine but such instalments shall not exceed one-half of the monthly pay of that officer.

19. Loss or damage to arms to be made good

If any wildlife police officer sells, loses or, by neglect, makes away with, or wilfully damages, any arms, ammunition, uniform or other appointment supplied to him, or any Government property committed to his charge, he may, in addition, to or in lieu of, any punishment, be ordered to make good the amount of such loss or damage and such amount may be recovered by instalment from his salary in accordance with section eighteen.

20. Pay not to accrue during absence without leave, imprisonment or detention

Pay shall not accrue to any wildlife police officer in respect of any period during which he is absent from duty without leave or if he is lawfully detained under this Act or is undergoing any sentence of imprisonment:

Provided that—

- (a) in any of the above cases, the Director may authorise the payment of an allowance equal to not more than one-half of the officer's salary;
- (b) where a wildlife police officer's conviction is quashed on appeal he shall be entitled to a refund of any salary not paid to him for the period he was in detention or imprisonment.

21. Interdiction of wildlife police officers

- (1) When any wildlife police officer is accused of any offence against any law or disciplinary proceedings are being instituted under this Act, the Director may interdict that officer from the exercise of the powers, functions and duties vested in him as a wildlife police officer pending the result of the proceedings taken against the officer.
- (2) A wildlife police officer who has been interdicted under subsection (1) shall not be entitled to receive his full salary but shall be entitled to receive such allowance, equal to not less than one-half of the officer's salary, as the Director may determine.

22. Power to arrest and remand for offence against discipline

- (1) A wildlife police officer may, subject to subsection (2), arrest, or order the arrest of, without warrant, any wildlife police officer subordinate to him or of equivalent rank to him, who is accused of an offence against discipline under this Act.
- (2) A wildlife police officer effecting an arrest under subsection (1) shall if the person arrested is below the rank of wildlife warden, forthwith bring the accused before an officer in charge of a wildlife police outpost or other senior officer who shall cause the case to be heard by a Tribunal.

23. Confinement of wildlife police officer arrested

Any wildlife police officer arrested under this Act may be confined in any wildlife police quarter allocated for guard room purposes or in any quarters set apart for the detention of persons awaiting trial.

24. Wildlife Police Appeals Board

There is hereby constituted the Wildlife Police Appeals Board which shall be composed of not less than five members who shall be appointed by the Minister.

25. Functions of Appeals Board

The functions of the Appeals Board shall be to—

- (a) hear and determine appeals made to it by any wildlife police officer aggrieved by a decision of a Class I Tribunal or the Director;
- (b) inform the Public Service Commission of all appeals heard by it under this Act; and
- (c) do such other duties as the Public Service Commission may direct.

26. Procedure of Appeals Board

- (1) The Appeals Board shall not be bound by the formal rules of evidence.
- (2) The Appeals Board may administer oaths, take solemn affirmations and declarations, examine witnesses, require the production of any document relevant to an appeal and do all such things as are necessary for the exercise of its functions under this Act.
- (3) The Appeals Board may, on consideration of an appeal, hear any evidence not given before the Tribunal.
- (4) The Appeals Board may, after considering an appeal before it—
 - (a) dismiss the appeal;
 - (b) quash the decision of the Tribunal or the Director and impose any of the other punishments specified in subsection (1) of section fourteen;
 - (c) acquit or discharge the appellant; or
 - (d) refer the case to the Public Service Commission to be dealt with by the Commission.

Part IV – National Parks

27. Establishment of National Parks

Whenever the President is of the opinion that the conservation or protection of wildlife or of scenic beauty so demands, he may, by statutory order, declare any area of land within the Republic to be a National Park for the purposes of this Act and may, in like manner, define, alter or extend the limits of any National Park.

28. Effect of order and acquisition of lands

- (1) Where any person is seized or possessed of any right in or over any land which are included in any area subject to an order made under section twenty-seven, that land may, for the purpose of the extinguishment of such right be acquired by the President in accordance with the Lands Acquisition Act.
- (2) For the purposes of this section, the term "right in or over any land" shall be construed as including any right of way, easement, franchise, profit, claim, privilege, exemption or immunity of any person in, over or under such land, but shall not include any mining rights, or any communal fishing right enjoyed under customary law by any person or body of persons.

[Cap. 189]

29. Grant of mining and other rights in National Parks

- (1) Nothing in this Act shall be construed as preventing or restricting the granting in respect of any land within a National Park—
 - (a) of any mining right, or other right, title, interest or authority necessary or convenient for the enjoyment of a mining right; or
 - (b) for any purpose not inconsistent with this Act, of any right, title, interest or authority under any written law.
- (2) The exercise of any mining right in respect of any land comprised in a National Park, whether such mining right was granted before or after the making of the relevant order under section twenty seven shall be subject to section fifty-two;
- (3) The exercise of any right, title, interest or authority granted under paragraph (b) of subsection (1) shall be subject to any conditions which the Minister may impose:

Provided that the Minister shall not impose any condition inconsistent with the nature of any such right, title, interest or authority so granted.

30. Establishment of National Parks Board

There is hereby established the National Parks Board.

31. Composition of Board

- (1) The Minister shall, by *Gazette* notice, appoint the members of the Board, other than the *ex-officio* members.
- (2) The Board shall consist of—
 - (a) one member designated as Chairman by the Minister;
 - (b) one member designated as Vice-Chairman by the Minister;
 - (c) five ordinary members;
 - (d) the Director, *ex-officio*;
 - (e) the Deputy Director, *ex-officio*.
- (3) The Minister may appoint to the Board such additional members as he deems essential to the Board in the exercise of its powers and functions.
- (4) A person shall not be appointed a member of the Board—
 - (a) while he is an undischarged bankrupt; or
 - (b) if he has served a sentence of imprisonment for an offence against this Act or of an offence involving fraud or dishonesty.

32. Secretary to Board

There shall be a secretary to the Board who shall be a public officer and shall be designated as secretary by the Minister.

33. Tenure of office and vacancies

- (1) The members of the Board, other than *ex-officio* members, shall, subject to the other provisions of this section, hold office for a period of not more than two years.

- (2) A retiring member shall be eligible for re-appointment upon the expiration of his term of office.
- (3) On the expiration of the period for which a member is appointed, he shall continue to hold office until his successor has been appointed but in no case shall such further period exceed three months.
- (4) The office of a member shall become vacant—
 - (a) upon his death;
 - (b) if he is adjudged bankrupt;
 - (c) if he is absent from three consecutive meetings of the Board without the permission of the Board;
 - (d) upon the expiry of one month's notice in writing of his intention to resign his office given by him to the Minister;
 - (e) upon the expiry of one month's notice in writing given to him by the Minister;
 - (f) if he becomes mentally or physically incapable of performing his duties as such;
 - (g) if he is convicted of an offence under this Act;
 - (h) if he is convicted of an offence under any other written law and sentenced to imprisonment for a term of six months or more without the option of a fine.
- (5) Any member who is not a public officer shall be paid such remuneration and allowances, if any, as the Minister may in each case determine.

34. Meetings of Board

- (1) Subject to the other provisions of this Act, the Board may regulate its own procedure at meetings.
- (2) The Board may meet at such places and times as the Chairman of the Board may determine and such meetings shall be convened by notice given by the Chairman.
- (3) In the absence of the Chairman from any meeting of the Board, the Vice-Chairman shall preside, and in the absence of both the Chairman and the Vice-Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.
- (4) Four members of the Board shall form a quorum at any meeting of the Board.
- (5) At all meetings of the Board the person presiding shall have a deliberative vote and in the event of an equality of votes shall also have a casting vote.

35. Committees of Board

- (1) The Board may, with the consent of the Minister establish committees to carry out any special or general functions determined by the Board and may delegate to any such committee such of the Board's functions as it may consider necessary.
- (2) The Chairman of the Board shall be an *ex-officio* member of each committee established under subsection (1).
- (3) The Chairman of each committee established under subsection (1) shall be appointed from among the members of the Board.
- (4) Each committee may, with the approval of the Minister, co-opt as a member of a committee any person who is not a member of the Board and who is not disqualified for membership of the Board, and any person so co-opted may or may not be a public officer.
- (5) Any committee established under subsection (1) shall keep minutes of its meetings and shall inform the Board of its activities and shall conduct its proceedings in such manner as the Board may direct.

- (6) The Chairman of each committee may at any time and at any place convene a meeting of the committee of which he is Chairman.
- (7) The Minister may, in writing, nominate any public officer to attend any meeting of any committee, and the public officer may take part in the proceedings of any such meeting as if he were a member of that committee, except that he shall not be entitled to vote at the meeting.
- (8) Any member of a committee of the Board who is not a public officer shall be paid such remuneration and allowances if any, as the Minister may in each case determine.

36. Functions of Board

Subject to the other provisions of this Act and in particular to section thirty-seven the functions of the Board shall be to advise the Minister and the Director on matters relating to—

- (a) methods to be adopted to ensure the security of wild life in National Parks, and the conservation and preservation, in a natural state, of such National Parks and of the wildlife in the National Parks;
- (b) the development of facilities and amenities within National Parks and the general utilisation of the National Parks for the benefit of the general public;
- (c) methods of fostering in the mind of the general public the necessity of wildlife conservation, and education in the importance of wildlife and National Parks with the object of developing a great appreciation of the value of wildlife and scenic beauty as national assets; and
- (d) any question submitted to the Board by the Minister or by the Director.

37. Integrated resource development committees

- (1) Notwithstanding sections thirty-five and thirty-six, the Minister, may by statutory order, establish integrated resource development committees to manage any National Park or game management area and shall in such order provide for the manner in which those national parks and game management areas shall be managed.

38. Function of integrated resource development committee

The function of an integrated resource development committee shall be to promote and develop an integrated approach to the management of human and natural resources in a national park or game management area falling within its responsibility.

39. Secretariat of integrated resource development committee

There shall be a secretariat for each integrated resource development committee which shall be manned by such public officers as the Minister may appoint on such terms and conditions as he may determine.

40. Revenues

All revenues payable under this Act, in respect of licences issued, services rendered or from the use of wildlife resources, in an area falling under the responsibility of an integrated development committee shall be payable to a fund set up by a committee for its purposes.

41. Control and management of National Parks

- (1) Subject to the other provisions of this Act the control and management of National Parks shall be the responsibility of the Director and shall, subject to the direction of the Minister, be exercised by and in the name of the Director.

- (2) The Director shall exercise control over each National Park with respect to the matters and to the extent specified in this Act and in the order establishing the National Park, and in any direction of the Minister in respect of the National Park.

42. Traffic on public roads in National Parks

- (1) The Minister may, after consultation with the Minister responsible for transport, by statutory instrument provide for—
 - (a) the control and regulation of traffic on or over public roads within any National Park, and such regulations may specify the speed limits to be observed over specified parts of such public roads;
 - (b) the points on public roads at which persons or vehicles may enter or leave any National Park and the routes along such public roads which they may follow in passing through or over the National Park.
 - (2) Any regulation made under subsection (1) may provide, for any breach of the regulation, for a fine not exceeding four hundred penalty units or imprisonment for a term not exceeding six months, or both.
 - (3) The Director may, with the consent of the Minister and after consultation with the relevant highway authority, cause traffic signs or signals to be placed and maintained on or near any public road within any National Park, and the instructions conveyed by any such traffic sign shall, in relation to any public road within any National Park, prevail over any contrary instructions appearing on any other traffic sign or signal whatsoever.
 - (4) Subsections (8), (9) and (10) of section twenty-five of the Roads and Road Traffic Act shall apply, with the necessary modifications, in respect of any traffic sign or signal placed on or near any public road under subsection (3).
- [Cap. 464]*
- (5) The Director or any wildlife police officer or honorary wildlife police officer may, whenever he thinks it necessary so to do, cause any person or any vehicle using any public road within or leading to, or from, any National Park to stop for search, examination or questioning for the purposes of the enforcement of this Act; and may for such purposes erect and control barriers or check points on any such public road.
 - (6) Any person who fails to comply with any order or direction to stop, or who fails to stop, at any barrier or check point erected in terms of subsection (5) shall be guilty of an offence.

[As amended by Act No. 13 of 1994]

43. Restrictions on entry into or residence in National Parks

- (1) Any person who, except in accordance with this Act, enters into or resides in, or purports to enter into or reside in, a National Park shall be guilty of an offence.
- (2) This section shall not apply to—
 - (a) any official of the Department of National Parks and Wildlife Service on official duties requiring his presence in a National Park;
 - (b) any member of the National Parks Board;
 - (c) any police officer or public officer on specified duties requiring his presence in a National Park;
 - (d) any honorary wildlife police officer who is entitled to be present in a National Park under the terms of his instrument of appointment;

- (e) any person travelling through a National Park along a public road within the confines of the road reserve;
- (f) any person in possession of a permit to so enter or reside issued by the Director or by any other officer duly authorised in writing by the Director to issue such a permit and the dependants of that person;
- (g) any person who enters a National Park pursuant to section fifty-two;
- (h) the servants of persons in paragraphs (f) and (g) above, inclusive;
- (i) any person admitted pursuant to any regulation made under section fifty-three;
- (j) any person who enters a National Park pursuant to an order made under section thirty-seven and one hundred and six:

Provided that the persons in paragraphs (f) to (h), inclusive shall be subject to any relevant regulations made under section fifty-three and to any regulation providing for the payment of any charge or fee for permission to enter or reside in a National Park or for the admission of a motor car or other vehicle into a National Park.

44. Restrictions on hunting etc., in National Parks

- (1) Any person who, without a permit so to do issued under subsection (2) or (3), hunts, or disturbs any wild animal or fish, or who disturbs any birds' nest, in a National Park or who removes any wild animal, fish, bird's nest, stone, vegetation or other object whether animate or inanimate from a National Park shall be guilty of an offence.
- (2) The Director, or any public officer duly authorised in writing by the Director, may issue a permit to any person to fish in a National Park and shall impose such conditions upon the use of the permit as the Minister may consider expedient or necessary.
- (3) If the Minister is satisfied that any wild animal within a National Park should be hunted for the better preservation of other animal life, or for other good and sufficient reason, he may issue a permit to any person authorising that person, under the direction of the Director, to hunt the animal within the National Park.
- (4) Any permit issued under subsection (3) shall specify the species and number of wild animals which may be hunted under the permit.
- (5) The Minister may, at any time, revoke or cancel any permit issued under subsection (2) or (3).
- (6) This section shall not apply to any wildlife police officer, nor to any police officer while acting in the performance of his duties under any written law.

