

THE ZAMBIA WILDLIFE ACT, 2015

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SECOND SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 14 of 2015

Date of Assent: 14th August, 2015

An Act to provide for the winding up of the affairs of the Zambia Wildlife Authority; establish the Department of National Parks and Wildlife in the Ministry responsible for tourism; provide for the appointment of a Director and other officers responsible for National Parks and Wildlife; provide for the transfer of the functions of the Authority to the Ministry responsible for tourism, Department of National Parks and Wildlife and Director of National Parks and Wildlife; establish the Wildlife Management Licencing Committee; provide for the establishment, control and management of National Parks, bird and wildlife sanctuaries and for the conservation and enhancement of wildlife eco-systems, biological diversity and objects of aesthetic, pre-historic, historical, geological, archeological and scientific interest in National Parks; provide for the promotion of opportunities for the equitable and sustainable use of the special qualities of public wildlife estates; provide for the establishment, control and co-management of Community Partnership Parks for the conservation and restoration of ecological structures for non-consumptive forms of recreation and environmental education; provide for the sustainable use of wildlife and the effective management of the wildlife habitat in Game Management Areas; enhance the benefits of Game Management Areas to local communities and wildlife; involve local communities in the management of Game Management Areas; provide for the development and implementation of management plans; provide for the

regulation of game ranching; provide for the licensing of hunting and control of the processing, sale, import and export of wild animals and trophies; provide for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, the Convention on Biological Diversity, the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora and other international instruments to which Zambia is party; repeal the Zambia Wildlife Act, 1998; and provide for matters connected with, or incidental to, the foregoing.

[14th August, 2015

Enactment ENACTED by the Parliament of Zambia

PART I

PRELIMINARY

Short title
and
commence-
ment

1. This Act may be cited as the Zambia Wildlife Act, 2015, and shall come into operation on such date as the Minister may appoint by statutory instrument.

Interpretation

2. In this Act, unless the context otherwise requires —

“ aerodrome ” means an airport, airfield, heliport, a defined area on land or water, including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure or surface movement of aircraft;

“ aircraft ” includes flying machines, aeroplanes, seaplanes, helicopters, flying boats and other aircraft designed to be heavier than air, airships, microlites, 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 a vertebrate animal, and includes a mammal, bird, fish, reptile and amphibian and the egg of a bird or reptile, but does not include a human being;

“ appointed date ” means the date appointed by the Minister under section *one*;

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- “ apprentice professional guide ” means a person who has attained the relevant prescribed qualifications and is training to be a professional guide under the supervision of a professional guide;
- “ apprentice professional hunter ” means a person who is training to be a professional hunter under the supervision of a professional hunter but is not qualified to hunt dangerous animals;
- “ Assistant Director ” means an Assistant Director of National Parks and Wildlife appointed in accordance with section *six*;
- “ authorised officer ” means a wildlife police officer, a police officer of the rank of inspector or above, a community scout or an honorary wildlife police officer;
- “ barrier ” means an obstruction placed across a street or road by a wildlife police officer for the purpose of preventing or detecting an offence relating to wildlife under this Act;
- “ biological diversity ” means the variability among living organisms from all sources, including terrestrial ecosystems, aquatic ecosystems and the ecological complexes of which they are part, and diversity within species, among species and of ecosystems;
- “ bird licence ” means a licence issued under section *forty-one*;
- “ bird sanctuary ” means an area declared as a bird sanctuary under section *fourteen*;
- “ board ” means a community resources board established under section *thirty-two*;
- “ *bona fide client* ” means a non-Zambian with a hunting licence who is a client of a hunting outfitter that has a hunting concession or owns an unfenced private wildlife estate;
- “ capture ” means to catch, take or collect live wild animal specimens, including eggs or nests;
- “ capture permit ” means a permit issued under section *forty-three*;

