

Statutory Instrument No. 94 of 1970

FAUNA CONSERVATION PROCLAMATION, 1961
(22 of 1961)

**FAUNA CONSERVATION (BAKWENA TRIBAL TERRITORY)
HUNTING (AMENDMENT) REGULATIONS, 1970**

(Published on the 23rd October, 1970)

IN EXERCISE of the powers conferred by section 4 read with section 93 of the Fauna Conservation Proclamation, 1961, the Minister of Commerce, Industry and Water Affairs after consultation with the Chief of the Bakwena Tribal Territory and the appropriate District Council has made the following Regulations —

Citation

1. These regulations may be cited as the Fauna Conservation (Bakwena Tribal Territory) Hunting (Amendment) Regulations, 1970.

Amendment of regulation No. 2 of Statutory Instrument No. 37 of 1968

2. Regulation 2 of the Fauna Conservation (Bakwena Tribal Territory) Hunting Regulations, 1968, (hereinafter called the principal regulations) is hereby amended by the insertion in its proper alphabetical place of the following new definition —

““open season” means the period between the fifteenth day of March in any one year and the fifteenth day of November in the same year inclusive of both such days;”.

Amendment of regulation 7 of the principal regulations

3. Subregulation 1 of regulation 7 of the principal regulations is hereby amended by the deletion of the words “30th April” and the substitution therefor of the words “14th March”.

Amendment of regulation 9 of the principal regulations

4. Regulation 9 of the principal regulations is hereby amended by the revocation of subregulation (6) and the substitution therefor of the following new subregulations —

“(6) (a) Subject to subregulation (6) (b), every licence issued under these regulations shall be personal to the licence holder and any purported transfer or assignment or the use thereof by any person other than the said holder shall be deemed to be a surrender by such holder of the licence.

(b) At any time during the validity of the licence the member to whom the licence was issued may make application to the issuing licensing officer for it to be used by another person in the member's family on the member's behalf.

(c) The licensing officer may, at his absolute discretion, grant or refuse such application, and shall, if he grants it, endorse upon the licence in respect of which the application is made the name and address of the person entitled to use the licence on behalf of the member.

(7) In any open season no member shall be issued with more than one licence of any particular type:

Provided that a member may be issued with more than one licence in respect of tribally protected game but may, in any open season, kill no more of any of the

species listed in Part II of the First Schedule hereto than the number stated opposite the name of such species in the third column thereof.

(8) (a) Every licence shall have printed on it a register in which provision shall be made for the entering of details of the species, sex and date of killing of each animal killed by the holder during the period of validity of the licence.

(b) Any licence holder who, within 30 days of killing an animal under the licence, fails to enter or have entered in such register the species, sex and date of killing of such animal, shall be guilty of an offence.

(c) Within the period of 30 days after the expiration of a licence or of its cancellation or withdrawal under regulation 14(2), the licence holder shall return to the licensing office from which the licence was issued such licence with the register thereon duly completed. If the licence be not so returned duly completed then no licensing officer thereafter shall issue to such member any further licence under these regulations until the prior licence is returned duly completed."

Insertion of regulation 10A into the principal regulations

5. The principal regulations are hereby amended by the insertion, immediately following regulation 10, of the following new regulation —

"Production and examination of licence

10A. (1) Before any trophy is sold in respect of any animal listed in the Schedules hereto, the licence holder, or his duly appointed agent, shall produce to the purchaser the licence under which the animal in respect of which the trophy forms a part was hunted and shall afford such purchaser an opportunity to examine the register on the licence in order to satisfy himself that the trophy, the subject of the intended purchase, has been validly obtained under such licence.

(2) Any person purchasing a trophy of any animal listed in the Schedules hereto shall, before buying such trophy, inspect the licence of the person selling and the register thereupon shall satisfy himself that —

- (a) the person effecting the sale is the licence holder or his agent;
- (b) the licence is valid, current and entitles hunting of the animal in respect of which the trophy is part; and
- (c) the register on the licence has entered upon it details of the animal hunted sufficient to satisfy the intended purchaser that such animal has been validly hunted under this licence.

(3) Any seller or purchaser who fails to comply with the provisions of subregulations (1) and (2) respectively shall be guilty of an offence."

Insertion of regulations 12A to 12C into the principal regulations

6. The principal regulations are hereby amended by the insertion of the following new regulations immediately following regulation 12 —

"Sale of live animals prohibited

12A. (1) No person shall buy or sell a live animal which has been captured in the tribal territory.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Certain methods of hunting prohibited

12B. (1) No person shall hunt any animal —

- (a) by means of a dazzling lamp used at night;
- (b) from a mechanically propelled vehicle; or
- (c) while mounted on a horse, mule or donkey.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence.

Wounding of animals to be reported

12C. Any person who wounds, without killing, any animal specified in the Seventh Schedule to the Act shall report such wounding without unnecessary delay to a member of the Botswana Police at the Police Station nearest to the place where such wounding occurred, to a District Councillor or to the nearest member of the Department of Wildlife and National Parks."

Amendment of regulation 14 of the principal regulations

7. Regulation 14 is hereby re-numbered 14(1) and the following new subregulation is added immediately thereafter —

"(2) In addition to any penalty which may be imposed under subregulation (1) a conviction for any offence under these regulations shall automatically cancel all licences held hereunder by the person so convicted, and such person shall not be issued with any other licence under these regulations until the lapse of a period of twenty-four months from the date of such conviction."

L.D. LEKALAKE,
Permanent Secretary,
Ministry of Commerce, Industry and Water Affairs)

9th October, 1970.
L 2/7/88/II.