45. Restrictions on weapons, etc., in National Parks

- (1) Any person who, without a permit so to do issued under subsection (2), or who, in breach of any express condition of any permit, or in breach of any regulation made under this Act, conveys into any National Park, or being within the confines of a National Park is in possession of, carries or uses for any purpose, any firearm, spear, bow, arrow or other weapon, explosive, snare, net, trap or poison shall be guilty of an offence:

Provided that, subject to any regulations in that regard made under this Act, any person while travelling through any National Park on a public road may convey into and through the National Park in the course of such journey any firearm, spear, bow, arrow or other weapon or any such explosive, snare, net, trap or poison, as the case may be.

- (2) The Director, or any public officer duly authorised in writing by the Director, may, subject to such conditions as he considers fit, issue a permit to any person to convey into any National Park, or, within the confines of any National Park, to possess, carry or use, for any purpose expressly stated

in such permit, any firearm, spear, bow, arrow or other weapon or any explosive, snare, net, trap, or poison, as the case may be, and that permit shall be valid for the period expressed in it.

- (3) In any proceedings for a contravention of this section, the onus of proving that the conveyance into, or the possession in, carriage or use within, any National Park, of any firearm, spear, bow, arrow or other weapon or of any explosive, snare, net, trap or poison, was lawful shall be on the person charged.
- (4) This section shall not apply to any wildlife police officer or other police officer acting in the performance of his duties under this Act or any other written law.

46. Prohibition of introduction of wild animals into National Parks

- (1) Any person who, without the consent of the Director or without just cause or excuse, drives, conveys or introduces any wild animal into a National Park shall be guilty of an offence.
- (2) If any wildlife police officer or honorary wildlife police officer finds within the confines of any National Park any wild animal which was driven, conveyed or introduced into the National Park in contravention of subsection (1), he may destroy the animal.

47. Prohibition of domestic animals in National Parks

- (1) Any person, being the owner of any domestic animal or the person in charge or control of it, who, without the consent of the Director or without just cause or excuse—
 - (a) drives, conveys or introduces the domestic animal into any National Park or causes or permits that animal to be so driven, conveyed or introduced into any National Park;
 - (b) permits or suffers the domestic animal to stray into or within the confines of any National Park; or
 - (c) permits or suffers the domestic animal to worry, harass or otherwise interfere with any wild animal within the confines of any National Park;shall be guilty of any offence.
- (2) Upon the conviction of any person for an offence under this section, the court may, at the request of the prosecution and in addition to any other penalty imposed, declare the domestic animal be forfeited or order it to be destroyed without compensation; or may both declare it to be so forfeited and order it to be so destroyed without compensation.
- (3) Notwithstanding subsection (2), any wildlife police officer who discovers any dog worrying, harassing or otherwise interfering with any wild animal within the confines of any National Park may destroy the dog, and the owner of it shall not be entitled to any compensation, whether convicted or not of an offence under this section.

48. Prohibition of introduction of vegetation into National Parks

- (1) Any person who, without the consent of the Director brings any vegetation or causes any vegetation to be brought into any National Park shall be guilty of an offence.
- (2) If any wildlife police officer or honorary wildlife police officer finds within the confines of any National Park any vegetation which was brought into the National Park in contravention of subsection (1), he may destroy the vegetation, or order it to be so destroyed.

49. Prohibition of removal of wild animals or vegetation from National Parks

Except as is otherwise provided by this Act, any person who, without the consent of the Director, removes any wild animal whether alive or dead or any trophy or any vegetation, from any National Park, causes or permits the same to be so removed, shall be guilty of an offence.

50. Prohibition of damage or removal of geological historical, etc., objects from National Parks

Except as is otherwise provided by this Act, any person who, without the consent of the Director, removes from or damages within any National Park any object of geological, prehistoric, archeological, historical or scientific interest or who causes or permits any such object to be so damaged or removed shall be guilty of an offence.

51. Prohibition of killing, injuring or capturing of wild animals or birds within National Parks

Except as otherwise provided by this Act, any person who, without just cause or excuse, is in possession of, kills, injures, captures or disturbs any wild animal or removes or destroys any egg or nest of any bird or reptile within the confines of any National Park shall be guilty of an offence.

52. Restriction on exercise of mining rights within National Parks

- (1) Any person who holds any mining rights in, over, under or in respect of any land comprised in a National Park, may enter and exercise the same within the National Park upon his given prior written notice to the Minister of his intention to so enter the National Park and to so exercise his right in it and upon compliance with any conditions which the Minister may impose:

Provided that the Minister shall not impose any condition inconsistent with the nature of any mining right held by the person.

- (2) Without prejudice to the generality of the powers to impose conditions under this section, the Minister may impose conditions as to the number of persons who may be employed within a National Park for the purpose of the exercise of any mining rights, and may impose conditions to be observed by such persons.
- (3) Any person to whom subsection (1) applies who enters any National Park without first giving notice to the Minister, or who fails to comply with any condition imposed by the Minister under subsection (1), and any person who fails to comply with any condition required under subsection (2) to be observed by him, shall be guilty of an offence, and shall be liable upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

53. Regulations in relation to National Parks

- (1) The Minister may, by statutory instrument, make regulations for—
- (a) the conditions under which any person, vehicle, boat, aircraft or animal may enter into, travel through reside or be kept within a National Park or any part of the National Parks;
 - (b) the conditions under which a person travelling through or within a National Park on a public road may have in his possession under his control any firearm or other weapon, ammunition, explosive, game meat, trophy, trap or poison;
 - (c) the conditions under which any wild animal or species of wild animal may be photographed within any National Park;
 - (d) the regulation or prohibition of the lighting of fires within any National Park;
 - (e) the conditions under which any domestic animal may be brought into, or maintained within a National Park, or the prohibition thereof, and may prescribe fees to be charged for the bringing of any such domestic animal into a National Park;
 - (f) the prohibition or control of the bringing of any wild animal into a National Park;

- (g) the prohibition or control of the introduction into, the cutting or damaging within, or the removal from any National Park of any vegetation whether alive or dead;
 - (h) the prohibition or control of destruction, damaging, defacing or removal of anything, whether animate or inanimate, with or from a National Park;
 - (i) the scales of charges for entry into a National Park or any part of it and fees for any services and amenities provided by the National Parks and Wildlife Department for the general public in a National Park;
 - (j) the fees for fishing and the conditions under which a person may fish within a National Park;
 - (k) the prohibition or control of the low flying of aircraft over a National Park;
 - (l) the rules of conduct and behaviour of persons while within a National Park;
 - (m) the regulation of traffic on roads other than public roads, within a National Park;
 - (n) the carriage of passengers and goods within a National Park, whether for hire or otherwise;
 - (o) the points at which persons or vehicles may enter or leave and the routes by which they may pass through or over a National Park on roads other than public roads;
 - (p) without prejudice to the provisions of the Trades Licensing Act, the prohibition, control or regulation of any trade or business carried on within any National Park; and
- [Cap. 393]*
- (q) generally, the efficient control and management of a National Park.
- (2) In making regulations under subsection (1), the Minister may deal differently with different National Parks and with different persons or classes of persons, premises and other things.
- (3) Any regulation made under this section may prescribe for any breach of the regulations a fine not exceeding four hundred penalty units or imprisonment for a term not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

Part V – Game management areas

54. Declaration of game management area

- (1) The President may, by statutory order, declare any area of land within the Republic to be a game management area for the purposes of this Act, and may, in like manner, define or alter or extend the limits of any such area or order any such area to cease to be a game management area:

Provided that if any land within any declared or extended game management area is held under a leasehold title that land shall not, except with the written consent of the occupier, be affected by the declaration or extension and shall be deemed to be excluded from it.

- (2) Upon application made to the Minister in writing by the occupier of any land held under a leasehold title, the Minister may recommend to the President that such land be declared to be, or be included within, a game management area under subsection (1).

55. Restriction on hunting wild animals in game management area

- (1) Except as otherwise provided by this Act, any person who, not being the holder of a game licence issued under Part VII and of a permit issued under subsection (1) of section fifty-six, relevant to such hunting, hunts any game or protected animal in any game management area shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

- (2) Except as is otherwise provided by this Act, any person who, not being the holder of a permit issued under subsection (1) of section fifty-six relevant to such hunting, hunts any wild animal, other than a game animal or protected animal, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding one year, or to both:

Provided that the provisions of this subsection shall not apply to any *bona fide* resident in a game management area who, within such game management area, hunts any wild animal not being a game animal or protected animal.

- (3) Upon conviction of any person of an offence against this section the court shall, in addition to any other penalty imposed, declare any firearm used or possessed in the commission of the offence be forfeited or order it to be destroyed without compensation, or both:

Provided that where the firearm used in the commission of the offence was owned by any other person, not being the person convicted of the offence, the owner of the firearm may apply to the court to set aside the declaration of forfeiture or order of destruction or both such declaration and order and shall in so doing show cause why such application should be granted.

- (4) For the purpose of this section, the term "*bona-fide* resident" means a person whose ordinary place of abode is within the game management area, and does not include a person normally living elsewhere notwithstanding that he has a temporary residence of a right in land within the area.

[As amended by Act [No. 13 of 1994](#)]

56. Director may permit hunting in game management area

- (1) The Director may, with the consent of the Minister, grant to any person or class of persons a permit, in writing, to hunt under his direction any wild animals in a game management area or any part of it, subject to such conditions as the Director may consider necessary to impose.
- (2) Any permit issued under subsection (1) shall specify the species and number of game animals or protected animals which may be hunted under it.
- (3) The Director may, with the approval of the Minister at any time, revoke or cancel any permit issued under subsection (1).

Part VI – Game animals and protected animals

57. Game animals

For the purposes of this Act, every wild animal specified in the First Schedule shall be a game animal:

Provided that if any game animal is, by virtue of any order made under section fifty-eight, specified as a protected animal, such animal shall, for so long as the order remains in force, cease to be a game animal within the area to which the order relates.

58. Protected animals

- (1) For the purposes of conserving any species of wild animal, particularly having regard to its rarity or its economic significance and generally to the principles of good game management including the maintenance of a sufficient breeding stock, or for other kindred purpose, the Minister may, by statutory order, specify the wild animal as a protected animal and prohibit or regulate the hunting of any protected animal either generally or during a specified period and whether throughout the Republic or in a specified area of the Republic.
- (2) Any order made under subsection (1) may apply to all wild animals within the area specified or to any wild animal or species, class or variety of a class of wild animal specified in the order and may make different provisions for different sexes of the specified wild animals.

59. Prohibition of hunting protected animals

Except as is otherwise provided by this Act any person who, in contravention of any order made under subsection (1) of section fifty-eight, hunts or is found in circumstances showing that it is his intention to hunt any protected animal shall be guilty of an offence.

60. Restriction on hunting game or protected animals

- (1) Except as is otherwise provided by this Act, any person who hunts any game animal or protected animal except under and in accordance with the conditions of a valid licence issued under Part VII shall be guilty of an offence:

Provided that any wildlife police officer or honorary wildlife police officer shall not be required to possess a licence under Part VII while acting in the performance of his duties or in the exercise of his powers under this Act or under any other written law.

- (2) In any proceedings for an offence against this section the onus of proving that the hunting was in accordance with a valid licence shall rest upon the accused.

Part VII – Licences

61. Licences

The following classes of licences may be issued under this Part:

- (a) game licences:
- (i) district game licence;
 - (ii) bird licence;
 - (iii) national game licence;
 - (iv) supplementary safari licence;
 - (v) elephant licence;
 - (vi) safari licence;
 - (vii) special licence;
- (b) professional hunter's licence;
- (c) apprentice professional hunter's licence; and
- (d) professional tour guide's licence.

62. Power of minister to regulate

- (1) The Minister may, by statutory instrument, prescribe—
- (a) the form of, and the terms and conditions attaching to, each class of licence;
 - (b) the species, or variety of species or the sex, of game animal or protected animal which may be hunted under each class of game licence, and in such regulations may make provision for the method of hunting to be employed by virtue of each game licence, the number of game animal or protected animals of each prescribed species, variety or sex which may be so hunted, the area or areas in which each licence shall be valid, and the time or times of the year during which any specified species variety or sex of game animal or protected animal may be hunted pursuant to the licence; and

- (c) the appropriate fee payable in respect of each class of game licence issued under this Part.
- (2) The Minister may, if he thinks it necessary, make different provision for different areas and for different species, varieties and sexes of game animal or protected animals.

63. Limitation on licences in national parks and game management areas

A licence issued under this Part shall not entitle the licensee to hunt any game animal or protected animal, or to assist any other person to hunt any game animal or protected animal, within any National Park or game management area, except in accordance with a permit issued to such licensee by the Director under subsection (3), of section forty-four or to subsection (1) of section fifty-six respectively, and except in accordance with any regulations made in that regard.

64. Licences not transferable

Except as otherwise provided by this Act, any licence issued under this Part shall be exercised solely by the licensee and shall not be transferable to any other person.

65. District game licence

Subject to the other provisions of this Act and to the terms and conditions prescribed for a district game licence issued under this Part, such a licence shall authorise the licensee to hunt, within the district in which the licensee resides, such game animals as are prescribed in respect of the district game licence and in the numbers prescribed in respect of the licence.

66. Issue of district game licence

- (1) Upon application to the Director in the prescribed form, by any person resident within the area of any district and upon payment of the appropriate fee, the Director may issue to that person a district game licence.
- (2) The appropriate fee shall be payable to the district council in whose area the district game licence was issued and shall form part of the general fund of that council.
- (3) Every district game licence under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.

67. Prohibition of holding more than one district game licence

Any person who applies to the Director for, or who obtains from the Director, a district game licence while he is the licensee under a subsisting valid district game licence, in respect of any area whatsoever, shall be guilty of an offence.