- Cap. 287
- “ Chief ” means a person recognised as such under the Chiefs Act;
 - “ client ” means a person who is booked on a hunting tour by a holder of a hunting licence or a photographic tour operator;
 - “ commercial photographic permit ” means a permit specified under section *forty-seven*;
 - “ Committee ” means the Wildlife Management Licensing Committee appointed under section *seven*;
 - “ Community Partnership Park ” means an area of land declared a Community Partnership Park in accordance with section *twelve*;
 - “ community scout ” means a person employed by a board to enforce this Act within a Community Partnership Park, Game Management Area or open area under the jurisdiction of a board;
 - “ consumptive tourism ” means tourism which involves tangible products extracted from the environment, such as fishing and hunting;
- Cap. 281
- “ Council ” means a city, municipal or district council established under the Local Government Act;
 - “ court ” means a subordinate court or High Court;
 - “ dangerous animal ” means an elephant, a rhinoceros, hippopotamus, buffalo, lion, leopard or crocodile, and includes an animal that poses a threat to property or human life;
 - “ Department ” means the Department of National Parks and Wildlife established under section *five*;
 - “ Director ” means the Director of National Parks and Wildlife appointed in accordance with section *six*;
 - “ domestic animal ” means a horse, donkey, mule, camel, cow, sheep, pig, goat, dog, cat or domestic fowl, or any other animal of any kind or species, whether quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of a human being;
 - “ eco-system ” means a living functional system which contains all organisms including human beings, their environment and the relationship that exists between them;

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- “ endemic species ” means an indigenous species naturally restricted to Zambia;
- “ fauna ” means all the animal life in a particular area;
- “ fishing permit ” means a permit issued under section *forty-four*;
- “ flora ” means all plants and parts of the plants in a particular area;
- “ Fund ” means the Wildlife Development Fund established under section *one hundred and nine*;
- “ game animal ” means a wild animal *ferae naturae* that is not necessarily threatened or endangered but requires control in order to prevent consumptive uses inimical to its survival and is so specified by regulations issued under section *thirty-six*;
- “ Game Management Area ” means an area of land declared a Game Management Area under section *twenty-eight*;
- “ general management plan ” means a document that sets out the basic management and development philosophy for a protected area and provides strategies for addressing problems and achieving identified management objectives;
- “ habitat ” means a place where a species or ecological community naturally occurs;
- “ harvest ” means non consumptive and consumptive use of game, nongame, protected or unprotected animals;
- “ honorary wildlife police officer ” means a person appointed as such under section *nine*;
- “ hunt ” includes to kill or the doing of an act immediately directed at killing;
- “ hunting block ” means a Game Management Area or an area within a Game Management Area that is set aside for hunting;
- “ hunting concession ” means authority to hunt within a specified hunting block issued under section *forty-eight*;
- “ hunting licence ” means a licence issued under section *forty*;
- “ hunting outfitter ” means a company engaged in the business of conducting safari hunting, which holds a tourism enterprise licence and a hunting concession;

Act No. 11
of 2006

“ investor ” has the meaning assigned to it in the Zambia Development Agency Act, 2006;

“ ivory ” means ivory from an elephant, and includes an article derived from the ivory;

“ land user-rights fee ” means the fee paid by an investor for the use of land in a Game Management Area;

“ licensing ” means a process to obtain or issue a licence, permit or certificate in accordance with this Act and the Business Regulatory Act, 2014;

Act No. 3 of
2014

“ local community ” means the residents within a Game Management Area or open area, other than owners of tourist and camp lodges or hunting concessions, who by virtue of their rights over land, including under customary land tenure, invest in and derive benefits from the sustainable utilisation of the wildlife resources in their area;

“ meat ” includes fat, blood or flesh, whether fresh or dried, pickled or preserved;

“ National Park ” means an area of land declared a National Park under section *eleven*;

“ non-consumptive tourism ” means conventional tourist activities such as viewing animals, photographing, bird watching, wilderness walks, walking safaris, angling, canoeing and boat rides;

“ open area ” means an area other than a National Park, bird or wildlife sanctuary, Community Partnership Park or Game Management Area, where wild animals are found;

“ owner ” in relation to land, includes the person or persons entitled to the immediate and exclusive possession of land under any right, a licensee in lawful occupation of land under a licence and a person authorised by the owner to act on behalf of the owner 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 or viewing of wild animals or scenery;

“ photographic tour operator’s permit ” means a permit issued under section *forty-six*;

