

GENERAL NOTICE

NOTICE 1029 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)

PROPOSED REGULATIONS FOR THE PROPER ADMINISTRATION OF NATURE RESERVES

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs, hereby give notice of my intention to, under paragraph (1) of section 53, read with paragraph (3) of section 57 of the Act, make the regulations in the schedule.

An electronic copy of the proposed regulations may be requested from the following person:

Dr. G I Cowan
Tel : (012) 310 3701
E-mail : gcowan@deat.gov.za

Members of the public are hereby invited to submit to the Minister, within 60 days of publication of the notice in the *Gazette*, written comments on the draft regulations to the following addresses:

By post to: The Director-General: Environmental Affairs
Attention: Dr G.I.Cowan
Private Bag X447
Pretoria, 0001

Or hand delivered at 315 Pretorius Street, Corner Pretorius and Van Der Walt Streets, Fedsure Forum Building, 2nd Floor, North Tower.

By fax to: (012) 320-1243, and by e-mail to gcowan@deat.gov.za

Any questions relating to the draft regulations can be directed to Dr G.I.Cowan at (012) 310-3701.

Comments received after the closing date may not be considered.


BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

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DEFINITIONS

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates—

“accommodation” means facilities of any nature for the accommodation of day and overnight visitors;

“aircraft” means an aircraft as defined in section 1 of the Act;

“alien species” has the meaning as assigned to it in the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004);

“angle/angling” means—

- (a) to catch fish by using a line and fish-hook, whether or not a rod is used; and
- (b) Includes the use of a landing-net to land, or a keep-net to keep fish caught in accordance with the method as described;

“authorised person” means an employee of a management authority, or any other person, acting as such on the written authorisation of a management authority and includes an environmental management inspector;

“bio-prospecting” has the meaning assigned to it in section 1 of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004);

“community-based natural resource management” means in relation to indigenous biological resources, any utilisation of indigenous biological resources by a community for sustainable harvesting, traditional use or commercial purposes;

“dangerous weapon” means any object, other than a firearm, which could cause serious bodily injury in respect of people or animals;

“development” means any physical intervention, excavation or action, other than that caused by natural forces, which may result in a change in the, appearance or physical nature of a site in a nature reserve or influence its stability and future well-being, including -

- (a) the construction, alteration, demolition, removal or change of use of a site or a structure on the site;
- (b) the carrying out of any works on, over or under the site;
- (c) the construction or putting up for display of signs or notice boards;
- (d) any change to the natural or existing condition or topography of land; and
- (e) any removal, physical disturbance, clearing or destruction of trees or vegetation or the removal of topsoil;

“employee” means a person in the employ of a management authority;

“firearm” has the meaning assigned to it in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);

“internal rules” refers to the rules made under section 52 of the Act;

“invasive species” has the meaning assigned to it in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act no 10 of 2004);

“lifeguard” means a person employed in that capacity or appointed by a management authority;

Merchant Shipping Act means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“open access protected area” means a nature reserve which can be entered and traversed by any means where the entry to such nature reserve is not restricted or controlled by any access point or a gate;

“overnight” means the period between sunset and sunrise;

“point of entry” means a place of entry to a nature reserve, including, but not limited to access gates;

“Protected Area Notice” means a written notification issued by a management authority;

“protected species” means any indigenous species naturally found in a protected area and includes any listed threatened or protected species;

“recreation area” means any area set aside in terms of the management plan for general recreational use by the public;

“specimen” has the meaning assigned to it in section 1 of the Biodiversity Act, 2004 (Act no 10 of 2004);

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“the Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“vehicle” means any conveyance designed or adapted principally to travel on wheels or tracks;

“vessel” means any conveyance floating on, in or over water and designed for navigation on or in water, howsoever propelled and includes any canoe, lighter, floating platform, decked boat, carrier vessel, or any vessel equipped with an inboard or outboard motor or any other craft, whether surface craft or submarine;

“water area” means the water and the bed of any tidal lagoon, natural lake, tidal river, river or stream, dam, impoundment or wetland or any part thereof, situated within a nature reserve, and includes the water and the land between the lowest line and the highest line to which the water-level of such tidal lagoon, natural lake, tidal river, dam, impoundment or wetland, river or stream or any part thereof may recede or rise at any time;

“water ski” means to ski on or in the water with or without the assistance of any kind of skiing apparatus while the water skier is towed by a vessel by means of a towing-rope, and includes kite-surfing and para-sailing;

CHAPTER 1

REGULATIONS FOR MATTERS PRESCRIBED IN TERMS OF THE ACT

2. Application of regulations

- (1) These Regulations are, unless specified otherwise, applicable to all nature reserves declared in terms of section 23 or designated in terms of sections 25 and 26 of the Act.
- (2) These Regulations apply to a marine protected area that has been included in a nature reserve.

(3) A person is not in contravention of any provision of the Regulations if that person needs to undertake the prohibited activity—

- (a) to perform his or her obligations as an employee, agent or contractor of a management authority under his or her contract with, or mandate from, the management authority or to achieve the purposes of these Regulations;
- (b) to carry out public duties as an employee, agent or contractor or an organ of State within a nature reserve; or
- (c) to fulfil his or her duties as an authorised persons.