68. Bird licence

Subject to the other provisions of this Act and to the terms and conditions prescribed for a bird licence issued under this Part, such a licence shall authorise the licensee to hunt in such areas or parts of the Republic, as are prescribed in respect of the bird licence, such birds as are prescribed in the licence and in the numbers so prescribed.

69. Issue of bird licence

- (1) Upon application to the Director in the prescribed form, by any person resident within the area of any district and upon payment of the appropriate fee, the Director may issue to such person a bird licence.
- (2) The appropriate fee shall be payable to the district council in whose area the bird licence was issued and shall form part of the general fund of that council.

- (3) Every bird licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.

70. Prohibition of holding more than one bird licence

Any person who applies to the Director for, or who obtains from the Director, a bird licence while he is the licensee under a subsisting valid bird licence shall be guilty of an offence.

71. National game licence

Subject to the other provisions of this Act and to the terms and conditions prescribed or a national game licence issued under this Part, such a licence shall authorise the licensee to hunt, in such areas or parts of the Republic, as are prescribed in respect of the national game licence, such, game animal and protected animals as are prescribed in the licence and in the numbers so prescribed.

72. Issue of national game licence

- (1) Upon application to the Director in the prescribed form by any person, and upon payment of the appropriate fee, the Director may issue to that person a national game licence.
- (2) The appropriate fee for a national game licence shall be payable to the Government.
- (3) Every national game licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.

73. Prohibition of holding more than one national game licence

Any person who applies to the Director for, or who obtains from the Director, a national game licence while he is the licensee under a subsisting valid national game licence shall be guilty of an offence.

74. Elephant licence

Subject to the other provisions of this Act and to the terms and conditions prescribed for an elephant licence, such a licence shall authorise the licensee to hunt one elephant only within the area endorsed on the licence.

75. Issue of elephant licence

- (1) Upon application to the Director in the prescribed form by any person, and upon payment of the appropriate fee, the Director may issue to that person an elephant licence.
- (2) The appropriate fee for an elephant licence shall be payable to the Government.
- (3) Every elephant licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the date of expiry stated, or, if no date of expiry is so stated up to and including the following 31st December.

76. Safari

Subject to the other provisions of this Act and to the terms and conditions prescribed for a safari licence issued under this Part, such a licence shall authorise the licensee to hunt within such areas or parts of the Republic, as are stated in the licence, game and protected animals specified in the licence and in the numbers stated in the licence, while under the general guidance of the licensed professional hunter of whom he is a *bona fide* client.

77. Issue of safari licence

- (1) Upon application to the Director in the prescribed form by any person who is a *bona fide* client of a licensee under a professional hunter's licence, and upon payment of the appropriate fee, the Director may issue to such person a safari licence.
- (2) The appropriate fee for a safari licence shall be payable to the Government.
- (3) For the purpose of this section, the term "*bona fide* client of a licensee under a professional hunters' licence" means any person who has engaged the services of a licensed professional hunter for the purpose of hunting game animals and protected animals within the Republic.

78. Supplementary safari licence

Subject to the other provisions of this Act and to the terms and conditions prescribed for a supplementary safari licence issued under this Part, such a licence shall be issued as a supplementary to a safari licence and shall authorise under it to hunt, in addition to the animals specified in the safari licence, in such areas or parts of the Republic, as are prescribed in respect of the supplementary safari licence, such species of game animal and protected animal as are prescribed in respect of the licence and in the numbers so prescribed.

79. Issue of supplementary safari licence

- (1) Upon application to a unit leader in the prescribed form for a supplementary safari licence by any person who is a licensee under a valid and subsisting safari licence, the unit leader may, upon payment by the applicant of the appropriate fee, issue to the applicant on behalf of the Director, a supplementary safari licence and shall forthwith forward to the Director a copy of the licence.
- (2) Every supplementary safari licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the date of expiry as stated in it.

80. Prohibition of holding more than one supplementary safari

Any person who applies to a unit leader for, or who obtains from the unit leader, a supplementary safari licence authorising the hunting of a stated species of game animal or protected animal while he is the licensee under a valid and subsisting supplementary safari licence in respect of that species shall be guilty of an offence.

81. Special licence

Subject to the other provisions of this Act and to the terms and conditions stated in a special licence, such a licence shall authorise the licensee to—

- (a) hunt within specified areas or parts of the Republic game animals or protected animals, in the number stated in such licence; or
- (b) photograph wild animals either generally throughout the Republic or in specified areas or parts of the Republic;
- (c) conduct photographic or viewing safaris either generally throughout the Republic or within specified areas or parts of the Republic; or
- (d) do all of the above.

82. Issue of special licence

Notwithstanding any other provision of this Act, the Minister may, upon such terms and conditions as he may impose issue a special licence to—

- (a) any person or body of persons authorising him or them, for purposes of scientific research or the collection of specimens for zoological gardens, museums or educational or other such institutions, to hunt in any stated area or part of the Republic such game animal or protected animal as may be specified in the licence;
- (b) any person authorising the person to hunt in any stated National Park or game management area such game animal or protected animal as may be specified in the licence;
- (c) any chief, or any other person approved by the President, authorising the chief or that person to hunt, in any stated area or part of the Republic, such game animal or protected animal as may be specified in the licence; or
- (d) any owner authorising the owner to rear any wild animal and for such purposes to hunt in any stated area or part of the Republic such game animal or protected animal as may be specified in the licence.

83. Power of Minister to authorise licensee under special licence to employ others to hunt

- (1) The Minister may, by way of endorsement on any special licence issued under this part, authorise the holder of the special licence to employ for reward or otherwise, any other person to hunt or to assist in hunting, on behalf of the licensee, any game animal or protected animal specified in the special licence.
- (2) It shall not be essential that any person employed as provided by subsection (1) be himself the holder of a licence under this Part.

84. Special licensee jointly liable for offences of employee

In the event of any person, employed by a licensee under a special licence, as provided by subsection (1) of section eighty-three committing, during and in the course of such employment, any offence under this Act or contravening any of the terms or conditions of the licence, the licensee under the special licence shall be guilty of the same offence as that of which the employed person shall be guilty, and the licensee may be joined as a defendant with the employed person in any prosecution brought against the employed person for that offence.

85. Professional hunter's licence

- (1) Subject to the other provisions of this Act and to the terms and conditions prescribed for a professional hunter's licence issued under this Part, such licence shall be in the form prescribed and shall authorise the licensee to carry on business as a professional game hunter and, while accompanied by a *bona fide* client, to hunt, in such areas or parts of the Republic as are stated in a safari licence and supplementary safari licence, if any, issued to such *bona fide* client pursuant to sections seventy-six and seventy-eight respectively, such game animals as are specified in those licences in the number and at the times therein stated, and under the terms and conditions of the safari licence and the supplementary safari licence, if any.
- (2) A professional hunter's licence shall not be a game licence for the purposes of this Act.

86. Prohibition of carrying on business of professional hunter without licence

Any person, not being the licensee under a valid and subsisting professional hunter's licence issued under this Part, who—

- (a) carries on business as a professional hunter;

- (b) holds himself out to the general public to be a professional hunter;
- (c) advertises himself publicly, by any means, as a professional hunter;
- (d) solicits from any person any contract or commission to act in the capacity of a professional hunter for such person or for any other person; or
- (e) except as provided by section eighty-three or one hundred and seven, for gain or reward assists any other person in the hunting of any game animal except in the capacity of a tracker, gun-bearer or beater;

shall be guilty of an offence.

87. Issue of professional hunter's licence

- (1) Upon application to the Director in the prescribed form by any person who complies with the prescribed qualifying conditions, and upon payment of the appropriate fee, the Director may issue to such person a professional hunter's licence.
- (2) The appropriate licence fee for a professional hunter's licence shall be the fee prescribed for it in the Second Schedule and shall be payable to the Government.
- (3) Every professional hunter's licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.
- (4) For the purpose of this section, the term "prescribed qualifying conditions" means such conditions as the Minister may prescribe under section one hundred and eighty-five for applications for a licence in accordance with this section.

88. Apprentice professional hunter's licence

- (1) Subject to the other provisions of this Act and to the terms and conditions prescribed for an apprentice professional hunter's licence issued under this Part, such a licence shall—
 - (a) be in the form prescribed and shall authorise the licensee under it to carry on business as a professional game hunter under the supervision and subject to the instructions of a licensee under a professional hunter's licence; and
 - (b) while accompanied by the client in respect of whom he is engaged, to hunt in such areas or parts of the Republic as are stated in the safari licence issued to that client under section seventy-nine such game animal and protected animal as may be specified in the safari licence and supplementary safari licence, if any, in the numbers and at the times stated in them, and under the terms and conditions of the safari licence and the supplementary safari licence, if any.
- (2) An apprentice professional hunter's licence shall not authorise a licensee under it to accompany any client in relation to whose safari licence and supplementary safari licence he is engaged, to hunt any dangerous animal unless accompanied by the licensee under the professional hunter's licence.
- (3) An apprentice professional hunter's licence shall not be a game licence for the purposes of this Act.

89. Issue of apprentice professional hunter's licence

- (1) Upon application to the Director in the prescribed form by any person who complies with the prescribed qualifying conditions and on payment of the appropriate fee, the Director may issue to that person an apprentice professional hunter's licence.
- (2) The appropriate fee for an apprentice professional hunter's licence shall be the fee prescribed for it in the Second Schedule and be payable to the Government.

- (3) Every apprentice professional hunter's licence under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.
- (4) For the purposes of this section, the expression "prescribed qualifying conditions" means such conditions as the Minister may prescribe under section one hundred and eighty-five for applicants for a licence under this section.

90. Prohibition of certain acts without apprentice professional hunter's licence

Any person who is not a holder of a valid and subsisting professional hunter's licence or a valid subsisting apprentice professional hunter's licence issued under this Part who—

- (a) carries on business as a professional hunter;
- (b) holds himself out to the general public to be a professional hunter;
- (c) advertises himself to the public by any means as a professional hunter;
- (d) solicits from any person any contract or commission to act in the capacity of a professional hunter for the purpose or for any other purpose; or
- (e) except as provided by section eighty-three or one hundred and seven, for gain or reward assists any other person in the hunting of any game animal except in the capacity of a tracker or gun-bearer or beater;

shall be guilty of an offence.

91. Professional tour guide's licence

- (1) Subject to the other provisions of this Act and to the terms and conditions prescribed for the licence, a professional tour guide's licence, issued under this Part shall be in the prescribed form and shall authorise the licensee under it—
 - (a) to conduct for reward, in such National Park, bird sanctuary, game management area or game ranch, as may be specified in the licence, a photographic or viewing safari; or
 - (b) to offer to conduct for reward a photographic or viewing safari.
- (2) A professional tour guide's licence shall not be a game licence for the purpose of this Act.

92. Issue of professional tour guide's licence

- (1) Upon application to the Director in the prescribed form by any person who complies with the prescribed qualifying conditions, and upon payment of the appropriate fee, the Director may issue to that person a professional tour guide's licence.
- (2) The appropriate fee for a professional tour guides' licence shall be the fee prescribed for it in the Second Schedule and shall be payable to the Government.
- (3) Every professional tour guide's licence issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.
- (4) For the purpose of this section, the expression "prescribed qualifying conditions" means such conditions as the Minister may prescribe under section one hundred and eighty-five for applicants for a licence under this section.

93. Prohibition of carrying on business of professional tour guide without a licence

- (1) Any person not being a licensee under a valid and subsisting professional tour guide's licence issued under this Part who—
 - (a) conducts for reward in a National Park, bird sanctuary, game management area or game ranch any photographic or viewing safari;
 - (b) offers to conduct for reward any photographic or viewing safari;
 - (c) advertises himself publicly by any means, as a professional tour guide;
 - (d) solicits from any person any contract or commission to act in the capacity of a professional tour guide for that person or for any other person; or
 - (e) holds himself out to the general public to be a professional tour guide;shall be guilty of an offence.
- (2) Any person who employs any other person to carry out the functions of a professional tour guide without the person being a licensee under a valid and subsisting professional tour guide's licence issued under this Act shall be guilty of an offence.

94. Refusal to issue district game licence or bird licence

- (1) The Director may refuse to issue a district game licence or a bird licence under this Part if—
 - (a) the applicant fails to comply with any prescribed condition precedent to the issue of such licence;
 - (b) any licence formerly held by the applicant under this Part has been revoked by the Director;
 - (c) the applicant has been convicted of an offence under this Act; or
 - (b) the Director is satisfied that the applicant is not a fit or proper person to hold such a licence.

[Please note: numbering same as in original]
- (2) The Director shall notify the applicant in writing of his refusal under this section to issue a licence and shall state the reasons for such refusal.

95. Appeal to Minister against refusal to issue district game licence or bird licence

- (1) Where the Director refuses to issue a district game licence or a bird licence the applicant may, not later than one month after the receipt by him of the notice given under subsection (2) of section ninety-four, appeal to the Minister against such refusal.
- (2) Every appeal under this section shall be in writing.
- (3) In determining any appeal, the Minister may consult with the Director from whose decision the appeal is brought and may uphold the decision of the Director or may instruct the Director to issue the licence as applied for.
- (4) The decision of the Minister on any appeal under this section shall be final.

96. Refusal to issue professional hunter's licence, apprentice professional hunter's licence or professional tour guide's licence

- (1) The Director may refuse to issue a professional hunter's licence, or an apprentice professional hunter's licence or a professional tour guide's licence under this Part if—
 - (a) the applicant fails to comply with any prescribed condition precedent to the issue of that licence;
 - (b) any licence formerly held by the applicant under this Part has been revoked by the Director;
 - (c) the Director is satisfied that the applicant is not a fit or proper person to hold that licence; or
 - (d) the Director is satisfied that in the interest of good game management, the licence should not be issued.
- (2) The Director shall notify the applicant in writing of his refusal to issue a licence referred to in subsection (1) and shall, in that notice, state the reasons for the refusal.

97. Appeal to minister against refusal to issue licence under section 96

- (1) Where the Director refuses under subsection (1) of section ninety-six to issue any licence the applicant may, not later than one month after the receipt of the notice given under subsection (2) of that section, appeal to the Minister against the refusal.
- (2) An appeal under this section shall be in writing.
- (3) In determining an appeal under this section the Minister may consult with the Director and may uphold the decision of the Director or may instruct the Director to issue the licence as applied for.
- (4) The decision of the Minister on any appeal under this section shall be final.