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- “possession” has the meaning assigned to it by section *four* of the Penal Code; Cap. 87
- “prescribed qualifying conditions” means such conditions as the Minister may prescribe for purposes of this Act;
- “prescribed trophy” means any ivory or rhinoceros horn or any other trophy prescribed by regulations made under section *eighty-six*;
- “private wildlife estate” means an area outside public wildlife estates that is reserved by a person or local community for wildlife conservation and management, and includes a game farm, game ranch, reptile farm, aviary, zoo and captive breeding facility;
- “professional hunter’s licence” means a licence issued under section *forty-two*;
- “professional guide’s permit” means a permit issued under section *forty-five*;
- “protected animal” means a wild animal *ferae naturae* which is endemic, threatened or endangered and is subject to strict control in order to further its survival and is so specified by regulation under section *thirty-six*;
- “public body” means the Government, any Ministry or Department of the Government, a local authority, parastatal, board, council, authority, commission or other body appointed by the Government, or established by or under any written law, excluding a professional association or body;
- “public road” has the meaning assigned to it in the Public Roads Act, 2002; Act No. 12 of 2002
- “public wildlife estate” means a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body in accordance with this Act;
- “quota” means the number of game animals allocated for harvesting in order to attain wildlife conservation goals;
- “regulatory agency” has the meaning assigned to it in the Business Regulatory Act, 2014; Act No. 3 of 2014

Act No. 3 of
2014

“ road ” means a public or other way, capable of being used by vehicular traffic and to which the public has access, and includes a bridge over which a road passes;

“ single licensing system ” has the meaning assigned to it in the Business Regulatory Act, 2014;

“ species ” means a kind of animal, plant or other organism that does not normally interbreed with an animal, plant or organism of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population;

“ sustainable ” in relation to the use of wildlife, means the use of wildlife in a manner and at a rate that—

(a) would not lead to its long-term depletion;

(b) would not disrupt the ecological integrity of the ecosystem in which it occurs; and

(c) would ensure its continued use to meet the needs and aspirations of present and future generations of people;

“ sustainable development ” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

“ trafficking ” means illegal trade in smuggling, poaching, capture or collection of, endangered species or protected wildlife, or derivatives or products of endangered species or protected wildlife;

Act. No. 13
of 2015

“ tourism ” has the meaning assigned to it in the Tourism and Hospitality Act, 2015;

“ tourism block ” means a National Park, bird sanctuary, wildlife sanctuary, Community Partnership Park, Game Management Area or an area within a National Park, bird sanctuary, wildlife sanctuary, Community Partnership Park or Game Management Area that has been set aside for non-consumptive tourism;

“ tourism block concession ” means an authority, given by the Committee for a specific period of time, to conduct non-consumptive tourism within a tourism block;

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- “tourism enterprise licence” means the tourism enterprise licence issued under the Tourism and Hospitality Act, 2015; Act. No. 13 of 2015
- “trophy” means a horn, tooth, tusk, bone, claw, hoof, skin, hair, egg, feather or other durable part of a game animal or protected animal, whether added to or changed by the work of a human being or not, that is in such form as to be recognisable as a durable part of a game animal or protected animal, and includes meat;
- “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 an article from a trophy of a game animal or protected animal lawfully hunted by that person under a hunting licence or hunting concession;
- “trophy dealer’s permit” means a permit to engage in the business of a trophy dealer under section *eighty-four*;
- “vegetation” includes any form of vegetation matter, alive or dead;
- “wild animal” means an animal *ferae naturae*, and includes a game or protected animal, but does not include a domestic animal;
- “wildlife” means wild animals or species of birds that are found in Zambia in a wild state and vegetation which is indigenous to Zambia and grows naturally without cultivation;
- “wildlife conservation” means the sustainable management and use of wildlife for its inherent value and for the benefit of human beings and other living things;
- “wildlife management” means the practice of maintaining sustainable wildlife populations and diversity through the protecting of game animals and their habitat and the control of their utilisation;
- “wildlife officer” means an employee of any rank under the Department, and includes a wildlife police officer and community scout;
- “wildlife police officer” means an officer appointed under section *eight*; and

“wildlife sanctuary” means an area declared as a wildlife sanctuary under section *fourteen*.

Ownership
of wild
animals

3. (1) Subject to the other provisions of this Act, the absolute ownership of every wild animal within Zambia is vested in the President on behalf of the Republic, except that —

- (a) where a wild animal, which is not a game animal or protected animal, is captured or killed or reduced into possession by a person in accordance with this Act, the absolute ownership of that animal or the carcass of that animal is transferred to and vested in that person;
- (b) where a game animal or protected animal is lawfully captured or killed or reduced into possession by a person in terms of a hunting licence, capture permit, hunting concession or under an authority granted under this Act, the absolute ownership of the game animal or protected animal or the carcass or a trophy of that animal is, subject to the other provisions of this Act and to the terms and conditions of the hunting licence, capture permit, hunting concession or authority, as the case may be, transferred to, and shall vest in, the licensee, permit holder, concessionaire or the person so authorised; and
- (c) subject to such regulations as the Minister may prescribe on the advice of the Director, where a wild animal is found resident on any land, the Director may grant the right to harvest the wild animal to the owner of the land.