3. Information for the Register of protected areas

Every management authority must submit to the MEC, within three months after the end of each financial year, information for the protected area register, in the prescribed format, detailing all nature reserves under the control of, or intended to be under the control of, the management authority.

CHAPTER 2

DECLARATION OF A NATURE RESERVE

4. Declaration of nature reserve

- (1) Before considering an area for declaration as a nature reserve, or part of a nature reserve the area must be shown to meet the criteria as prescribed by the Minister for a nature reserve.
- (2) If the area of private land is to be declared a nature reserve and the management is to be assigned to the owner or his designate , an application for the declaration of a nature reserve is to be submitted to the Minister/MEC in the format prescribed.

- (3) On verification of (1) and approval by the Minister/MEC, an agreement to declare a nature reserve is to be signed by the landowner.

CHAPTER 3

POWERS AND RESPONSIBILITIES OF MANAGEMENT AUTHORITIES

5. Functions

- (1) The assigned management authority must—
- (a) manage the nature reserves assigned to it in terms of Chapter 4 and section 92 of the Act;
 - (b) protect, conserve and control those nature reserves, including their biological diversity; and
 - (c) perform such other functions as may be prescribed under any other legislation.
- (2) The management authority may in managing the nature reserve—
- (a) manage breeding and cultivation programmes, and reserve areas in a nature reserve as breeding places and nurseries; only if it conforms with a valid in situ conservation objective and is for indigenous species;
 - (b) sell, exchange or donate any animal, plant or other organism occurring in a nature reserve or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to re-introduce into a specific nature reserve;
 - (c) undertake and promote research;

- (d) control, remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in a nature reserve or that may negatively impact on the biodiversity of the nature reserve;
- (e) carry out any development and construct or erect any infrastructure necessary for the management of a nature reserve, subject to environmental authorization and the management plan;
- (f) allow visitors to a nature reserve;
- (g) take reasonable steps to ensure the security and well-being of visitors and staff;
- (h) provide accommodation and facilities for visitors and staff, including the provision of food and household supplies;
- (i) carry on any business or trade or provide other services for the convenience of visitors and staff, including the sale of liquor;
- (j) determine and collect fees for—
 - (i) entry to or stay in a nature reserve;
 - (ii) any service provided by it; or
 - (iii) any environmental goods and services provided by the nature reserve;
- (k) authorise any person, subject to such conditions and the payment of such fees as it may determine, to—
 - (i) carry on any business or trade, or provide any service, which the management authority may carry on or provide in terms of this section; and

- (ii) provide the infrastructure for such business, trade or service;
- (l) by agreement with—
 - (i) a municipality, provide any service in a nature reserve for the management of the nature reserve) which that municipality may or is mandated to provide in terms of legislation; or
 - (ii) any other organ of state, perform a function in a nature reserve which that organ of state may or must perform in terms of legislation.

6. Commercial and community activities

A management authority may, in terms of the management plan, by means of making an internal rule set aside a part of a nature reserve, as an area in which a particular activity may be undertaken by visitors to the nature reserve, communities or interest groups and shall display the internal rule in which such area is described at the entrance to the nature reserve: provided that the activity does not compromise the purpose for which the nature reserve was established.

7. Protected area notice

- (1) A management authority may from time to time and by means of a Protected Area Notice displayed at the entrance to or at other relevant places of a nature reserve—
 - (a) set aside any land or water area;
 - (b) designate any land or water area as a recreation area;
 - (c) designate any land or water area for any other purpose;

- (d) prohibit or restrict the use and access of any person, vehicle, vessel, pet or species or specimen to any land or water area or any other place or part thereof; or
 - (e) designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area, in a nature reserve or part thereof.
- (2) The management authority may, by Protected Area Notice, designate any area within a nature reserve as an area within which one or more activities otherwise prohibited in terms of these Regulations may be undertaken, and display a prominent Protected Area Notice to this effect in and around the designated area.
 - (3) A Protected Area Notice may impose conditions in relation to the participation in or undertaking of any activity in a nature reserve and a management authority may vary or revoke a Protected Area Notice at any time by subsequent Protected Area Notice.

8. Recreation areas

- (1) A management authority must within a recreation area display any Protected Area Notice required under these Regulations.
- (2) In relation to recreation areas, a management authority must prominently display a Protected Area Notice at every entrance to a recreation area indicating -
 - (a) the opening and closing times of that recreation area; and
 - (b) any internal rules made by the management authority in relation to that recreation area.

9. Internal rules

A management authority must, when making internal rules in terms of section 52(1) of the Act and consider at least the following:

- (a) The impact of the internal rules on the provisions of any management plan approved by the Minister in terms of section 39(2) of the Act; and
- (b) the environmental, social and financial effect of the internal rule on the environment.

10. Management plans

- (1) A management authority must have due regard for and seek to integrate and harmonise its management plans with the requirements of the Act, and, where applicable—
 - (a) plans in terms of other national legislation;
 - (b) provincial government planning and development plans;
 - (c) regional planning and development plans;
 - (d) local government planning and development plans; and
 - (e) existing planning and development plans of any other relevant management authority.
- (2) In preparing a management plan and in addition to the requirements of section 41 of the Act, a management authority must have due regard for—
 - (a) the terms and conditions for conducting activities;
 - (b) prohibited activities;

- (c) any assessment of the activities and an evaluation of material threats arising therefrom;
 - (d) any assessment of equitable access in respect of such activities;
 - (e) the ability of such activity to attract visitors to the nature reserve; and
 - (f) the sense of place and must define it in a separate section in the management plan prepared for such special nature reserve, national park or special nature reserve.
- (3) In the preparation of a management plan, a management authority must follow the format and adhere to the guidelines issued for the preparation and presentation of management plans by the Minister.