98. Revocation of licences

- (1) The Director may revoke any licence issued under this Part if—
 - (a) the licensee has been convicted of an offence under this Act; or
 - (b) he is satisfied that the licensee has failed to comply with any of the conditions relating to the licence.
- (2) In the event of the revocation of a licence by the Director under subsection (1), the Director shall, as soon as practicable after ordering the revocation, notify the licensee, in writing, of the revocation and shall state his reasons for the revocation.

99. Appeal to Minister against revocation

- (1) The licensee under any licence which has been revoked by the Director under subsection (1) of section ninety-eight may, not later than one month after the receipt by him of the notice given under subsection (2) of that section, appeal to the Minister against the revocation.
- (2) Every appeal under this section shall be in writing.
- (3) In determining any such appeal, the Minister may consult with the Director and may uphold the decision of the Director or may instruct the Director to withdraw the revocation of the licence.
- (4) The decision of the Minister on any appeal under this section shall be final.

100. Suspension and cancellation of licences

- (1) The Director may, suspend, for any period, or cancel any game licence issued under this Part if in his opinion the interests of good game management so requires the suspension or cancellation, as the case may be.
- (2) Upon the suspension of any game licence under subsection (1), the Director shall notify the licensee in writing of the period of the suspension and, during that period, the licence so suspended shall be of no legal force or effect and shall be surrendered to the Director if so required by him.
- (3) Upon the cancellation of any game licence under subsection (1), the Director shall notify the licensee in writing of such cancellation and, from the date of the notice, the licence so cancelled shall no longer be of any legal force or effect and shall be surrendered to the Director within two days after the receipt of the notice.
- (4) Upon the suspension or cancellation of any game licence under subsection (1), the licensee shall be entitled to a refund from the council of such proportion of the fee paid for the licence as the Director may determine.
- (5) The licensee under any licence which has been suspended or cancelled under subsection (1) may, not later than one month after the receipt of the notice given under subsection (2) or (3), as the case may be, appeal to the Minister against the suspension or cancellation.
- (6) Every appeal under subsection (5) shall be in writing
- (7) In determining any appeal under subsection (5), the Minister may consult with the Director and may uphold the decision of the Director or may instruct the Director to rescind the suspension, or set aside the cancellation, as the case may be.
- (8) The decision of the Minister on any appeal in accordance with subsection (5) shall be final.

Part VIII – Hunting of wild animals**101. Duties of licensees and permit holder**

- (1) Every licensee under a game licence issued under Part VII, and every holder of a permit under subsection (3) of section forty-four or of subsection (1) of section fifty-six shall—
 - (a) have the licence or permit in his actual possession at all times while hunting game animal or protected animal under the licence;
 - (b) produce the licence or permit for inspection and give his full name and address, in writing, to any proper officer or any honorary wildlife police officer upon request; and
 - (c) keep, in the form prescribed, a true record of all game animal or protected animal, other than birds, hunted by him during the validity of the licence or permit.
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

102. Licensees under safari licence and supplementary safari licence to complete certificate after each hunt

A licensee under a safari licence and supplementary safari licence issued under sections seventy-seven and seventy-nine, respectively, shall, immediately after the completion of a hunt under the safari licence and the supplementary safari licence, if any, complete a certificate in the prescribed form, specifying the game animal and protected animal killed or wounded by him during the hunt and also all foreign currency paid by him in connection with the hunt and to whom it was paid.

103. Duties of licensee under professional hunter's licence

- (1) Every licensee under a professional hunter's licence issued under section eighty-seven shall—
 - (a) have the licence in his actual possession at all times while engaged in hunting game animal or protected animal as a professional hunter;
 - (b) produce for inspection the licence, and give his full name and address to any proper officer or honorary wildlife police officer upon request;
 - (c) keep, in the form prescribed, a record of each safari licence issued to each client whereby he accepted engagement by such client as a professional hunter, together with a true record of the game animal or protected animal, other than birds, hunted by, or on behalf of, such client under the safari licence; and
 - (d) immediately after each hunt—
 - (i) ensure that any client in relation to whose safari licence and supplementary safari licence he is engaged for that hunt as a professional hunter, completes a certificate in the prescribed form, specifying the game animal or protected animal killed or wounded by the client and also all foreign currency paid by the client in connection with the hunt and to whom the money was paid; or
 - (ii) complete a certificate in the prescribed form immediately after each hunt specifying the amount of all foreign currency that the client paid to the Director in respect of the safari licence and supplementary licence, if any, for the hunt and the amount charged by the safari company which organised the hunt.
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.
- (3) In this section "safari company" means an association of persons whether corporate or unincorporate whose business is or includes the arrangement and conduct of hunting safaris.

104. Duties of licensee under apprentice professional hunter's licences

- (1) Every licensee under an apprentice professional hunter's licence issued under section eighty-nine shall—
 - (a) have the licence in his actual possession at all times while engaged in hunting game animals or protected animals as an apprentice professional hunter;
 - (b) produce the licence for inspection and give his full name and address to any proper officer or honorary wildlife police officer upon request;
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

105. Counting of hunted game animals or protected animals

- (1) For the purpose of—
 - (a) computing the numbers of game animals or protected animals authorised to be hunted under any licence issued under Part VII;
 - (b) computing the numbers of game animals or protected animals permitted to be hunted in any National Park or game management area under any permit granted under subsection (3) of section forty-four or of subsection (1) of section fifty-six; or
 - (c) recording the numbers of hunted animals or protected animals in any record required to be kept under section one hundred and one or one hundred and three;only such game animals or protected animals as are killed, wounded or captured shall be counted.

- (2) Subject to subsection (3), if any game animal or protected animal is killed in any circumstances whatsoever, or is deemed to have been killed under subsection (4) of section one hundred and twenty-four, by any licensee or holder of a permit under this Act, whose licence or permit entitles him to hunt a game animal or protected animal of that species, or by any person accompanying or assisting such licensee or permit holder, such animal shall count as having been hunted under the licence or permit:

Provided that if any person accompanying or assisting a licensee or holder of a permit is himself in possession of a licence or permit entitling him to hunt a game animal or protected animal of the species killed by him, then the animal shall count as having been hunted under the licence or permit of the person so accompanying or assisting.

- (3) Nothing in subsection (2) shall apply to any game or protected animal killed or wounded in accordance with section one hundred and twenty-one.

106. Power of President to authorise hunting without licence or permit

Notwithstanding any other provision of this Act, the President may, upon such conditions as he may impose, by statutory order, authorise the hunting of game animals or protected animals by any person, not being the holder of a licence issued under Part VII or of a permit under subsection (3) of section forty-four or subsection (1) of section fifty-six in any area of the Republic specified in the order, whether within or outside a National Park or game management area, or otherwise, for the purpose of the supply of food for human consumption in Zambia, in event of no other, or no sufficient food supply being available in the specified area or in any other part of Zambia, as the case may be, at the time of the making of the order, or for any other good and sufficient reason.

107. Limitations upon persons assisting in hunting game or protected animals

- (1) Subject to the other provisions of this section and of sections eighty-three and one hundred and six any person, not being the holder of a game licence or professional hunter's licence issued under Part VII or of a permit issued under subsection (3) of section forty-four or to subsection (1) of section fifty-six may assist, for gain or reward or otherwise, any licensee under a game or professional hunter's licence or any permit holder under the permit, to hunt game animal or protected animal solely in the capacity of a tracker, gun bearer or beater:

Provided that, that person shall not drive, or assist or take part in the driving of, any game animal or protected animal, other than birds, except with the permission of the Director, or in accordance with any regulation made under the proviso to section one hundred and nineteen.

- (2) Any person while assisting in the hunting of any game animal or protected animal under subsection (1) shall not discharge a firearm against any game animal or protected animal except in the defence of human life or in the protection of property.
- (3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

108. Prohibition of employment of another person to hunt

Any person who employs, causes or induces another person to hunt any game animal or protected animal on his behalf shall be guilty of an offence:

Provided that this section shall not apply where the person employed—

- (i) is a licensed professional hunter employed to hunt game animals on behalf of a licensee under a safari or a supplementary safari licence, if any, while the licensed professional hunter is accompanied by the licensee; or
- (ii) is employed by a licensee under a special licence to so hunt any game animal or protected animal in accordance with an authorisation to that effect endorsed on the special licence as provided by section eighty-three.

109. Prohibition of hunting on leasehold land

- (1) Any person who hunts any game animal or protected animal or is found in circumstances showing that it is his intention to hunt any game animal or protected animal on any land held under a leasehold title or who enters upon such land for such purposes, unless—
 - (a) he is the owner of such land and is in possession of a valid game licence, authorising him to hunt such game animal or protected animal; or
 - (b) he has previously sought and obtained the permission of the owner so to do and is in possession of a valid game licence authorising him to hunt such game animal or protected animal;

shall be guilty of an offence:

Provided that this subsection shall not apply to any person who enters upon such land in pursuit of a dangerous animal lawfully wounded by him outside the boundaries of such land, if, as soon as is practicable, he makes a report of the circumstances of the entry to the owner of the land.

- (2) For the purposes of this section, the carrying of firearms on any land held under a leasehold title shall be *prima facie* evidence of an intention to hunt any game animal or protected animal on that land.
- (3) This section shall not apply to any proper officer or honorary wildlife police officer while acting in the performance of his duties or in the exercise of his powers under this Act or under any other written law.

110. Prohibition of hunting young game animals and females with young

- (1) Except as may be authorised under a special licence or permitted under section one hundred and six or one hundred and twenty-one any person who hunts—
 - (a) the dependent young of any game animal or protected animal; or
 - (b) any female game animal or protected animal accompanied by her dependent young;shall be guilty of an offence.
- (2) For the purposes of this section, the term "dependent young" means any young animal patently relying upon its parent for sustenance and protection,

111. Restrictions on use of motor vehicles, aircraft or boats while hunting

- (1) Except as provided by subsection (2), any person who—
 - (a) uses a motor vehicle, boat or aircraft for purposes of hunting any game animal or protected animal or who uses the same in such manner as to drive or stampede any game animal or protected animal, other than birds, for any purpose whatsoever; or
 - (b) discharges any firearm or other weapon at any game animal or protected animal, other than birds, from any motor vehicle, aircraft or boat, or discharges such firearm or other weapon from a point within two hundred yards' distance of any such motor vehicle or aircraft or boat;shall be guilty of an offence.
- (2) Nothing in this section shall prohibit the use of a motor vehicle, aircraft or boat for—
 - (a) hunting any game animal or protected animal under any licence issued under Part VII or under any permit issued under subsection (3) of section forty four or to subsection (1) of section fifty-six where those means are expressly permitted under the terms of the licence or permit; or

- (b) driving away any game animal, or protected animal from any aerodrome by any person concerned with the maintenance of the aerodrome, or driving any game animal or protected animal by any person off any land being used, or about to be used, as an aerodrome in case of an emergency, when necessary to ensure the safety of any aircraft which is about to alight on or take off from such land.

112. Restriction on use of dogs while hunting

- (1) Except as provided by subsection (2), any person who, without the written permission of the Director, which he may in his discretion grant or may refuse without assigning any reason for his refusal, uses dogs for the purpose of hunting any game animal or protected animal, shall be guilty of an offence
- (2) The Minister may, by statutory instrument, prescribe any game animal or protected animal in the hunting of which dogs may be used.
- (3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

113. Prohibition of use of fire in hunting

Any person who, for the purpose of hunting or assisting in hunting any game animal or protected animal, causes any fire or drives or surrounds any game animal or protected animal with fire, shall be guilty of an offence.

114. Prohibition of use of poison, bird-lime or poisoned weapons in hunting

Except with the written permission of the Director any person who, for the purpose of, or in connection with, hunting or assisting in hunting, any game animal or protected animal, prepares, compounds, sells, buys, uses or has in his possession any poison, bird-lime or like injurious substance or any poisoned weapon shall be guilty of an offence.

115. Prohibition of possession, acquisition or use of traps, etc., for hunting

Except with the written permission of the Director, or as authorised under any licence issued under Part VII or under any permit issued under subsection (3) of section fifty-four or subsection (1) of section fifty-six, or as otherwise provided under this Act, any person who, for the purpose of, or in connection with, hunting any game animal or protected animal, possesses, makes, buys, sells or uses any gin or similar trap or any mist net, snare or similar contrivance capable of killing or capturing any game animal or protected animal shall be guilty of an offence.

116. Power of Minister to prohibit or control the use of specified weapons or methods of hunting

- (1) The Ministry may, by regulations, prohibit the hunting of any wild animal, generally, or in any specified area, by means of any game pit, pitfall, trench or similar excavation, fence or enclosure or other device fixed to the ground or other specified method, means, instrument, weapon, missile or explosive, or may, impose in such regulations such conditions or restrictions as he considers fit in respect of the use of any game pit, pitfall, trench or similar excavation, fence or enclosure or other device fixed to the ground or other specified method, means, instrument, weapon, missile or explosive.
- (2) The Minister may, revoke, amend or alter any regulation made under subsection (1), or he may, suspend, in any area defined in the regulation for any time therein stated, any regulation when it appears reasonably necessary so to do in the interests of good game management, or of the protection of life or property, or for the protection of the health of human beings, animals or plants.

- (3) Any person who—
- (a) hunts any wild animal in contravention of any regulation made under this section; or
 - (b) possesses, makes, buys or sells, for the purposes of hunting or assisting in the hunting of any wild animals, any instrument weapon, missile or explosive, the use of which for such purpose is absolutely prohibited by any regulation made under this section;
- shall be guilty of an offence.

117. Prohibition of driving certain game animal or protected animal into water

Any person who drives any game animal or protected animal, other than an amphibious animal, into water for the purpose of incapacitating, killing or capturing that game animal or protected animal shall be guilty of an offence:

Provided that the Minister may, at any time, by regulation suspend the operation of this section in any area so defined for any period of time so stated or in respect of any game or protected animal so specified.