(2) Notwithstanding subsection (1), the absolute ownership of a wild animal that has been captured or reduced into possession by a 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 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 a person the ownership of a game animal or protected animal that is found dying or dead, or of any found carcass, part of a carcass, trophy or meat of a game animal or protected animal.

(4) Notwithstanding any other provision of this section, where a person hunts or reduces into possession a game animal or protected animal in contravention of this Act, the absolute ownership of that game animal or protected animal or the carcass or 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 Committee may, in writing, transfer to any person the absolute ownership of a 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, protected animal or 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.

4. The following principles shall apply to wildlife conservation and management—

- (a) wildlife shall be conserved and managed as an asset for present and future generations and to achieve economic growth;
- (b) wildlife utilisation, management and conservation shall protect biological diversity, preserve the integrity and ensure the sustainability of the ecosystem and biological diversity;
- (c) wildlife conservation and management shall be integrated, because all the elements of the environment are linked and inter-related;
- (d) the equitable and effective participation of local communities and traditional leaders shall be promoted taking into account their interest and needs;
- (e) wildlife utilisation shall promote equitable access to, and fair distribution of, the economic, social, health and environmental benefits derived from wildlife;
- (f) wildlife utilisation shall promote opportunities and benefits for sustainable development and ensure the potential yield of economic, social and environmental benefits of wildlife conservation and management;

Principles of
wildlife
conservation
and
management

- (g) global and international responsibilities in wildlife conservation and management shall be discharged in the national interest; and
- (h) traditional knowledge shall be recognised in wildlife management and incorporated in management plans.

PART II

THE NATIONAL PARKS AND WILDLIFE DEPARTMENT

Establishment
of
Department

5. (1) There is established in the Ministry responsible for tourism the Department of National Parks and Wildlife which shall be responsible for the administration of this Act under the general direction of the Permanent Secretary of the Ministry.

(2) Subject to the other provisions of this Act, the functions of the Department are to —

- (a) control, manage, conserve, protect and administer National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas and coordinate activities in these areas;
- (b) in partnership with local communities, share the responsibilities of management in Community Partnership Parks and Game Management Areas;
- (c) adopt methods to ensure the sustainability, conservation and preservation in the natural state of eco-systems and biological diversity in the National Parks, Community Partnerships Parks, bird and wildlife sanctuaries and Game Management Areas;
- (d) encourage the general development of National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas, including the development of facilities and amenities within these areas in accordance with the management plans for those areas;
- (e) sensitise and educate the general public on the necessity of wildlife conservation and the importance of wildlife to foster appreciation of the economic and aesthetic value of wildlife as natural assets;

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- (f) undertake measures to ensure the proper balance between the sustainable use of wildlife and the management of eco-systems in National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas;
 - (g) enhance the economic and social well-being of local communities in or around Community Partnership Parks and Game Management Areas;
 - (h) prepare and implement management plans for National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas in consultation with relevant stakeholders;
 - (i) issue licences, certificates and permits under this Act;
 - (j) in partnership with local communities, grant hunting concessions to hunting outfitters and non-consumptive tourism operators in Game Management Areas;
 - (k) assist and advise the boards in the management of human and natural resources in Game Management Areas and open areas which fall under their jurisdiction;
 - (l) formulate and advise the Minister on the regulations for the preparation and implementation of general management plans for National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas;
 - (m) ensure the systematic management of financial, human and natural resources for wildlife conservation so that the abundance and diversity of species is maintained at optimum level;
 - (n) advise the Minister on the regulations required to conserve, protect and manage wildlife in National Parks, Community Partnership Parks, bird and wildlife sanctuaries, Game Management Areas, open areas and private wildlife estates;
 - (o) pay out monies into a fund established by a board and regulate the use of the funds from profits accrued from the revenues payable under this Act in respect of licences, certificates and permits issued, hunting concessions granted and services rendered from the use of wildlife within an area of a board as the Minister may prescribe, in consultation with the Director;

- (p) regulate trophy hunting operations and non-consumptive tourism operations in Game Management Areas;
- (q) grant and regulate tourism block concessions in tourism blocks;
- (r) co-operate with persons and organisations with an interest in the activities of the Department and are prepared to assist the Department on a voluntary basis and comply with the requirements set by the Ministry;
- (s) regulate private wildlife estates;
- (t) carry out commercial activities related to consumptive and non-consumptive tourism; and
- (u) carry out any other activities relating to wildlife conservation and management that are necessary to the performance of its functions under this Act.