11. Planning

All existing planning measures in connection with any nature reserve remain in force until a management plan for a nature reserve becomes effective in accordance with the Act: Provided that where land is to be incorporated into a nature reserve the planning measures in respect of the nature reserve into which the land is to be incorporated applies as if the land were considered to have been incorporated in preparing the management plan.

CHAPTER 4

ESTABLISHMENT OF ADVISORY COMMITTEES FOR NATURE RESERVES

12. Establishment of advisory committee

A management authority may establish one or more advisory committees in respect of a nature reserve.

13. Procedure

In establishing an advisory committee contemplated in regulation 13 a management authority must—

- (a) invite community organisations, non-governmental organisations, residents of and neighbouring communities to the nature reserve to nominate persons, who could be taken into consideration when members of the advisory committee are appointed;
- (b) set the minimum requirements and other criteria which it must take into consideration when deciding which persons to appoint as members of the advisory committee; and
- (c) determine a method which will enable the invitation contemplated in paragraph (a) above to reach the greatest number of residents of and, neighbouring communities to the nature reserve.

14. Closing date for nominations

An invitation contemplated in regulation 13 must specify the method of submission and a date by which the nominations contemplated in subregulation 11 (a) must reach a management authority.

15. Composition

A management authority must, after considering any nominations submitted in terms of regulation 13, appoint members to the advisory committee: Provided that at least one employee of a management authority, nominated by the management authority, must be an ex officio member of the advisory committee: Provided further that any appointment of a member made in respect of any particular advisory committee must be based on a real interest demonstrated by the member in respect of the relevant nature reserve.

16. Mandate

A management authority must define the specific mandate of any advisory committee in writing in specific terms. The specific terms must include the terms of reference, the method of communicating advice, the acceptance and rejection of advice offered, the appointment and removal of committee members and the support to be provided together with any remuneration payable and its terms.

17. Term of office

A member of an advisory committee shall be appointed by a management authority for a period determined by the management authority not exceeding three years.

CHAPTER 5

BIODIVERSITY MANAGEMENT AND CONSERVATION IN NATURE RESERVES

18. Monitoring and reporting

Management authority to monitor and report annually to the Minister or the MEC on:

- (a) Large mammal counts
- (b) Translocations into and from the nature reserve
- (c) Species and number or extent of area covered of alien and invasive species

CHAPTER 6

THE USE OF BIOLOGICAL RESOURCES IN NATURE RESERVES

19. Use of biological resources

A management authority may, subject to the provisions of an approved management plan, by means of the granting of a non-transferable written authorisation or the entering

into of a written agreement, on the conditions it deems necessary and against payment of the fees determined by it, grant to any person the right to the sustainable, monitored use of identified biological resources in a Nature reserve.

20. Community based natural resource utilization

A management authority may, by means of the granting of a written authorization or the entering into of a written agreement, on the conditions it deems necessary and against payment of the fees determined, if any, grant to any local community the right to the sustainable use of biological resources on the same basis as set out in regulation 20

21 Authorization for use of biological resources

- (1) A written authorization or agreement contemplated in regulation 19 or 20, must—
 - (a) not be in conflict with the purpose for which nature reserve was established;
 - (b) define the land or water area within which the use of the biological resources is granted;
 - (c) indicate the period for which the right contemplated in regulation 17 is granted; and
 - (d) determine the limits to the use of the biological resources.
- (2) The management authority must demarcate the land or water area contemplated in subregulation (1)(b) in a manner it deems fit.
- (3) An authorization granted in terms of regulation 20 may not interfere with the exercise of any authorization which has been granted to another person in respect of the area contemplated in subregulation (1)(b).

- (4) The authorization granted in terms of regulation 20 shall include a stipulated notice period for cancellation of the right or amendment of the conditions granting the right.
- (5) The management authority may cancel an authorization granted in terms of regulation 20 in respect of the area or part thereof, if such area or part thereof is required for conservation purposes or for purposes approved by the management authority:
- (6) The management authority may cancel an authorization granted in terms of regulation 20 if the conditions set by the management authority are not complied with or the resource or any other component of the nature reserve is threatened.
- (7) The holder of an authorization contemplated in regulation 20 or 21, may not allow, permit or cause any environmental damage, except with the prior written authorization of the management authority.
- (8) An authorised person may cause a holder of an authorization contemplated in regulation 20 or 21 to cease all activities immediately if the aforementioned holder of the right is found or deemed, to be in contravention of any conditions stipulated in the license, permit or written agreement.

22. Collection of data

- (1) A management authority must before the end of June of each year submit a return or returns in the format prescribed to the Minister or the MEC in respect of the use of biological resources for the preceding financial year detailing—
 - (a) the number of written authorizations and agreements granted or entered into in respect of the use of biological resources;
 - (b) a description of the biological resources used;
 - (c) the quantities of biological resources harvested;

- (d) the conservation status of the biological resources being exploited.