118. Hunting during hours of darkness

- (1) Except with the written permission of the Director, any person who, during the hours of darkness—
- (a) hunts any wild animal; or
 - (b) for the purpose of or in connection with hunting, or assisting in hunting any wild animal, uses any torch, flare, lamp of the type known as a "bulala lamp", or any other artificial light;
- shall be guilty of an offence.
- (2) For the purpose of this section, the expression "hours of darkness" means the period between one half-hour after sunset and one half-hour before sunrise.

119. Game drives

Except with the written permission of the Director, any person who partakes in any game drive, other than a drive of birds, shall be guilty of an offence:

Provided that the Minister may, at any time, by regulation, suspend the operation of this section in respect of any area so defined for any period of time so stated.

Part IX – Killing, wounding or molesting wild animals

120. Self-defence

- (1) Notwithstanding anything to the contrary in this Act, a person may kill any wild animal in defence of himself or in defence of any other person if it is immediately and absolutely necessary:
- Provided that nothing in this subsection shall exonerate any person who at the time of killing any wild animal in self-defence or in defence of any other person, was committing an offence under this Act.
- (2) The provisions of section one hundred and six shall apply to any game animal or protected animal killed in accordance with section (1).
- (3) Except as is otherwise provided by this Act or by the terms and conditions of any licence or permit issued under this Act, the killing of any game animal or protected animal in accordance with subsection (1) shall not be deemed to transfer the absolute ownership of the animal or the carcass, or any trophy or meat thereof, to any person.

- (4) When any game animal or protected animal is killed in accordance with subsection (1), the person who has killed the animal shall, as soon as may be practicable, make a report of the facts to the nearest proper officer and shall, unless otherwise entitled to retain the animal under this Act or under any licence or permit issued under this Act, hand over to the Director the carcass or any trophy or meat of the animal as the Director may direct.
- (5) Any person who fails to comply with subsection (4) shall be guilty of an offence.

121. Defence of property

- (1) Notwithstanding any provision to the contrary in this Act—
 - (a) any owner or his servant whenever it may be necessary for—
 - (i) the protection of his land or of any building on it;
 - (ii) the protection of any part of his land, which is under cultivation, and for the protection of any crops growing upon that part of the land; or
 - (iii) the protection of any livestock upon any part of his land, whether fenced or otherwise enclosed or not, which for the time being is in use for the grazing or herding of domestic stock;
 - (b) any owner of any crops being lawfully cultivated on land leased by any other person or held under customary law, or any servant of the owner of the said crops; or
 - (c) any owner of any livestock being lawfully grazed or herded upon lands leased by any other person or held under customary law, whether the lands are fenced or otherwise enclosed or not, or any servant of the owner of the livestock;

may kill any game animal or protected animal which is causing or has caused material damage to that land, building, crops or livestock, as the case may be.
- (2) Except as is otherwise provided by this Act or by the terms and conditions of any licence or permit issued under this Act, the killing of any game animal or protected animal in accordance with subsection (1) shall not be deemed to transfer the absolute ownership of the game animal or protected animal, or of the carcass or of any trophy or of the meat to any person.
- (3) When any game animal or protected animal is killed in accordance with subsection (1), the person who has killed that animal shall, as soon as may be practicable, make a report of the facts to the nearest proper officer and shall, unless otherwise entitled to retain the animal under this Act or under any licence or permit issued under this Act, hand over to the Director the carcass or any trophy or meat of that animal as the Director may direct.
- (4) Any person who fails to comply with subsection (3) shall be guilty of an offence.
- (5) Nothing in this section, shall authorise any person to use in the killing of any wild animal any method of hunting prohibited under Part VIII or by any regulation made under this Act.

122. Game or protected animals killed through accident or error

- (1) If any person kills any game animal or protected animal through accident or error, he shall as soon as may be practicable, make a report of the facts to the nearest proper officer and shall hand over to the Director the carcass, or any trophy or meat of the animal as the Director may direct.
- (2) Nothing in subsection (1) shall apply to any person who kills any game animal or protected animal through accident or error if—
 - (a) that person is entitled under any licence or permit issued under this Act to hunt a game animal or protected animal of that species and sex in the circumstances under which he killed the animal; and

- (b) no offence under this Act has been committed in relation to the killing of such animal.
- (3) The provisions of section one hundred and five shall apply to any game animal or protected animal killed by accident or error.
- (4) Any person who fails to comply with subsection (1) shall be guilty of an offence.

123. Wounding of game animal or protected animal

- (1) Any person who, in any circumstances whatsoever, wounds any game animal or protected animal and fails without reasonable cause to use all reasonable endeavour to kill the animal at the earliest possible opportunity shall be guilty of an offence:

Provided that it shall not be lawful to follow any wounded game animal or protected animal into a National Park, or into a game management area in which the hunting of the animal is prohibited, or on to any land held by any person under a leasehold title.
- (2) Any person who has, or who believes that he has, wounded any game animal or protected animal, which, in such wounded condition, has entered a National Park or a game management area in which the hunting of the animal is prohibited, shall as soon as practicable make a report of the facts and circumstances to the nearest proper officer.
- (3) Any person who has, or who believes that he has wounded any game animal or protected animal, which, in such wounded condition, has entered land held by any person under a leasehold title and upon which land such person has no permission to enter, shall, as soon as practicable make a report of the facts and circumstances to the occupier of the land.
- (4) Any person who fails to comply with the provisions of subsection (2) or (3) shall be guilty of an offence.

124. Wounding of dangerous animals

- (1) Any person who, in any circumstances whatsoever, wounds any dangerous animal and fails to kill, or recover the animal within twenty-four hours after its wounding shall, at the earliest possible opportunity report the circumstances of the wounding to the nearest proper officer.
- (2) Every report made under subsection (1) shall specify the species of dangerous animal wounded, the date, time and place of the wounding, the type of wound, if known, the weapon by which the wound was inflicted, the efforts made to kill the animal after it was wounded, the time and place at which the animal was lost or escaped and any other information which might be of use in locating or identifying the animal.
- (3) If the dangerous animal wounded but not killed is an elephant or rhinoceros, the report made under subsection (1) shall in addition be made to the Director.
- (4) Where any elephant or rhinoceros is wounded by the holder of a licence or permit issued under this Act which licence or permit entitles the holder to hunt the animal, and, in such wounded condition, the animal is lost or escapes, the elephant or rhinoceros, as the case may be, shall be deemed to have been killed for the purposes of section one hundred and six.
- (5) Where any dangerous animal is found dead, and the Director is satisfied that it is an animal which was wounded but not killed by the holder of a licence or permit issued under this Act, which licence or permit entitled the holder to hunt the animal, and that licence or permit holder—
 - (a) made the requisite reports; and
 - (b) after wounding the animal, used every reasonable endeavour to kill it;he may, at his discretion, direct that any trophy of the animal be delivered to the licensee or permit holder.

- (6) Every report required to be made under subsection (1) or (3) shall whenever possible be made in person by the person who wounded the dangerous animal or on his instructions, by a person accompanying or assisting him at the time when the wounding took place.
- (7) Any person who is required by subsection (6) to make a report under subsection (1) or (3), and who fails to do so, or who does not make the report as soon as practicable after the loss of the wounded dangerous animal, shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding eighty penalty units or to imprisonment for a term not exceeding one month, or to both; and, if such dangerous animal has been wounded by the holder of a licence or permit issued under this Act entitling him to hunt the animal, the absolute ownership of the animal shall not be deemed to pass under the provisions of this Act to the licensee or permit holder as the case may be.

[As amended by Act [No. 13 of 1994](#)]

125. Cruelty to wild animals

Any person who, in any circumstances whatsoever, causes unnecessary or undue suffering to any wild animal shall be guilty of an offence.

126. Possession of maimed wild animals

- (1) Any person who, without the permission of the Director, is in possession of, or who has in his control or keeping any live wild animal which has been maimed, mutilated or incapacitated shall be guilty of an offence.
- (2) This section shall not apply to any veterinary surgeon or to any person assisting any veterinary surgeon, or any other person, who has in his possession, control or keeping any maimed or mutilated wild animal for purposes of medical care or treatment.

127. Molesting or provoking game animal or protected animal

Except as provided by or for the purposes of section one hundred and twenty, one hundred and twenty-one, one hundred and twenty-three or one hundred and twenty-four, any person who wilfully and without just cause or excuse—

- (a) molests or provokes any game animal or protected animal in any manner which results, in the destruction of the game animal or protected animal; or
- (b) molests or provokes any animal whatsoever in any manner which results, in the provocation, harassment or destruction of any game animal or protected animal;

shall be guilty of an offence.

Part X – Trophies

128. Prohibited dealings in trophies

Any person who, in the course of trade, buys, sells or processes or otherwise deals in any trophy, or manufactures any article from it, except in accordance with a permit so to do, issued under section one hundred and twenty-nine shall be guilty of an offence:

Provided that this section shall not apply to any person who, for purposes of gain, sells, processes, or manufactures any article from, any trophy of any game animal or protected animal which was lawfully hunted by him and the ownership of which became vested in him under section three or under any other provision of this Act.

129. Trophy dealer's permit

- (1) Upon application to the Director in the prescribed form by any person, and upon payment of the appropriate fee, the Director may issue to the person a trophy dealer's permit in the form prescribed which shall authorise the person to buy, sell, deal in, process, or manufacture articles from, trophies by way of trade or business.
- (2) The appropriate fee for a trophy dealer's permit shall be the fee prescribed for it in the Second Schedule and shall be payable to the Government.
- (3) Every trophy dealer's permit issued under this section shall, unless previously revoked or cancelled, be valid from the date of issue up to and including the following 31st December.
- (4) The Director may at any time grant or refuse to grant, suspend for any period of time, revoke or cancel any trophy dealer's permit, or may make the granting of it subject to any condition which he considers fit to impose, or may limit such permit to, or exclude from it, any specific trophy or class of trophies.
- (5) The Director shall not be required to assign any reason for any decision made by him pursuant to subsection (4).
- (6) Where the Director refuses to grant, suspend, revoke or cancel any trophy dealer's permit, or makes the granting of it subject to any condition, or limits the permit to, or excludes from it any specific trophy or class of trophy he shall notify the applicant, or the party aggrieved by such decision, as the case may be, of his decision, in writing.
- (7) The applicant, or the party aggrieved, as the case may be, may, within one month after receipt of the notice given under subsection (6), appeal to the Minister against the decision of the Director.
- (8) Every appeal under subsection (7) shall be in writing.
- (9) In determining any appeal, the Minister may consult with the Director and may uphold the decision of the Director or may instruct the Director to reverse the decision or to amend or alter the decision as instructed by the Minister.
- (10) The decision of the Minister on any appeal under subsection (7) shall be final.

130. Trophy dealers to keep records and make returns

- (1) Every trophy dealer shall keep and maintain such records, and make such returns of his dealings in trophies, as the Minister may, by statutory instrument, prescribe.
- (2) Any trophy dealer who fails to keep or maintain any record or make any return prescribed under subsection (1) shall be guilty of an offence.

131. Prescribed trophies

- (1) Subject to the provisions of subsection (2), the Minister may, by statutory instrument, prescribe any trophy or class of trophy as being "prescribed trophy" for the purposes of controlling, prohibiting or limiting any dealings in such trophy or class of trophy, except in accordance with the provisions of this Act in that regard.
- (2) Ivory and rhinoceros horn shall be prescribed trophies for the purposes of this Act.

132. Certificate or ownership of trophies

- (1) The Director may, upon application by any person and upon being satisfied that such person is in lawful possession of any trophy, issue, in the form prescribed, a certificate of ownership of that trophy to that person.

- (2) Where the Director is satisfied that a certificate of ownership under subsection (1) has been issued through error, or through the misrepresentation or fraud of any person, he may revoke it and the person to whom the certificate of ownership was issued shall cause the certificate to be returned to the Director for cancellation.
- (3) Any person who fails to comply with subsection (2) shall be guilty of an offence.

133. Possession of prescribed trophies

Any person who has in his possession any prescribed trophy, without a certificate of ownership issued in respect of it under section one hundred and thirty-two, shall be guilty of an offence.

134. Transfer of ownership of prescribed trophies

- (1) Any person who transfers, or purports to transfer the ownership of any prescribed trophy to any other person, whether by way of gift, sale or otherwise, shall, at the time of the transfer or purported transfer, be in actual possession of a certificate of ownership issued in respect of the prescribed trophy.
- (2) Subject to section one hundred and thirty-eight, upon the transfer or purported transfer by any person of the ownership of any prescribed trophy to any other person, the transferor shall, at the time of transfer or purported transfer of ownership endorse on the certificate of ownership issued in respect of the prescribed trophy his signature, the date of such transfer, or purported transfer, together with the name of the transferee or purported transferee and shall deliver to the transferee the certificate of ownership so endorsed.
- (3) Subject to section one hundred and thirty-eight, any person who, by way of gift, purchase or otherwise, obtains, or purports to obtain, from any other person the ownership of any prescribed trophy, shall, at the time such ownership is, or is purported to be, transferred to him, obtain from the transferor the certificate of ownership issued in respect of such prescribed trophy endorsed as prescribed by subsection (2).
- (4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

135. Duty to produce ivory or horn of killed elephant or rhinoceros

- (1) Any person who, under any circumstances, kills any elephant or rhinoceros shall, within one month after the date of the killing, produce the ivory or rhinoceros horn of the animal to a wildlife police officer, or to such other person as may be nominated in writing in that regard by the Director, for the purpose of weighing and registering the ivory and rhinoceros horn.
- (2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

136. Duty to produce imported ivory or rhinoceros horn

- (1) Any person who imports ivory or rhinoceros horn into the Republic shall, within one month after the date of importation, produce such ivory or rhinoceros horn to a wildlife police officer, or to such other person as may be nominated in writing in that regard by the Director, for the purpose of weighing and registering the ivory or rhinoceros horn.
- (2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

137. Registration of ivory and rhinoceros horn

- (1) If, after such inquiry as he may consider necessary the wildlife police officer or other person to whom ivory or rhinoceros horn is produced under section one hundred and thirty-five or one hundred and thirty-six, is satisfied that the ivory or rhinoceros horn is the lawful property, under this Act, of the person who killed the animal from which it was procured, or is the lawful property

of, and has been lawfully imported by, the person who produced the same, as the case may be, he shall cause it to be weighed, marked and registered in the manner prescribed and shall then return it to the person who produced it for such purpose and shall issue to the person a certificate of ownership in the prescribed form, in respect of it.