Director,
Assistant
Directors
and
delegation of
functions

6. (1) The Public Service Commission shall appoint as a public officer the Director of National Parks and Wildlife who shall be responsible for the administration of the provisions of this Act, subject to the general or special directions of the Minister and the Permanent Secretary in the Ministry that are consistent with 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 Permanent Secretary, delegate any of the Director's functions to an Assistant Director, a wildlife officer, a member of the Department, a board or to a committee of a board.

(3) The Public Service Commission shall appoint such Assistant Directors and other officers as may be necessary for the administration of this Act.

(4) An Assistant Director shall exercise such functions and duties as are delegated to the Assistant Director by the Director.

Wildlife
Management
Licensing
Committee

7. (1) There is established the Wildlife Management Licensing Committee which shall—

- (a) consider applications for licences, permits and certificates and grant, renew or refuse to grant or renew licences, permits and certificates;
- (b) terminate, suspend or revoke licences, permits and certificates;

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- (c) amend the terms and conditions of licences, permits and certificates;
 - (d) perform the functions of the Department relating to licensing;
 - (e) advise the Minister, the Permanent Secretary and the Director on matters relating to its functions under this Act; and
 - (f) perform any other function conferred on the Committee by or under this Act.
- (2) The Committee shall consist of the following part-time members who shall be appointed by the Minister:
- (a) one representative each of the Ministries responsible for —
 - (i) the environment;
 - (ii) land;
 - (iii) fisheries;
 - (iv) forests;
 - (v) finance;
 - (vi) tourism;
 - (vii) chiefs; and
 - (viii) mines;
 - (b) a representative of the Attorney-General;
 - (c) a representative of a security agency;
 - (d) a representative of the Anti-Corruption Commission;
 - (e) a representative of the Zambia Environmental Management Agency;
 - (f) a representative of the Tourism Council of Zambia; and
 - (g) the Director, as an *ex-officio* member.
- (3) A person shall not be appointed as a member of the Committee if that person—
- (a) is an undischarged bankrupt;
 - (b) has been convicted of an offence under this Act or any other relevant written law five years precedent to the date of the nomination or appointment;
 - (c) has been convicted of an offence involving fraud or dishonesty; or

(d) has a mental or physical disability that makes the person incapable of performing the functions of a member.

(4) The Minister shall, where practicable, ensure equitable gender representation when appointing the members of the Committee.

(5) The Minister shall appoint the Chairperson of the Committee and the members shall elect the Vice-Chairperson of the Committee from amongst themselves.

(6) The Committee may delegate its functions to the Director, an Assistant Director or wildlife officer on such terms and conditions as it may determine.

(7) The provisions of the First Schedule apply to the Committee.

Wildlife
officers and
wildlife
police
officers

8. (1) The Public Service Commission shall appoint as public officers such number of wildlife officers and wildlife police officers as are necessary for the administration of the provisions of this Act.

(2) A wildlife police officer shall, on being employed, be attested to serve as a wildlife police officer for such period and on such conditions as may be prescribed.

(3) A wildlife officer and wildlife police officer shall exercise such functions and perform such duties as are conferred upon the wildlife officer or wildlife police officer by this Act or as may be delegated or assigned to the wildlife officer or wildlife police officer by the Director.

(4) A wildlife officer or wildlife police officer who ceases to be a member of staff of the Department shall surrender to the Director, or the officer-in-charge, all arms, ammunition, uniforms and other apparatus which were supplied to the wildlife officer or wildlife police officer for purposes of this Act and which are the property of the Government.

(5) A wildlife officer or wildlife police officer who fails to surrender the arms, ammunition, uniforms or other apparatus in possession of that officer commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding four years, or to both, and the court that convicts that officer may issue a warrant to search for, and seize, all arms, ammunition, uniforms and other apparatus not surrendered in accordance with this section.

9. (1) The Minister may, in consultation with the Director, by notice in the *Gazette*, on such terms and conditions as the Minister may specify in the notice, appoint any suitably qualified person as an honorary wildlife police officer.