CHAPTER 7
ACCESS TO NATURE RESERVES

23. Access to nature reserve by user of biological resources

- (1) The holder of an authorization granted in terms of regulation 20 or 21 may, subject to any condition contained in a written authorisation or agreement, use any road, or path, identified by the management authority, for the reasonable exercise of a right to use biological resources: Provided that—
- (a) a management authority may close any access road or limit the use thereof for management purposes;
 - (b) if a holder of a right fails to remove or repair any obstruction on an access road caused as a result of the exercise of a right, a management authority may undertake such removal or repair and recover the cost in this regard from the holder of the right;
 - (c) a management authority may impose restrictions on the type of vehicle, machinery or equipment which is permitted on an access road in order to prevent any environmental or other damage;
 - (d) the holder of a right must keep every access road used, reasonable wear excluded, in a good driving condition, and in the case where such holder fails to do so, the management authority may undertake the necessary repairs and recover the cost in this respect from the holder of the right; and
 - (e) a holder of a right shall not create or construct any new access road for the removal of biological resources or for any other reason, without the written authorization of a management authority.

24. Admission

- (1) Any person who has been granted entry into a nature reserve may be allowed admission only to a specific area and at designated times as determined by a management authority.
- (2) A management authority may close a nature reserve or any part of a nature reserve—
 - (a) if, in the management authority's opinion—
 - (i) the closure is necessary or desirable for the proper management of the nature reserve;
 - (ii) the closure is necessary for the management authority to perform any of its functions in terms of the Act or these Regulations; or
 - (iii) the safety of persons may be compromised;
 - (b) if a fire-ban is in force in an area that includes all or part of the nature reserve;
 - (c) if the risk of uncontrolled fire in the nature reserve is, in the management authority's opinion, extreme;
 - (d) if the management authority staff necessary to patrol the nature reserve are unavailable; or
 - (e) if, in the management authority's opinion, it is in the interest of public safety to close the nature reserve.
- (3) No person may, without the permission of the management authority, enter or remain in a nature reserve that has been closed in terms of subregulation (2).

25. Entrance and accommodation fees

- (1) No person shall enter or remain in a nature reserve or a part thereof without the payment of an entrance fee, where applicable, as determined by a management authority from time to time.
- (2) Where a fee is determined by a management authority for the hire of accommodation or recreational facilities in a nature reserve, no person may enter or remain within the boundaries of the accommodation or recreational facilities unless that person has paid the said fee for the hire of the accommodation or the recreational facilities or has been permitted by the management authority to enter or remain within the boundaries of the accommodation or the recreational facilities.

26. Points of entry and exit

- (1) No person may, other than in an open access nature reserve, or subject to the provisions of Section 46 of the Act and regulation 24, enter or leave a nature reserve at any place other than through an official point of entry or exit, without the written authorization of the management authority.
- (2) Where a public road or railway line passes through a nature reserve—
 - (a) no permission may be required by a person to pass through the nature reserve on such a road or railway line to a destination outside the nature reserve in question; and
 - (b) no person may be authorised—
 - (i) to leave such a public road; or
 - (ii) to enter into a nature reserve from such public road or railway line other than in compliance with subregulation (1).

(3) No person shall land in a nature reserve using an aircraft without gaining prior permission from the management authority and having paid the applicable fees. This does not apply—

(a) in an emergency; or

(b) to a person acting on the instructions of the management authority.

27. Proof of entry

- (1) Where the payment of a fee or the issue of a written authorization is required for entry to a nature reserve, a person who enters the nature reserve in a vehicle must ensure that the receipt for the entrance fee in respect of, or the written authorization authorising his or her entry into the nature reserve is in their possession at all times until he or she or the vehicle leaves the nature reserve.
- (2) Where the issue of a permit is required for camping in a nature reserve, a person who camps in the nature reserve in or near a vehicle that he or she has travelled in to get to the camp site must ensure that the permit authorising him or her to camp in the nature reserve is displayed at all times in the vehicle in accordance with subregulation (3) while he or she is camping in or near the vehicle.
- (3) This regulation does not apply to any person who enters, or camps in, a nature reserve as the client of a person conducting a tour for a fee or reward if the vehicle concerned is owned by, or is under the control of a tour operator approved by the management authority.
- (4) Any person who enters a nature reserve by aircraft or vessel may, after disembarking from such aircraft or vessel, travel by vehicle, without prior written approval or proof of entry, from the landing field or landing within the nature reserve to the nearest place designated by a management authority, to obtain the necessary proof permitting entry.

- (5) Any person who does not use a vehicle to enter a nature reserve must display or be in possession of proof of entry in a manner determined by the management authority.

28. Safe entering

No person may enter or take a vehicle or vessel in a nature reserve onto a place, road, river or water area in an unsafe, reckless or negligent manner.

29. Staying overnight

- (1) No person may stay overnight in a nature reserve—
 - (a) without the written authorization of the management authority;
 - (b) without payment of the applicable fees as determined by the management authority;
 - (c) without having first reported to the designated reception office in a nature reserve or to an authorised person assigned to perform escort duty;
 - (d) where no accommodation has been reserved or is available for that person;
 - (e) on a houseboat or any vessel without the permission of the management authority;
 - (f) at any place other than a place designated by the management authority.
- (2) No person may, without the permission of a management authority contemplated in subregulation (1), camp in a nature reserve except in an area set aside by the management authority for that purpose.