- (2) If, after such inquiry as is referred to in subsection (1), the wildlife police officer or other person to whom the ivory or rhinoceros horn is produced under section one hundred and thirty-five or one hundred and thirty-six, is not satisfied that the ivory or rhinoceros horn is the lawful property of the person who produced it, or that it was lawfully imported, as the case may be, he may retain the ivory or rhinoceros horn pending, and for the purposes of, any proceedings which may be instituted in respect of it under this Act:

Provided that if any proceedings are not instituted within three months after the date of production of the ivory or rhinoceros horn, the wildlife police officer or other person, as the case may be, shall weigh, mark and register the ivory or rhinoceros horn, and shall return it to the person who produced it together with a certificate of ownership in respect of it as provided by subsection (1).

- (3) A person shall not be entitled to compensation of any kind in respect of the retention of any ivory or rhinoceros horn under subsection (2).

138. Transfer of ivory or rhinoceros horn before registration prohibited

Any person who, by way of gift, sale, purchase or otherwise, transfers or obtains any ivory or rhinoceros horn before it has been weighed, marked and registered under section one hundred and thirty-seven shall be guilty of an offence.

139. Transfer of ownership of ivory and rhinoceros horn

- (1) The provisions of section one hundred and thirty-four shall apply to any transfer of ownership of ivory or rhinoceros horn, and in lieu of the endorsement required under subsection (2) of that section, both the transferor and transferee shall endorse upon the certificate of ownership in respect of the ivory or rhinoceros horn, as the case may be a memorandum of the transaction of transfer of ownership bearing the date of the transaction, and both parties shall sign their names at the foot of the endorsed memorandum.
- (2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

140. Government trophies

Any trophy to which absolute ownership has not passed to any person under section three, or under any other provision of this Act, shall be a Government trophy for the purposes of this Act.

141. Possession of Government trophy to be reported

- (1) Any person who obtains possession of any Government trophy shall, as soon as practicable after obtaining possession of it, make a report of his possession of the trophy to the nearest wildlife police officer or such other person as may be nominated in writing in that regard by the Director, and shall, if so required, deliver up, within forty-eight hours of such requirement, the Government trophy to the wildlife police officer or other person, as the case may be.
- (2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

142. Unlawful possession of, or dealing in, Government trophies

- (1) Any person who unlawfully possesses or who purports to buy, sell or otherwise transfer or deal in any Government trophy shall be guilty of an offence.

- (2) For the purposes of this section, possession of any trophy by any person without a certificate of ownership in respect of the trophy shall be *prima facie* evidence of the trophy being a Government trophy and of the unlawful possession of it by the person.

Part XI – Sale and transfer of wildlife animals and of meat of wildlife animals

143. Prohibited dealings in live wild animals

Except with the written permission of the Director or as is otherwise provided by this Act, any person who buys or sells, or who is found in circumstances showing that it is his intention to buy or sell, any live wild animal shall be guilty of an offence.

144. Certificate of ownership of game animal or protected animal or of the meat thereof

- (1) The Director may, in the form prescribed, issue to any person who is in lawful possession of any game animal or protected animal or who intends to sell any meat of a game animal or protected animal a certificate of ownership of the game animal or protected animal, or of the meat, as the case may be.
- (2) Where the Director is satisfied that a certificate of ownership issued under subsection (1) has been issued through error or through the misrepresentation or fraud of any person, he may revoke the certificate and the person to whom that certificate of ownership was issued shall cause the certificate to be returned to the Director for cancellation.
- (3) Any person who fails to comply with subsection (2) shall be guilty of an offence.

145. Power of Minister to control movement of meat of game or protected animals

- (1) The Minister may, by statutory order, prohibit, limit, control, or make subject to condition, the movement of the meat of any game animal or protected animal from any specified area for any period of time expressed in the order, or may by like order exclude, in respect of any specified area, the meat of any game animal or protected animal, specified in the order, from the provisions of this Part or of any provision of the order.
- (2) Any condition imposed by the Minister under subsection (1) may be applicable generally throughout the Republic or may be applicable to the meat of all game animals or protected animals or to all persons, or it may be limited to such specified areas, or to the meat of such specified game animal or protected animal or to such specified classes of persons, as the Minister may determine.
- (3) Any person who fails to comply with this section, or with any limitation or condition imposed under it shall be guilty of an offence.

146. Authority to sell or hunt any game animal or protected animal or meat thereof

- (1) The Minister may authorise in writing any person who is the licensee under a special licence and who is in possession of a certificate of ownership to—
 - (a) sell or hunt any game animal or protected animal which was hunted in a National Park or game management area under the special licence;
 - (b) permit any other person to hunt any game animal or protected animal reared by licence under the special licence; or
 - (c) to sell the meat of any game animal or protected animal hunted under paragraph (a) and (b).
- (2) The Director may authorise in writing any person to sell any game animal or protected animal or the meat of any game animal or protected animal other than any game animal or protected animal which was hunted in any National Park or game management area under a special licence or the meat of any such game or protected animal.

- (3) The Minister or the Director, as the case may be, may impose such conditions as he considers fit upon the exercise of any authority issued by him, under subsection (1) or (2), as the case may be, and any such condition shall be endorsed upon such written authority at the time of its issue.

147. Sale of game animal or protected animal or of the meat thereof

- (1) Any person who sells any game animal or protected animal or any meat of a game animal or protected animal shall, at the time of the sale, be in actual possession of a certificate of ownership issued in respect of the game or protected animal or of the meat of a game animal or protected animal, as the case may be, and shall also be in possession of an authority issued under section one hundred and forty-six to sell the game animal or protected animal or the meat of a game animal or protected animal.
- (2) Except as may be otherwise prescribed, every seller shall, upon the sale of any game animal or protected animal or of any meat of a game animal or protected animal, endorse upon the certificate of ownership issued in respect of the game animal or protected animal, or of the meat of a game animal or protected animal, such details of the authority to sell the animal as may be prescribed, and he shall deliver up to the buyer the endorsed certificate of ownership, or a note of such certificate and endorsement, in the prescribed form, before or at the time of the delivery of the game animal or protected animal, or of the meat of a game animal or protected animal, as the case may be.
- (3) If the seller has not previously delivered to the buyer the endorsed certificate of ownership of any game animal or protected animal or of any meat of a game animal or protected animal, as the case may be or the prescribed note of such certificate and endorsement as required under subsection (2), the buyer shall, at the time of delivery of the game animal or protected animal or the meat of a game animal or protected animal, under the sale, obtain from the seller the duly endorsed certificate of ownership or other prescribed note of such certificate and endorsement.
- (4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

Part XII – Import and export of wild animals, meat and trophies

148. Import of wild animals, etc, without permit prohibited

Any person who imports any wild animal or any meat of any wild animal or of any trophy, except in accordance with a valid import permit issued under section one hundred and forty-nine shall be guilty of an offence.

149. Permits to import wild animals, meat or trophies

- (1) The Director may, issue to any person a permit, in the form prescribed, to import any wild animal or the meat of any wild animal or any trophy, other than ivory or rhinoceros horn, which permit may be subject to any conditions which the Director may impose and shall be valid for such time as is expressed in the permit.
- (2) The Minister may, issue to any person a permit, in the form prescribed, to import any ivory or rhinoceros horn, which permit may be subject to any conditions which the Minister may impose and shall be valid for such time as is expressed in the permit.
- (3) Any permit issued under this section shall not be in substitution of any permit or authority to import any wild animal or meat, or any trophy, or ivory or rhinoceros horn, required by or under any other written law; nor shall any such permit be deemed to relieve any person from any restriction on or prohibition of the import of any wild animal, meat, trophy, ivory or rhinoceros horn imposed by or under any other written law.

150. Restriction on import of wild animals, meat or trophies

- (1) Any person who imports or who attempts to import any wild animal, meat or any wild animal or any trophy except—
 - (a) through a customs port of entry;
 - (b) where he produces to the customs officer satisfactory evidence that such wild animal, meat or trophy has been lawfully exported from the country of origin; and
 - (c) where he produces to the customs officer a valid permit to import the same issued under section one hundred and forty-nine:shall be guilty of an offence.
- (2) Any person who imports through a customs port of entry any wild animal, meat of any such animal, or any trophy, but who, at the time of such import, is unable to adduce the evidence required under paragraph (b) of subsection (1) or has not in his possession the import permit required to be produced under paragraph (c) of subsection (1) shall be given a reasonable time during which to produce the evidence or the permit, as the case may be, during which time the customs officer shall detain the wild animal, meat, or trophy, as the the case may be.
- (3) If the country from which any wild animal, meat of any animal or trophy is exported is not the country of origin, it shall be sufficient for the purposes of paragraph (b) of section (1) if there is produced to the customs officer satisfactory evidence that the animal, meat or trophy was lawfully exported from the country of export.
- (4) Upon conviction, of any person of an offence under this section, the court may, at the request of the prosecution and in addition to any other penalty imposed, declare any wild animal, meat or trophy so imported, or so attempted to be imported, to be forfeited or order it to be destroyed, without compensation, or may both declare it to be forfeited and order it to be so destroyed, without compensation.
- (5) Any wild animal, meat, or trophy declared to be forfeited under subsection (4), but not ordered to be destroyed may be disposed of as the Director may direct.

151. Certificates of ownership of imported prescribed trophies

Subject to the provisions of sections one hundred and thirty six and one hundred and thirty-seven in respect of the import and registration, respectively, of ivory and rhinoceros horn, any person who imports any prescribed trophy shall, within one month after the date of the import of the prescribed trophy, apply to the Director for a certificate of ownership in respect of the prescribed trophy pursuant to section one hundred and thirty-two.

152. Export of wild animals, etc., without permit prohibited

Any person who exports any wild animal or any meat of such animal or any trophy which is found in Zambia in a wild state except in accordance with a valid export permit issued under section one hundred and fifty-three shall be guilty of an offence.

153. Permits to export wild animals, meat or trophies

- (1) The Director may issue to any person a permit, in the form prescribed, to export the meat of any wild animal or any trophy (other than ivory or rhinoceros horn), which permit may be subject to any conditions which the Minister may impose and shall be valid for such time as is specified on the permit.
- (2) The Minister may, issue to any person a permit, in the form prescribed, to export any ivory or rhinoceros horn or any live wild animal which is found in Zambia in a wild state, which permit may

be subject to any conditions which the Minister may impose and shall be valid for such time as is specified in the permit.

- (3) Any permit issued under this section shall not be in substitution of any permit or authority to export any such wild animal, meat, trophy, or ivory or rhinoceros horn, required by or under any other written law; nor shall any such permit be deemed to relieve any person from any restriction on or prohibition of the export of any such wild animal, meat, trophy, or ivory or rhinoceros horn, imposed by or under any other written law.

154. Restriction on export of wild animals, meat or trophy

- (1) Any person who exports or attempts to export any wild animal which is found in Zambia in a wild state, meat, of any wild animal or any trophy, ivory or rhinoceros horn except—
 - (a) through a customs port of entry; and
 - (b) under and in accordance with the conditions of an export permit issued in respect of the animal, bird, meat or trophy, ivory or rhinoceros horn under section one hundred and fifty three;

shall be guilty of an offence.

- (2) Any person who exports or attempts to export any wild animal, meat of any wild animal, or any trophy, ivory or rhinoceros horn, shall produce to the customs officer for inspection the export permit issued in respect thereof under section one hundred and fifty-three together with a certificate of ownership of the wild animal, meat, trophy, ivory or rhinoceros horn, issued under this Act:

Provided that if that person is not in possession of the export permit or the certificate of ownership in respect thereof at the time of the export or attempted export, he shall be given a reasonable time within which to produce the same; during which time the customs officer shall detain the wild animal, meat, trophy, ivory or rhinoceros horn, as the case may be.

155. Wild animals, meat and trophies in transit

- (1) This Part shall not apply to any wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn—
 - (a) in transit through Zambia, if the wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn is accompanied by the necessary transit customs documents issued in the country of origin or of export of the wild animal, meat, trophy, ivory or rhinoceros horn and is entered through a customs port of entry; or
 - (b) accompanied by any person who is in possession of and surrenders to a customs officer a certificate, issued by the country of origin or of export of the wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn, that the person is lawfully authorised to export the wild animal, meat, trophy, ivory or rhinoceros horn and the person satisfies the customs officer—
 - (i) that the certificate was issued to that person; and
 - (ii) that the person is himself exporting the wild animal, meat, trophy, ivory or rhinoceros horn as the case may be, from Zambia.
- (2) Any person who contravenes or fails to comply with paragraphs (a) or (b) of subsection (1) shall be guilty of an offence.

156. Power of Minister to suspend application of this Part

The Minister may, by statutory order, suspend the operation of this Part or any section of this part, either generally or in respect of any specified wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn, or for any period of time expressed in the order.

Part XIII – Miscellaneous**157. Right to enter land**

Any proper officer, or any honorary wildlife police officer duly authorised in writing by the Director to act under this section, may with a warrant, enter upon any land, building, tent, vehicle, aircraft or boat for the purpose of carrying out the provisions of this Act, or for the purpose of preventing or detecting any offence under this Act:

Provided that no private dwelling-house shall be entered pursuant to this section except in the presence of the occupier or of a person over the apparent age of sixteen years who resides therein as a member of the occupier's family.

