

GOVERNMENT OF ZAMBIA

# ACT

No. 33 of 1982

Date of Assent: 24th December, 1982

## An Act to amend the National Parks and Wildlife Act

[31st December, 1982

ENACTED by the Parliament of Zambia,

Enactment

1. This Act may be cited as the National Parks and Wildlife (Amendment) Act, 1982, and shall be read as one with the National Parks and Wildlife Act, hereinafter referred to as the principal Act.

Short title

Cap. 316

2. Section *two* of the principal Act is amended—

Amendment  
of section 2

(a) in the definition of "Deputy Director", by the deletion of "Wildlife, Fisheries and National Parks" and the substitution therefor of "National Parks and Wildlife"; and

(b) in the definition of "Director", by the deletion of "Wildlife, Fisheries and National Parks" and the substitution therefor of "National Parks and Wildlife".

3. Section *four* of the principal Act is amended—

Amendment  
of section 4

(a) by the deletion of the marginal note and the substitution therefor of "Director of National Parks and Wildlife"; and

(b) in subsection (1), by the deletion of "Wildlife, Fisheries and National Parks" and the substitution therefor of "National Parks and Wildlife".

4. Section *five* of the principal Act is amended—

Amendment  
of section 5

(a) by the deletion of the marginal note and the substitution therefor of "Deputy Director of National Parks and Wildlife"; and

(b) by the deletion of "Wildlife, Fisheries and National Parks" and the substitution therefor of "National Parks and Wildlife".

Amendment  
of section 20

5. Section *twenty* of the principal Act is amended in sub-section (5) by the insertion, immediately after "public road within", of ", or leading to, or from,".

Repeal and  
replacement  
of section  
139

6. The principal Act is amended by the repeal of section *one hundred and thirty-nine* and the substitution therefor of the following section:

Penalty  
for offences  
involving  
elephant or  
rhinoceros

139. Any person who is convicted of an offence involving the hunting, wounding, molesting or reducing into possession of any elephant or rhinoceros in contravention of any provision of this Act shall be liable to imprisonment, without the option of a fine, for a term not exceeding ten years:

Provided that if the court is satisfied 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 to imprisonment for a period of not less than five years.

Repeal and  
replacement  
of section  
140

7. The principal Act is amended by the repeal of section *one hundred and forty* and the substitution therefor of the following section:

Penalty for  
unlawful  
hunting

140. (1) Save as is otherwise expressly provided by this Act, any person who is convicted of an offence involving unlawful hunting within a National Park shall be liable—

(a) if it is his first such offence, to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding ten years, or to both such fine and such term of imprisonment; and

(b) if it is his second or subsequent such offence, to imprisonment, without the option of a fine, for a term not exceeding ten years.

(2) Save as is otherwise expressly provided by this Act, any person who is convicted of an offence involving unlawful hunting in any area other than a National Park shall be liable to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding five years or to both such fine and such term of imprisonment.

Repeal and  
replacement  
of section  
142

8. The principal Act is amended by the repeal of section *one hundred and forty-two* and the substitution therefor of the following section:

142. (1) Save as is otherwise provided in subsection (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 protected animal or the meat or any trophy thereof, in contravention of this Act, shall be liable to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding seven years, or to both such fine and such term of imprisonment.

Penalty for  
possessing,  
buying or  
selling  
any  
protected  
animal,  
meat or  
trophy  
thereof or  
any pre-  
scribed  
trophy

(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—

- (a) if it is his first such offence, to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding ten years, or to both such fine and such term of imprisonment; and
- (b) if it is his second or subsequent such offence, to imprisonment, without the option of a fine, for a term not exceeding ten years.

Provided that if the court is satisfied 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 to imprisonment for a period of not less than five years.

9. Section *one hundred and forty-five* of the principal Act is amended in subsection (1)—

Amendment  
of section  
145

- (a) by the deletion of the full-stop and the substitution therefor of a colon; and
- (b) by the insertion, at the end of the subsection, of the following proviso:

Provided that in relation to an offence to which section *one hundred and thirty-nine* or *one hundred and forty* or subsection (2) of section *one hundred and forty-two* 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 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.