30. Times of entry and travel

No person may, without the written authorization of the management authority, enter, leave or travel in a nature reserve at any time other than the times determined by the management authority from time to time.

31. Vehicles

No person may enter or travel in a nature reserve except in a vehicle that conforms to the dimensions and other requirements determined by a management authority from time to time.

CHAPTER 8

USE OF WATER AREA IN A NATURE RESERVE

32. Permits for vessels

- (1) Any person intending to use a vessel in a water area must apply for a permit for such a vessel in a form determined by a management authority.
- (2) No person may use a vessel in a water area without having—
 - (a) a permit to do so; and
 - (b) within the conditions set by the permit.
- (3) Unless in possession of a permit issued by the management authority, no person may use a vessel or vehicle propelled by means of a propeller above the water, in any water area in a nature reserve.

33. Bathing, diving and swimming

No person may bathe, dive or swim in any area in a nature reserve—

- (1) except where bathing, diving and swimming is permitted; or

- (2) where bathing, diving or swimming is prohibited by means of protected area notice.

34. Safety ropes

No person may hang from, sit on, interfere with or cause safety ropes or other devices to sink where such safety ropes or devices are provided for the assistance of bathers in distress or for the protection of users of water area.

35. Life saving apparatus

Except in an emergency, no person, with the exception of an authorised person , may handle, touch or use in any manner a life-saving rope, buoy or other life-saving apparatus installed or maintained in or at a water area, or do anything which will impede the proper working of such life-saving apparatus.

36. Water skiing

- (1) No person may water ski in a water area other than in a place and at times permitted by a management authority.
- (2) No person may water ski in a water area unless he or she is wearing a life belt or jacket.

CHAPTER 9

RESTRICTED ACTIVITIES

37. Activities which may have an adverse effect in the nature reserve

- (1) No person may without the prior written authorization of the management authority—

- (a) introduce any specimen, or part thereof to a nature reserve;
- (b) convey, move or otherwise translocate any specimen;
- (c) intentionally disturb any species or specimen;
- (d) feed any species or specimen;
- (e) use any recording of the sound of a species or specimen or the imagery or scent of a species or specimen to attract animals;
- (f) lure, bait or attract by any means or for any purpose or intention any specimen in a nature reserve.
- (g) cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood or firewood;
- (h) hunt, catch, capture or kill any living specimen by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;
- (i) gather, collect or pluck any specimen;
- (j) pick parts of, or cut, chop off, uproot, damage or destroy, any specimen;
- (k) possess or exercise physical control over any specimen;
- (l) grow, breed or in any other way propagate any specimen, or cause it to multiply;
- (m) sell or otherwise trade in, buy, receive, give, donate or accept as a gift, or in any way acquire or dispose of any specimen; or

- (n) angle, attempt to angle, catch or attempt to catch fish in a nature reserve other than in an area designated for such purpose;
- (2) Subregulation (1)(f) does not apply to the use of bait or lures for the purpose of angling where such activity is permitted in a nature reserve.
- (3) No person may without the prior written authorization of a management authority, within a nature reserve—
 - (a) intentionally or negligently cause pollution;
 - (b) deface cultural heritage resources;
 - (c) harm or cause death to any individual or population of any species.
- (3) No person may, other than with the prior written authorization of a management authority and subject to the management plan, open or close the mouth of a tidal lagoon or a tidal river within any nature reserve.
- (4) No person may without the prior written authorization of a management authority, within a nature reserve place, throw, dump or let out any refuse, rubbish, used containers, effluent, toilet waste or any objectionable matter other than in areas designated for this purpose.

38. Specified activities

- (1) A person may not undertake any of the following activities in a nature reserve except pursuant to a licence, permit or agreement and subject to the payment of the appropriate fees between that person, or some other person, and the management authority:
 - (a) the filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device;
 - (b) the conducting of tours;

- (c) the conducting of any kind of competition;
- (d) the selling or hiring of goods or the offering of goods for sale or hire;
- (e) the provision of, or the offering to provide, any service for a fee or reward;
- (f) the conducting of speed trials;
- (g) an activity of any kind for the purpose of fund raising, personal gain or making a profit;
- (h) any organised or special event, including sporting or cultural events; or
- (i) visual imaging of animals for purposes of any virtual hunting or other such activity.

39. Research and monitoring

- (1) No person may, without the written authorization of a management authority, carry out scientific research in a nature reserve.
- (2) Any person undertaking research or monitoring projects in a nature reserve must—
 - (a) submit a research project proposal to a management authority contemplated in subregulation (1) in a format determined by the management authority;
 - (b) submit all data and information gathered to the management authority in a format determined by and at stages of the project specified by the management authority;

- (c) submit copies of all reports and publications as a result of the research project to the management authority within four weeks of their publication; and
- (d) pay an administration fee to the management authority if required to do so by the management authority.