158. Right to search

- (1) If any proper officer, or honorary wildlife police officer duly authorised in writing by the Director to act under this section, has reasonable grounds for believing that any person has committed or is committing or is about to commit an offence under this Act, or thinks it necessary for the purpose of verifying any licence or permit purported to have been issued to any person under this Act, or under the Firearms Act, he may, with a warrant, inspect and search any building or tent or any baggage, package, wagon, caravan, vehicle, boat or aircraft in the possession or under the control of that person.
- (2) If the proper officer or honorary wildlife police officer in accordance with subsection (1) finds any game animal or protected animal, meat of any game animal or protected animal, trophy, vegetation, firearm, spear, bow, arrow or other weapon, or any explosive, net, snare, trap or poison, which appears to have obtained, or to be possessed, or to have been used, or to be about to be used, in contravention of this Act, or if he finds any other article which appears to have been used, or to be about to be used, in contravention of this Act, such game animal or protected animal, trophy, meat, vegetation, firearm, spear, bow, arrow, or other weapon, or such other article, may be seized and detained by the proper officer or honorary wildlife police officer on behalf of the Director.
- (3) Any proper officer or honorary wildlife police officer who seizes and detains any thing, weapon or article under subsection (2) shall give to the person from whom such thing, weapon or article was seized a receipt in the prescribed form signed by the officer or honorary wildlife police officer, as the case may be.
- (4) In the event of—
 - (a) the Director being advised in writing by the Director of Public Prosecutions that no prosecution consequent upon any search and seizure made under subsections (1) and (2), respectively, should be instituted; or
 - (b) any prosecution having been finally concluded;

then, in either event, any thing, weapon or article so seized and detained under subsection (2) shall be returned to the owner or to the person from whose custody it was taken, and shall be so returned

within ten days from the date of the receipt by the Director of the advice that no prosecution should be instituted or from the date any prosecution has been finally concluded, as the case may be:

Provided that any thing, weapon or article shall not be returned under this subsection if it has been declared by the court to be forfeited, or ordered to be destroyed, under this Act or any other written law.

[Cap. 110]

159. Power of arrest

- (1) When any person is found committing any offence or is reasonably suspected of having committed an offence under this Act any proper officer or honorary wildlife police officer may demand the person's name and address, and if that person refuses to furnish such information, or fails to furnish such information to the satisfaction of the proper officer or honorary wildlife police officer or honorary wildlife officer or if the proper officer or honorary wildlife police officer has reasonable grounds for believing that unless arrested the person will escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, he may arrest such person without warrant and keep that person in custody.
- (2) Subject to subsection (3) any person arrested under subsection (1) shall be taken as soon as practicable before a court, and shall not be detained for longer than is reasonably necessary for that purpose.
- (3) Where any person is arrested under subsection (1), a wildlife police officer-in-charge of a wildlife police outpost to which the person is brought may, in any case, and shall, if it does not appear practicable to bring that person before a court within twenty-four hours after he was so taken into custody, inquire into the case, and, unless the offence appears to the officer to be of a serious nature, release the person, on his executing a bond, with or without sureties, for a reasonable amount, to appear before a competent court at a time and place to be named in the bond; but, where any person is retained in custody, he shall be brought before a court as soon as practicable.
- (4) Notwithstanding anything contained in this section an officer-in-charge of a wildlife police outpost may release a person arrested under subsection (1) when, after due wildlife police inquiries, insufficient evidence is, in his opinion, disclosed on which to proceed with the charge.

160. General powers and duties of wildlife police officers

- (1) Every wildlife police officer shall exercise such powers and perform such duties as may be conferred or imposed upon a wildlife police officer under this Act, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from a wildlife police officer superior in rank to him.
- (2) Every wildlife police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Zambia.
- (3) It shall be the duty of every wildlife police officer promptly to obey and execute all orders and warrants lawfully issued to him by any officer superior to him, to collect and communicate intelligence affecting the conservation of wildlife, to prevent the commission of offences under this Act, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.
- (4) The provisions of this Act shall be in addition and not in substitution for, or in derogation of, any of the powers, authorities, privileges and advantages, nor in substitution for, or in derogation of, the duties and responsibilities of a wildlife police officer of the rank of scout, at common law.

161. Power to take photographs, measurements, finger prints, etc.

- (1) Any wildlife police officer of or above the rank of Assistant Wildlife Ranger may, on the prescribed form, take or cause to be taken in his presence, for the purpose of record and identification, the

measurements, photographs, fingerprints, handprints and footprints of any person in lawful custody.

- (2) A wildlife police officer acting in accordance with subsection (1) shall certify on the form prescribed that the fingerprints have been taken by him, or that he has caused them to be taken in his presence, in accordance with the directions contained on the form, and that the particulars entered on the form are, to the best of his knowledge and belief, accurate and true.
- (3) All records of the measurements, photographs, fingerprints, handprints and footprints and any negatives and copies of such photographs, or of photographs of such fingerprints, handprints and footprints taken of a person under this section shall, forthwith, be destroyed or handed over to that person, if he is not charged with an offence or is discharged or acquitted by a court, and has not previously been convicted by a court.
- (4) For the purposes of this section 'person in lawful custody' means any person taken into custody under section one hundred and fifty-nine.

162. Traffic barriers and cordons

- (1) Notwithstanding the provisions of any other law, if any wildlife police officer of or above the rank of Assistant Wildlife Ranger considers it necessary so to do for the prevention and detection of an offence relating to wildlife he may—
 - (a) erect or place or cause to be erected or placed barriers or cause a cordon to be formed, in or across any road or street or any other public place in such manner as he may think fit;
 - (b) cause a cordon to be placed in or across or around any public place or private property in such manner as he may think fit, and for that purpose it shall be lawful for the wildlife police officer forming the cordon, without the consent of any person, to enter any property and do any act or thing necessary for the effective formation of the cordon.
- (2) Where a barrier has been erected or placed or a cordon formed under subsection (1) any wildlife police officer may take all reasonable steps to prevent any person passing or any vehicle being driven past the barrier or cordon.
- (3) The driver of any vehicle who fails to comply with any reasonable signal of a wildlife police officer requiring such driver to stop his vehicle before reaching any barrier erected or placed or cordon formed under subsection (1), shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding twelve months, or to both.
- (4) Any person who breaks through or attempts to break through any barrier erected or placed or cordon formed, under subsection (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding twelve months, or to both.

[As amended by Act [No. 13 of 1994](#)]

163. Power to use firearms

- (1) A wildlife police officer may, subject to subsections (2) and (3), use any firearm which has been issued to him against any person—
 - (a) in lawful custody charged with or convicted of an offence under this Act when that person is escaping or attempting to escape;
 - (b) who by force rescues or attempts to rescue any other person from lawful custody;
 - (c) who by force prevents or attempts to prevent the lawful arrest of himself or of any other person:

Provided that a wildlife police officer shall not use a firearm—

- (i) as authorised under paragraph (a) unless the wildlife police officer has reasonable grounds to believe that he cannot otherwise prevent the escape and unless he shall give a warning to the person that he is about to use a firearm against him and the warning is unheeded;
 - (ii) as authorised under paragraph (b) or (c) unless the wildlife police officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect the arrest or prevent the rescue.
- (2) A wildlife police officer shall not, in the presence of his superior officer, use a firearm against any person except under the orders of that superior officer.
- (3) The use of firearms under this section shall as far as possible be to disable and not to kill.
- (4) The authority vested in a wildlife police officer by subsection (1) shall be in addition to and not in substitution for any authority to use firearms vested in a wildlife police officer by any other written law.

164. Documents to be produced on request

- (1) Any licence permit, authority, certificate or other document issued under this Act shall upon request be produced by the holder for inspection by any proper officer or honorary wildlife police officer or any other person duly authorised in writing by the Director.
- (2) Any person who fails to comply with any request made under subsection (1) shall be guilty of an offence.

165. Compliance with Firearms Act

Nothing in this Act shall exempt any person from compliance with the Firearms Act.

[Cap. 110]

166. Prosecutions by public officers

- (1) The Director of Public Prosecutions may, at the request of the Minister or the Director, in writing, nominate by name or rank any public officer or class of public officer of the Department of National Parks and Wildlife Service to undertake and prosecute criminal proceedings in respect of any offence alleged to have been committed by any person in contravention of this Act, and may at any time, without assigning any reason, cancel any such nomination.
- (2) In undertaking or prosecuting any proceedings under sub-section (1), the public officer shall act in accordance with the general or special instructions of the Director of Public Prosecutions, and shall for the purpose of any such prosecution have the powers of a public prosecutor appointed under any law for the time being in force.

Part XIV – Offences, penalties and forfeitures

167. Prohibition of bush or grass fires in National Parks

Any person, other than a person authorised in writing by the Director, who causes any bush or grass fire within the confines of any National Park shall be guilty of an offence:

Provided that this section shall not apply to any wildlife police officer while acting under the written direction of the Director.

168. Prohibitions

- (1) Any person who—
- (a) obstructs any proper officer or any honorary wildlife police officer or any duly appointed person in the lawful exercise of any powers conferred by or under this Act;
 - (b) refuses to furnish to any proper officer or honorary wildlife police officer or any duly appointed person, on request, any particulars or information to which the proper officer, honorary wildlife police officer or duly appointed person is entitled by or under this Act; or
 - (c) wilfully or recklessly gives to any proper officer, honorary wildlife police officer or duly appointed person, any false or misleading particulars or information with respect to any fact, or particulars to which the proper officer, honorary wildlife police officer or duly appointed person is entitled by or under this Act;
- shall be guilty of an offence.
- (2) For the purposes of this section, the expression "duly appointed person" means any person to whom duties in connection with the administration of this Act have been delegated by the Minister or the Director, as the case may be, under this Act.

169. Failure to keep registers or to furnish returns, an offence

Any person, being a person required by or under this Act to keep any register or to furnish any return or information to the Minister or the Director, who—

- (a) fails to keep such register or to furnish such return or information as required;
- (b) fails to make any entry in such register or to furnish such return or information within the time prescribed; or
- (c) with intent to mislead, makes any entry in such register or furnishes any return or information which is false in a material particular;

shall be guilty of an offence.

170. Prohibition of alteration, defacement or removal of official records

Any person who, without lawful authority, alters, defaces or removes—

- (a) any register, index or other official record maintained under this Act or of any order, requirement, regulation or rule made thereunder; or
- (b) any entry appearing in any such register, index or other official record;

shall be guilty of an offence.

171. Prohibition of alteration or defacement of prescribed documents or records

Any person who, without lawful authority, alters or defaces any licence, permit, authority, certificate, register, return, record or other document, prescribed, issued, furnished or kept under this Act, shall be guilty of an offence.

172. Secrecy

Any person who—

- (a) being a person employed for the purposes of this Act, publishes or communicates, without lawful authority, to any other person any information acquired by him in the course of his employment; or

- (b) being in possession of any information which, to his knowledge, had been disclosed in contravention of this Act, publishes or communicates that information to any other person;

shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one thousand six hundred penalty units or to a term of imprisonment not exceeding two years, or to both.

[As amended by Act [No. 13 of 1994](#)]

173. General penalty

Except where otherwise expressly provided in this Act, any person who is convicted of an offence under this Act shall be liable upon conviction—

- (a) for a first offence to a fine of not less than four hundred penalty units but not exceeding four thousand penalty units or to a term of imprisonment of not less than six months but not exceeding five years, or to both.
- (b) for a second or subsequent offence to a fine of not less than eight hundred penalty units or to a term of imprisonment of not less than one year but not exceeding seven years, or to both.

[As amended by Act [No. 13 of 1994](#)]

174. Penalty for offence involving elephant and rhinoceros

- (1) Any person who is convicted of hunting, wounding, molesting or reducing into possession any elephant or rhinoceros in contravention of any provision of this Act shall be liable upon conviction —
 - (a) for a first offence, to a term of imprisonment, without the option of a fine, of not less than five years but not exceeding ten years; and
 - (b) for a second or subsequent offence, to a term of imprisonment, without the option of a fine, of not less than seven years but not exceeding fifteen years.
- (2) If the court is satisfied that in case of an offence referred to in subsection (1), that the offence was committed for the purpose of, or in connection with, illegal trafficking in ivory or rhinoceros horn, the offender shall be sentenced—
 - (a) for a first offence, to imprisonment for a term not less than seven years without the option of a fine; and
 - (b) for a second or subsequent offence, whether or not the previous offence involved is illegal trafficking, to imprisonment for a term of not less than ten years without the option of a fine.

175. Penalty for unlawful hunting in National Parks

Except as otherwise expressly provided in this Act, any person who is convicted of an offence involving unlawful hunting within a National Park shall be liable upon conviction:

- (a) for a first offence to imprisonment, without the option of a fine, for a term of not less than one year but not exceeding ten years; and
- (b) for a second or subsequent offence to imprisonment, without the option of a fine, for a term of not less than two years but not exceeding fifteen years.

176. Penalty for possessing, buying or selling meat or wild animal or trophy

Except as provided by section one hundred and seventy-seven, any person who is convicted of being in possession of, or of selling, buying, importing or exporting or of attempting to sell, buy, import or export, any meat of a wild animal or any trophy in contravention of this Act shall be liable, upon conviction, to a

fine not exceeding five thousand six hundred penalty units or to imprisonment for a term not exceeding seven years, or to both.

[As amended by Act [No. 13 of 1994](#)]

177. Penalty for possessing, buying or selling any protected animal or trophy of protected animal or prescribed trophy

- (1) Except as otherwise provided in subsection (2) any person who is convicted of an offence under this Act which involves being in possession of, or selling, buying, importing or exporting, any protected animal or the meat or any trophy of a protected animal, in contravention of this Act, shall be liable, upon conviction, to imprisonment without the option of a fine for a term not exceeding seven years.
- (2) Any person who is convicted of an offence under this Act which involves being in possession of, or of selling, buying, importing or exporting any prescribed trophy in contravention of this Act shall be liable upon conviction—
 - (a) for a first offence, to imprisonment, without the option of a fine, for a term of not less than five years but not exceeding ten years; and
 - (b) for a second or subsequent offence, to imprisonment, without the option of a fine, for a term of not less than seven years but not exceeding fifteen years.

178. Penalty for unlawful hunting or wounding, etc.

Except as otherwise provided in this Act, any person who is convicted of an offence under Part VIII or Part IX shall be liable upon conviction to a fine not exceeding four hundred penalty units or to a term of imprisonment not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

179. Destruction of game-pits, etc., on conviction

Where any person is convicted of an offence under this Act in respect of any game-pit, pitfall, trench or similar excavation, fence or enclosure, or other device fixed to the ground, which such person has made, used, or had in his possession, for the purpose of hunting in contravention of the provisions of this Act, the court shall, in addition to any other punishment, order such game-pit, pitfall, trench, excavation, fence, enclosure or device to be destroyed or obliterated in such manner as the court may specify, and any expenditure incurred on account of such order shall be recoverable from such person as a civil debt to the Government.