Honorary
wildlife
police
officers

(2) The appointment of an honorary wildlife police officer may be—

(a) general, so that the honorary wildlife police officer is empowered to act in any part of the Republic, in a public wildlife estate or other area specified in the notice of appointment; or

(b) limited, so that the honorary wildlife police officer is empowered to act in a public wildlife estate as may be specified in the notice of appointment.

(3) Subject to the provisions of this Act and the terms of the notice of appointment, an honorary wildlife police officer shall, within the terms of appointment, perform the functions and duties of an authorised officer.

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

International
cooperation,
agreements
and
instruments
Cap. 1

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

(a) enter into bilateral or multi-lateral agreements with a foreign State or organisation relating to wildlife conservation and management;

(b) in liaison with other relevant Government Ministries, develop national, regional or international legal instruments for the protection and conservation of wildlife and encourage sustainable wildlife utilisation;

(c) establish or strengthen research and development programmes at national, subregional, regional and international levels for the assessment of activities with impact on wildlife and the environment and monitor such research and development programmes to ensure that they are appropriate for wildlife conservation and management;

- (d) set up mechanisms for the sharing of appropriate knowledge and technology for the collection of data for the development of the wildlife sector;
 - (e) increase cooperation with international organisations established or constituted under international instruments;
 - (f) in cooperation with other foreign States, formulate strategies and undertake joint promotional and enforcement programmes; and
 - (g) participate in, and support, regional institutions that increase regional cooperation and promote regional development of the wildlife sector.
- (3) The Minister shall, by statutory instrument, give effect to any international or regional agreement on wildlife conservation and management to which Zambia is a State Party.

PART III

THE NATIONAL PARKS, COMUNITY PARTNERSHIP PARKS AND BIRD AND WILDLIFE SANCTUARIES

Declaration
of National
Parks

11. Whenever the President considers that the conservation or protection and enhancement of wildlife, eco-systems, biological diversity and natural beauty so demands, the President may, after consultation with the Minister and the local community in the area, by statutory order, declare an area of land within the Republic to be a National Park for the purposes of this Act and may, in like manner, declare that a National Park shall cease to be a National Park or that the boundaries of a National Park shall be altered or extended.

Establishment
of
Community
Partnership
Parks

12. (1) The Minister may, on the application of a local community, a person, institution or organisation declare, by statutory instrument, an area that has an environmental, ecological or scientific value or significance to be a Community Partnership Park for environmental education and recreation or for the purpose of conserving, preserving and restoring genes, species or biological diversity and natural amenities and their underlying ecological structure, and may, in like manner, declare that any Community Partnership Park shall cease to be a Community Partnership Park or that the boundaries of a Community Partnership Park shall be altered or extended.

(2) A person, local community, institution or organisation may apply to the Committee, in the prescribed manner and form, to enter into a partnership agreement with the Department in respect of a Community Partnership Park.

(3) The Committee shall, in determining an application made under sub-section (2), consider the current and potential uses of the area and the capacity of the applicant to ensure sustainable wildlife conservation and management.

(4) The Minister may, by statutory instrument—

- (a) designate an area in respect of which a partnership agreement is concluded;
- (b) prescribe the rights and obligations of the parties to partnership agreements;
- (c) prescribe the content, terms and conditions of partnership agreements; and
- (d) provide for the assignment, amendment and termination of partnership agreements.

(5) A party to a partnership agreement shall—

- (a) protect, conserve and manage the Community Partnership Park in respect of which it is made pursuant to the partnership agreement and the general management plan for the Community Partnership Park;
- (b) administer the traditional user rights of the local community in accordance with sustainable wildlife management and conservation;
- (c) in consultation with the relevant authority, protect objects of aesthetic, pre-historical geological, archaeological and scientific interest in the Community Partnership Park;
- (d) assist the Director in enforcing the provisions of this Act in relation to illegal wildlife harvesting and trafficking;
- (e) with the written approval of the Director, enter into partnerships with other persons for the purposes of ensuring efficient and sustainable wildlife conservation and management;
- (f) keep the Director informed of any development, change and occurrence within the Community Partnership Park that is critical for the conservation of biological diversity;

(g) help in fire fighting within and around the Community Partnership Park; and

(h) do any other thing that is necessary for the efficient conservation and management of the Community Partnership Park.