40. Interference with soil or substrate

- (1) No person may, except with the prior written authorization of a management authority—
 - (a) remove from a nature reserve any
 - (i) soil, sand, gravel, pebbles, stone, rock, mineral or similar material;
 - (ii) wood, mulch or other dead vegetation;
 - (iii) fossil, archaeological remains or cultural artefacts;
 - (iv) ritual or spiritual remains;
 - (v) coral or sea shells;
 - (vi) guano; or
 - (vii) a shipwreck, flotsam or jetsam.
 - (b) dig or intentionally disturb any soil or similar material in a nature reserve; or
 - (c) intentionally disturb any—
 - (i) wood, mulch, peat or other dead vegetation or animal in a nature reserve;

- (ii) termite mounds;
- (iii) fossil, shell midden, archaeological remains or paleontological specimens or meteorites in a nature reserve; or
- (iv) any of the marine components contemplated in paragraph (a);
- (v) any object or material that is or was used for any ritual, spiritual or other practice; or
- (vi) any object that has historical, or cultural significance.

41. Restrictions on the use of resources in nature reserves

- (1) No person may, without the prior written authorisation of a management authority, and subject to the provisions of the pertinent legislation, within a nature reserve undertake, support or participate in any restricted activity.
- (2) For purposes of sub-regulation (1) a restricted activity means –
 - (a) in relation to a water resource in a nature reserve –

No person may construct an impoundment or weir on any river or river bed or abstract any water from any impoundment or weir on any river or in any river bed within a nature reserve, nor abstract any water by means of a pump, pipes, gravitation or any other means, located outside the boundary of a nature reserve, from any river or river bed forming a boundary with a nature reserves without the written permission of a management authority and without conducting an environmental impact assessment.

- (b) in relation to cultural heritage elements—

- (i) touching, removing, altering or interfering with cultural resources;
- (ii) preventing participation in living cultural heritage; and
- (iii) preventing the cultural or spiritual development of people, groups or communities.

42. Grazing

- (1) No person may allow any species or specimen to graze or browse in a nature reserve, or allow such species or specimens to enter a nature reserve without the written authorization of the management authority.
- (2) The written authorization contemplated in subregulation (1) may only allow grazing for the purpose of achieving a conservation objective in the nature reserve, and must stipulate the area of the protected area which may be used for the grazing of livestock animals, the numbers of animals permitted to graze, as well as any other conditions attached thereto.
- (3) An authorized person may impound any livestock trespassing in a nature reserve into an impoundment and such livestock shall not be released from such impoundment except on payment, by the person requesting such release, of the amount as determined from time to time by the management authority.
- (4) No person may remove any species or specimen which is impounded, as contemplated in subregulation (3), from the place of impoundment, unless the amount payable for the release of such species or specimen, as contemplated in subregulation (3), has been paid.

43. Bioprospecting

No person may undertake any manner or form of bioprospecting in a nature reserve without the prior written authorisation of a management authority and subject to such

conditions and against the payment of a fee as determined by the management authority.

44. Buildings and improvements

- (1) Written authorisation of the management authority, for any development in a nature reserve is subject to prior environmental authorization.
- (2) No person in a nature reserve may, without the prior written authorization of a management authority, erect, construct or transform or cause to be erected, constructed or transformed —
 - (a) any building or any other improvement, including but not limited, to a building or structure of any kind, jetty, dock, pier, landing stage, landing float, marker, anchor buoy, raft, fence or any obstruction, bridge, pontoon, road or crossing in respect of a building or other immovable property;
 - (b) on any private land in a nature reserve other than in accordance with the management plan for the area and the plans, specifications and conditions approved by the management authority.
- (3) If any erection, construction or transformation contemplated in sub-regulation (1), takes place in conflict with the conditions laid down by the management authority, the management authority may cause the building, structure or improvement concerned to be demolished, removed and the site rehabilitated and shall be entitled to recover the costs thereof from the person who has erected, constructed or transformed it or caused it to be erected, constructed or transformed.
- (4) Any person who has applied in terms of subregulation (2) for the erection of a building or any other improvement in respect of a building or other immovable property must, if required to do so by the management authority—
 - (a) in the case where prior environmental authorisation is not required in terms of any law, employ an independent environmental consultant to conduct an

assessment of the proposed erection or improvement in compliance with the minimum requirements set by the Act, or other applicable legislation, and to submit the findings of the assessment to the management authority;

- (b) in instances where prior environmental authorisation is compulsory, provide the management authority with such environmental authorisation before the management authority considers the application.

45. French drains and pit latrines

No person may, without the prior written authorisation of a management authority accompanied by a site plan, establish or in any way alter, extend or enlarge any french drain system, pit latrine or any other sewerage disposal system on any land situated within a nature reserve or replace it with another french drain system, pit latrine or any other sewerage disposal system.

46. Holiday resort, caravan park, camping or picnic site

No person other than a management authority may erect, establish, transform, extend or enlarge any holiday resort, caravan park or camping or picnic site situated on private land within a nature reserve at which members of the public can stay, camp or picnic upon payment of a fee, other than in accordance with the management plan for the nature reserve and the written approval of the management authority.

47. Restrictions on land and in airspace

No person may, except with the prior written authorization of a management authority—

- (1) engage in the sport of climbing rock faces;
- (2) engage in the sport of parachuting or abseiling;
- (3) use a hang glider or any other kind of glider;

- (4) launch or fly a hot air balloon;
- (5) fly model planes or gliders;
- (6) engage in the sport of any kind of boarding; or
- (7) operate any motorised vehicle for recreational purposes.