180. Forfeiture provision on conviction

- (1) Upon the conviction of any person of an offence under this Act, the court shall, at the request of the prosecution, in addition to any other penalty imposed, declare any wild animal, meat of any wild animal trophy, firearm or other weapon or any trap, net, poison, material or article, or, subject to subsections (2) to (8) inclusive, any vehicle, aircraft or boat, with which the offence was committed, or which was used in, or for the purpose of, or in relation to, or in connection with, the commission of the offence, to be forfeited without compensation and shall order the same to be disposed of as the Minister considers fit:

Provided that in relation to an offence to which section fifty-five, one hundred and seventy-four, or one hundred and seventy-five or subsection (2) of section one hundred and seventy-seven applies, the court shall, in every case, order the forfeiture of the wild animal, meat of the wild animal or any trophy or any firearm or other weapon or any tent or dazzling light which was the subject of the offence or with which the offence was committed as the case may be, or which was used in or for the purposes of, or in relation to, or in connection with, the commission of the offence.

- (2) Where the prosecution requests a declaration of forfeiture under subsection (1) in respect of any vehicle, aircraft or boat, as the case may be, the court shall make an order (hereinafter referred to

as a conditional order), to the effect that unless any person other than the convicted party claims, under this section, any right of ownership in the vehicle, aircraft or boat within three months of the date in subsection (3), the prosecution may apply to the court *ex parte* for a declaration of forfeiture under subsection (1), and the court shall make the declaration.

- (3) Upon the making of a conditional order under subsection (2), the Director shall, within one month thereafter, cause to be published in the *Gazette* and in at least one issue of a newspaper in general circulation in the place where the offence was committed, a notice of the making of the order, which notice shall be in the form prescribed, or, if no such form is prescribed, in a form approved by the court.
- (4) If under any written law requiring registration the vehicle, aircraft or boat is registered in Zambia in the name of any person other than the party convicted, the Director shall, within seven days after publication of the notice in the *Gazette* cause a copy to be sent by registered post in a sealed envelope addressed to the person at his address as it appears on the register, and the certificate of registration of the letter shall be conclusive evidence of service of the notice upon such person.
- (5) Any person who claims any right of ownership in any vehicle, aircraft or boat may, within three months after the making of the conditional order referred to in subsection (2), serve upon the Director and lodge with the clerk of the court an application in writing for the discharge of the conditional order setting out his claim of ownership in the vehicle, aircraft or boat, as the case may be; whereupon the clerk of the court shall fix a date, not less than one month after the lodgement of the application for a hearing and shall, within seven days after the lodgement, cause notice of the hearing of the application to be served upon the Director.
- (6) In any proceedings brought under subsection (5), the onus of proof shall be on the applicant and no order discharging the conditional order shall be made unless the applicant has adduced evidence and proved to the satisfaction of the court that he was not in any way privy to the offence and that the vehicle, aircraft or boat was, at the time of the commission of the offence, being used for such purpose without his knowledge or consent, and without, on his part, any negligent disregard, of its user by the convicted party.
- (7) Where, upon any application made under subsection (5), the court is satisfied that the vehicle, aircraft or boat, as the case may be, is owned jointly by the claimant and the convicted party, or is the subject-matter of a hire-purchase agreement between the claimant and the convicted party, and the claimant has discharged onus of proof prescribed by subsection (6), the court shall declare forfeited all of the estate or interest of the convicted party in and to the vehicle, aircraft or boat, as the case may be, or all of the rights therein accrued to him under the hire-purchase agreement or under the Hire-Purchase Act and order the estate, or interest or rights to be disposed of as the Minister may consider fit.

[Cap. 399]

- (8) Except with the consent of the Minister, any right vested in any claimant under any hire-purchase agreement or under the Hire Purchase Act to repossess any vehicle, aircraft or boat which is subject to a conditional order made under subsection (2), shall be suspended pending the determination of any application brought under subsection (5), and in the event of the court declaring the rights therein accrued to the convicted party to be forfeited, the accrued right to repossess the vehicle, aircraft or boat shall not be exercisable against the Government.

[Cap. 399]

181. Disposal of animals and goods seized

- (1) Where a trophy, firearm, or other weapon, trap, net, poison or instrument, or any vehicle, aircraft, boat, material or article is seized under this Act, or of any other written law, in relation to or in connection with the commission of any offence under this Act, and the person suspected of having committed the offence is unknown, or cannot be found for the purpose of service of the process of the court charging him with the offence, or, having been served with such process, fails to appear in answer to the charge, the Director may, one month after publication of a notice of his intention

so to do, in one issue of a newspaper of general circulation in the district in which the offence is alleged to have been committed, apply by way of original application, *ex parte*, to the court for an order declaring the trophy, firearm or other weapon, trap, net, poison or instrument, or any vehicle, aircraft, boat, material or article, as the case may be, to be forfeited without compensation and ordering it to be disposed of as the Minister may consider fit.

- (2) If any person claims any right of ownership in any vehicle, aircraft or boat, to which a notice published under subsection (1) applies, he may, within one month after the date of publication, lodge with the clerk of the court a notice of claim of ownership and serve a copy of the notice upon the Director, and the provisions of subsection (4) to (8) inclusive of section one hundred and eighty shall apply, with the necessary modifications, to the claim of ownership.
- (3) If any wild animal or meat of any wild animal is seized under this Act, or of any other written law, in relation to or in connection with the commission of any offence under this Act, the Director may apply to the court by way of original application, *ex parte*, for an order for the immediate disposal by sale or otherwise of the animal or meat, and the court may order the sale and in the event of a sale of the animal or meat the proceeds shall be held by the Director pending the determination of any proceedings brought in respect of the offence and shall be dealt with by him as the court may direct; or, if the person suspected of having committed the offence is unknown or cannot be found for the purposes of service of the process of the court, subsection (1) shall apply with necessary modifications to the proceedings

182. Surrender of licence, permit, or authority to Director on conviction

Where any licensee under any licence, or any holder of any permit or authority, issued under this Act, is convicted of an offence under this Act, the court shall, in addition to any penalty imposed, order the person to surrender forthwith to the Director the licence, permit or authority, as the case may be, to be dealt with by the Director in accordance with the applicable relevant provisions of this Act.

183. Portion of fine for offence payable to council

Upon the payment of any fine imposed under this Act for any offence under this Act, there shall be paid into the general fund of the council within whose area the offence was committed such portion of such fine as the Minister may, after consultation with the Minister responsible for finance, by regulation prescribe.

Part XV – Forms and regulations

184. Prescribed forms

The Minister may, by regulation, prescribe forms to be used for the purposes of this Act.

185. Regulations

- (1) The Minister may, after consultation with the Director, by regulations, prescribe anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified, and may in like manner make regulations for the better carrying out of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision for—
 - (a) returns to be furnished to the Minister or to the Director by holders of game licences, professional hunter's licences, apprentice professional hunter's licences, professional tour guides' licences, hunting permits issued under Part IV or V or trophy dealer's permits and by any persons who import or export any wild animals or the meat of such animals, or any trophies;
 - (b) fees payable upon application for authorities or permits where no other provision with respect to such fees is made under this Act;

- (c) the terms and conditions under which game or protected animals may be hunted under any game licence issued under Part VII, the numbers and sex of each species which may be so hunted, the times of the year in which any species of game or protected animal may be hunted either generally or in any specified area, the type of weapons prohibited or permitted and such other matters in respect of hunting as he considers fit;
- (d) the hearing and determination of appeals to the Minister or to the Director, and the fees payable upon any appeal;
- (e) the remuneration and allowances payable to members of the Board;
- (f) the control of entry into, and passage through, and the regulation of the activities of persons within, any game management area;
- (g) controlling or prohibiting the settlement or residence of persons in any game management area;
- (h) permitting, controlling or prohibiting the burning, cutting, felling or removal of vegetation from a game management area;
- (i) controlling or prohibiting the hunting of game and protected animals or any species or variety or sex of game or protected animals in any game management area;
- (j) the terms and conditions under which game or protected animals may be hunted in any game management area under any permit issued under section fifty-six;
- (k) the terms and conditions under which game or protected animals may be hunted in any National Park under any permit issued under section forty-four;
- (l) the regulation, control or prohibition of the entry or sojourn of domestic animals in any game management area;
- (m) the control, regulation or prohibition of land development or of mining within any game management area; and the imposition of terms and conditions under which land development or mining may be undertaken in such area;
- (n) the control of the sale or movement of any game or protected animal, meat of any game or protected animal, or of any trophy, from any game management area;
- (o) the payment, in whole or in part, of any fees payable under this Act, to any council;
- (p) fees to be paid for anything to be done under this Act;
- (q) the remission in special cases of any fees payable under this Act;
- (r) the prohibition, regulation or control of the hunting of wild animals in or near any municipality, township, residence, farm buildings, factory, quarry or mine or upon, over or near any road specified in the regulations;
- (s) fees to be paid upon the import or export of any prescribed trophy;
- (t) the terms and conditions under which any professional hunter's licence or apprentice professional hunter's licence or professional tour guide's licence or any permit or authority may be issued under this Act including the manner in which the holder of any such licence, permit or authority is to receive payment for any services rendered by him under the licence, permit or authority;
- (u) limiting the number of supplementary game licences which may be issued in respect of any specified area during any specified time;
- (v) the sealing of firearms in areas where the hunting of animals is prohibited or controlled;
- (w) the declaration of bird sanctuaries and for the control of entry into and regulation of activities of any persons within any such bird sanctuary;

- (x) the furtherance of knowledge as regards wildlife, by means of literature, lectures, courses of instruction, films, radio and television programmes, approved tours or such other means as may appear appropriate in the circumstances;
 - (y) the terms and conditions under which wild animals lawfully owned may be kept in captivity, including specifications as to the size and design of enclosures for such wild animals;
 - (z) the payment of rewards prescribed by the regulations to finders of trophies; and
 - (aa) the terms and conditions under which any export permit may be issued under this Act.
- (2) The Minister may, in any regulation made under this section, prescribe in respect of the contravention of any provision of the regulations—
- (a) for a penalty not exceeding a fine of four thousand penalty units or a term of imprisonment for a period not exceeding five years, or to both;
 - (b) the forfeiture of anything which was the subject matter of the contravention or as the case may be, with which the offence was committed or which was used in, or for the purpose of, or in relation to, or in connection with, the commission of the contravention; and
 - (c) in the case of a continuing offence, an additional penalty not exceeding a fine of sixteen penalty units on each count.

[As amended by Act [No. 13 of 1994](#)]

First Schedule

All species or subspecies of the following animals occurring in Zambia:

Animals
Buffalo
Bushbuck
Bushpig
Crocodile
Duiker, Blue
Duiker, Yellow-backed
Eland
Genet Cats
Grysbok, Sharpe's
Hartebeest, Liechtenstein
Hippopotamus
Hyena, Spotted
Jackal, Side-Striped
Kudu
Leopard
Lion
Monitors, both species
Oribi
Otter, Spotted-necked

Otter, Clawless or Small-clawed
Puku, including Senga Kob
Python
Reedbuck
Serval Cat
Civet
Warthog
Wildebeest, Blue or Brindled
Wildebeest, Cookson's
Wild Dog
Zebra
Birds:
Duck, Teal and Geese, all species, including:
White-backed Duck
African Pochard
Yellow-billed Duck
Cape Pigeon
Hottentot Teal
Red-billed Teal
Garganey
Pintail

Shoveller
White-faced Tree Duck
Fulvous Tree Duck
Pygmy Goose
Egyptian Goose
Spur-winged Goose
Francolin, all species, including:
Coqui Francolin
Shelleys' Francolin
Red-winged Francolin
Natal Francolin
Hildebrandt's Francolin
Red-throated Francolin
Swaison's Francolin
Guinea Fowl, all species, including:
Helmeted Guinea Fowl
Crested Guinea Fowl
Quail and Button-quail, all species, including:
Harlequin-Quail
Blue Quail
Natal Button-Quail

Sandgrouse, all species including:
Yellow-throated Sandgrouse
Double-banded Sandgrouse
Snipe and Painted Snipe, all species, including:
Common Snipe
Double or Great Snipe
Ethiopian Snipe
Jack Snipe
Painted Snipe
Pigeon, all species, including:
African Green Pigeon
Rameron
Scaly Grey

Second Schedule (Sections 87, 89, 92 and 129)**Prescribed fees**

1. Professional Hunter's Licence:	Fee Units
(a) Citizen of Zambia	400
(b) Non-citizen of Zambia who is the holder of a certificate of status as an established resident issued under section thirty-three of the Immigration and Deportation Act <i>[Cap. 123]</i>	800
(c) Non-citizen of Zambia who is the holder of an employment permit under section eighteen of the Immigration and Deportation Act <i>[Cap. 123]</i>	US \$5,000
2. Apprentice Professional Hunter's Licence:	
(a) Citizen of Zambia	80
(b) Non-citizen of Zambia who is holder of a certificate of status as an established resident issued under section thirty-three of the Immigration and Deportation Act; <i>[Cap. 123]</i>	160
3. Professional Tour Guide's Licence:	
(a) Citizen of Zambia	40
(b) Non-citizen of Zambia who is the holder of a certificate of status as an established resident issued under section thirty-three of the Immigration and Deportation Act <i>[Cap. 123]</i>	80
(c) Non-citizen of Zambia who is the holder of an employment permit issued under section eighteen of the Immigration and Deportation Act <i>[Cap. 123]</i>	US \$100

4. Trophy dealers' permit	80
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[As amended by Act [No. 13 of 1994](#)]

Third Schedule (Section 8)

Form 1 - Form of attestation

I _____, do swear/solemnly and sincere declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Zambia, that during my service with the National Parks and Wildlife Service I will preserve, protect and defend the National Parks and Wildlife Act, and will obey all lawful orders of the President and of all officers placed over me and will subject myself to all orders or regulations relating to the said service.

Signature or thumb print of wildlife police officer _____

Sworn Declared and Affirmed	at _____ this _____ day of _____ 19 _____
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Before me _____,

(Signature of Magistrate or Superior Wildlife Police Officer)

*

Delete whichever does not apply.