48. Restrictions relating to water areas

- (1) No person may, without the written authorization of a management authority, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water in a nature reserve unless the water has been set aside by the management authority for the use of vessels.
- (2) No person may paint any vessel in a water area unless the prior written approval by management authority has been obtained.
- (3) No person may dispose of any solid or liquid waste, including motor oil, into a water area other than in places specifically designated by the management authority therefore.

49. Removal and dumping in water area

No persons may, without the prior written authorization of a management authority and subject to the conditions imposed by the management authority, in any manner—

- (1) remove, dredge, pump or move any sand, soil or stones from a water area;
- (2) deposit, dump or throw sand, soil, stones or other material of any kind in a water area; or

50. Restrictions relating to pets in nature reserves

- (1) No person may, except on conditions determined by a management authority from time to time, allow any dog, cat or other pet belonging to or under the care of that person to enter and remain in or enter or remain in a nature reserve.
- (2) Any dog, cat or other pet contemplated in subregulation (1) which is found outside the permitted area referred to in subregulation (1) and which is not in the care of any person, may either be caught and removed to a pound or destroyed at the discretion of the management authority.
- (3) Any dog, cat or other pet suspected of hunting or in pursuit of any animal in a nature reserve may be impounded or destroyed at the discretion of the management authority during or after such act.

51. Firearms and dangerous weapons

- (1) Subject to the provisions of section 46 of the Act, no person other than an authorised official or any other person acting under the specific authority of a management authority may -
 - (a) subject to the provisions of paragraph (b) convey into or within a nature reserve or be in possession of any firearm or dangerous weapon or any explosive, trap or poison in a nature reserve;
 - (b) a person in possession of a valid licence for a firearm may convey that firearm into a nature reserve, other than an open access protected area, subject to conditions in sub-regulation (2)
- (2) (a) Any person visiting a nature reserve shall, at the point of entry declare to management authority, any weapon or firearm in his or her possession.
- (b) The management authority may require any weapon or firearm referred to in subregulation (1)(a) to be left in his or her custody, or to be sealed, for the duration of the presence of the person in the nature reserve : Provided

that the management authority, in the case of any weapon or firearm left in his or her custody, issue a written receipt.

- (3) Any person who fails to declare any weapon or firearm in compliance with subregulation (1)(a), or any person in a nature reserve found in possession of any weapon or firearm which has not been declared as contemplated in that subregulation, shall be guilty of an offence.

52. General restrictions

- (1) No person may without the written authorisation of the management authority—
 - (a) offer any show or entertainment, conduct any business or trade or collect any money from the public;
 - (b) carry on any agricultural or gardening activities without the prior written approval of the management authority and subject to the conditions which the management authority may lay down from time to time;
 - (c) use or cause to be used, any loud speaker or similar device or other noisy equipment;
 - (d) construct or erect any booth, marquee or other structure;
 - (e) organise or cause to be organised or attend or participate in any public meeting, demonstration or gathering, in a nature reserve.
- (2) No person may –
 - (a) intentionally or negligently cause a fire or discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire other than at a place where the making of a fire is permitted by a management authority; or

- (b) interfere with any management authority staff member undertaking his or her duties.

CHAPTER 10

PROHIBITED ACTIVITIES

53. Prohibitions relating to vehicles

- (1) No person driving a vehicle in a nature reserve may -
 - (a) drive, park, or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
 - (b) drive, park or stop in any manner that causes an obstruction, blocks the pathway of a management operation or emergency vehicle;
 - (c) park a vehicle in a place other than in a place designated for that purpose by a management authority;
 - (d) drive or park anywhere except on a designated road or place;
 - (e) damage or act in a manner that could cause damage of any nature whatsoever, including but not limited to, damage to a road, plants or animals;
 - (f) drive or operate any vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property of whatever nature.
 - (g) drive a vehicle off-road or off designated roads or tracks, in a nature reserve except in an area set aside by the management authority for that purpose.

54. Prohibitions in relation to use of water areas

- (1) No person may water ski in a water area between sunset and sunrise.
- (2) No person in a vessel may, subject to the provisions of the Merchant Shipping Act, enter or be in a nature reserve, except if that vessel conforms to the dimensions and meets the requirements provided for in internal rules made by a management authority from time to time.
- (3) No person may use a motor boat, in any water area in a nature reserve within 50 meters of swimmers, skiers, sailing boats, canoes, rowing boats or anglers.
- (4) No person may launch or use a vessel anywhere or in any water area in a nature reserve unless it is equipped with adequate life-saving equipment for the persons being conveyed thereon.
- (5) No person may land from a vessel in any water area except at a place, or places, specifically designated for such.

55. Misuse of facilities

- (1) No person may interfere with, misuse, damage or use in conflict with any management authority directions any building, signage, convenience shelter, changing room, pier, landing stage, raft, buoy or other facility or structure provided or erected by a management authority.
- (2) No person may fail to comply with the directions of any notice affixed by a management authority to a building, structure or facility contemplated in subregulation (1).
- (3) No person may block or restrict any access to any road or other point of entry to any nature reserve or within the nature reserve.

- (4) No person may, in a nature reserve, deface, paint, write on, cut names or letters in or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property or in any other manner spoil features, buildings or facilities.

56. Prohibitions relating to development

- (1) No development contemplated in section 50(5) of the Act shall be implemented—
 - (a) in any area other than an area specifically designated for such development in a management plan; and
 - (b) before a management authority has indicated in writing the nature and extent of the environmental impact assessment required for the development.
- (2) No commercial activity or activity contemplated in section 50 of the Act, which requires an environmental impact assessment to be undertaken, either in terms of subregulation (1)(b) or under any other law, may be implemented before a management authority has approved, with or without conditions, the environmental impact assessment before it is submitted to the relevant authority for approval.

57. Interference with management authority equipment

No person may, in a nature reserve, interfere with, put into operation, damage, climb on or board any vehicle, vessel, dredging apparatus or any other implement which is the property of or is used by a management authority or its agents, without the prior permission of the management authority, or its agents.

58. Littering and polluting

No person may, in a nature reserve—

- (1) deposit or leave any litter which is either industrial or domestic, regardless of whether that litter is biodegradable or non-biodegradable, except in an area or receptacle provided for that purpose;
- (2) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material, except in an area or receptacle provided for that purpose;
- (3) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing;
- (4) deposit or leave any offal, dead species or specimen or dung;
- (5) deposit, except in any receptacle provided for litter, any domestic garbage;
- (6) intentionally break any article of glass, china, pottery, plastic or other brittle material;
- (7) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product thereof; or
- (8) discard or discharge any toxic chemical or substance, pharmaceutical substance, including biocides, or any other pollutant or harmful substance.
- (9) dispose of containers or residuals of aerosols or any other hazardous substance of such nature.

59. Pollution of water

No person may, at any time or in any manner, including by the use of detergents, pollute any water area, spring, pan, well, borehole, groundwater, dam, reservoir or lake in a nature reserve.

60. Sense of place

No person may, in a nature reserve—

- (1) significantly alter or change the sense of place or any environmental, cultural or spiritual values; or
- (2) intentionally or negligently cause any damage to any object of geological, archaeological, historical, ethnological, oceanographic, educational or other scientific interest;

61. General prohibitions

(1) No person may in a nature reserve—

- (a) unlawfully occupy, move into, inhabit or use any existing land, building or structure;
- (b) at any time play any radio, compact disc player, music system, musical instrument or in any way whatsoever cause any noise in a manner that is likely to disturb any species or specimen or other person; or
- (c) behave in an offensive, improper, indecent or disorderly manner.

(2) No person may, in a nature reserve, intentionally obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the nature reserve.

(3) No person may discharge a firearm within a nature reserve, except—

- (a) if that person is authorised by a management authority thereto;
- (b) for the discharge of a blank by a life-guard during an organized competition or by any other person authorised by the management authority, during a sports meeting in a water area;

- (c) in connection with the collection of specimens for scientific purposes, subject to the written authorization of the management authority;
 - (d) to give a distress signal.
- (4) No person may, in a nature reserve, throw, roll or discharge any stone, substance or missile to endanger any person or species or specimen in the nature reserve.

CHAPTER 11 OFFENCES AND PENALTIES

62. Offences

Any person who -

- (1) contravenes or fails to comply with any provisions of these Regulations;
- (2) fails to comply with any Protected Area Notice, an internal rule, or other document issued or displayed in terms of these Regulations;
- (3) fails to comply with any lawful instruction, prohibition, rule or order given, imposed or issued in terms of an internal rule or these Regulations; or
- (4) obstructs or hinders any authorised official in the execution of his or her duties under these Regulations;
- (5) a condition mentioned in a written authorisation or agreement issued or entered into in terms of these regulations; or

is guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years or to a fine or to both such fine and such imprisonment.

63. Lawful instructions

Any person in a nature reserve who fails to comply with any internal rule issued by the management authority and in so doing-

- (1) hinders, troubles, intimidates, or obstructs a management authority or an authorised official in the execution of its or his or her duties or the performance of its or his or her functions under these Regulations; or
- (2) violates, refuses or fails to obey or comply with any prohibition, request or instruction imposed by these Regulations or by the management authority or authorised official,

is guilty of an offence; and liable on conviction to imprisonment for a period not exceeding five years or to a fine or to both such fine and such imprisonment.

64. Eviction

- (1) If any person in a nature reserve—
 - (a) commits or has committed an offence in terms of the Act, or these Regulations, any other regulations applicable to nature reserves, or the internal rules;
 - (b) fails to pay a fine imposed in terms of the Act, these or other Regulations or internal rules within the prescribed time; or
 - (b) acts or has acted in an improper manner which substantially offended any other person in the nature reserve,

an authorised official may, in addition to any further action that may be taken and/or penalty that may be imposed, withdraw any permission granted in terms of these Regulations and request such person to leave the nature reserve,

whereupon that person must leave the nature reserve within a fixed time and by the shortest route open to the public.

- (2) Where any person is requested to leave a nature reserve as contemplated in subregulation (1), the holder of any proof of entry authorising that person to enter into or be in a nature reserve must on demand, hand over the proof of entry to the official concerned, who may withdraw the permission to enter and record the place and date of such withdrawal by endorsement on the said documents.
 - (3) In addition to any other penalty that may be imposed, all money already paid to a management authority by the person contemplated in subregulation (2) to enter or be in a nature reserve shall be forfeited to the management authority on withdrawal of such permission.
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