Effect of orders and acquisition of land
Cap. 189

13. (1) Where a person has any right in or over any land which is included in an area subject to an order made under section *eleven* or *twelve*, 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, "right in or over any land" includes any right of way, easement, franchise, profit, claim, privilege, exemption or immunity of any person in, over or under that land, but does not include any mining rights or communal fishing right enjoyed under customary law by any person or body of persons.

Declaration of bird and wildlife sanctuaries

14. The Minister may, by statutory instrument, after consultation with the Director, declare an area a bird or wildlife sanctuary and provide for the control of entry into, and regulate the activities of persons within, the bird or wildlife sanctuary.

Prohibition of granting of land in National Park, Community Partnership Park or bird or wildlife sanctuary

15. (1) A person shall not acquire a certificate of title in respect of any land in a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

Grant of mining and other rights in National Park, Community Partnership Park and bird or wildlife sanctuary

16. (1) Subject to subsection (2), nothing in this Act shall be construed as preventing or restricting the granting in respect of any land within a National Park, Community Partnership Park or bird or wildlife sanctuary—

(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 consistent with this Act of a right, title, interest or authority under any other written law.

Act No. 12 of 2011

(2) A mining right shall not be granted in a National Park, Community Partnership Park or bird or wildlife sanctuary without an environmental impact assessment conducted in accordance with procedures specified by the Environmental Management Act, 2011, and which procedures shall take into account the need to conserve and protect—

(a) the air, water, soil, flora, fauna, fish, fisheries and scenic attractions in or on the land over which the right is sought; and

(b) features of aesthetic, cultural, architectural, archaeological, historical or geological interest in or on the land over which the right is sought.

(3) The exercise of a mining right in respect of any land comprised in a National Park, Community Partnership Park or bird or wildlife sanctuary shall be subject to section *thirty-eight*.

(4) The exercise of a right, interest or authority granted under paragraph (b) of subsection (2) shall be subject to any conditions which the Minister may impose.

17. (1) The Minister may, by statutory instrument, on the recommendation of the Director and after consultation with the Minister responsible for transport, provide for—

Traffic on public roads in National Park and Community Partnership Park

(a) the control and regulation of traffic on or over public roads within a National Park or Community Partnership Park, and such regulations may specify the speed limits to be observed over any specified part of the public roads; and

(b) the points on public roads at which persons or vehicles may enter or leave a National Park or Community Partnership Park and the routes along the public roads which they may follow in passing through or over the National Park or Community Partnership Park.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention of the regulations of a fine not exceeding two hundred thousand penalty units or imprisonment for a term not exceeding two years, or to both.

(3) The Director may, with the approval of the Minister and after consultation with the relevant highway authority, cause traffic signs or signals to be placed and maintained on or near a public road within a National Park or Community Partnership Park, and the instructions conveyed by the traffic sign shall, in relation to a public road within a National Park or Community Partnership Park, prevail over any contrary instructions appearing on any other traffic sign or signal.

(4) Subsections (8), (9) and (10) of section *thirty-three* of the Public Roads Act, 2002, shall apply in respect of a traffic sign or signal placed on or near a public road under subsection (3).

Act No. 12 of 2002

(5) The Director, a wildlife police officer or honorary wildlife police officer may, where it is necessary to do so, cause a person or vehicle using a public road within or leading to, or from, a National Park or Community Partnership 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 the public road.

(6) A person who fails to comply with an order or direction to stop, or who fails to stop at a barrier or check point erected in terms of subsection (5) commits an offence.

Restrictions
on entry into
or residence in
National Park
or
Community
Partnership
Park

18. (1) A person who, except in accordance with this Act, enters into or resides in, or purports to enter into or reside in, a National Park or Community Partnership Park commits an offence.

(2) This section shall not apply to—

- (a) an officer of the Ministry in connection with the duties of the officer;
- (b) an authorised officer or public officer on specified duties requiring the presence of that officer in a National Park or Community Partnership Park;
- (c) an honorary wildlife police officer who is entitled to be present in a National Park or Community Partnership Park under the terms of the instrument appointing the officer;
- (d) a person travelling through a National Park or Community Partnership Park along a public road within the confines of the road reserve;
- (e) a person in possession of a permit to enter or reside in the National Park or Community Partnership Park issued by the Director or an officer duly authorised, in writing, by the Director to issue the permit;
- (f) a person who enters a National Park or Community Partnership Park with authority granted under any provision of this Act;
- (g) the employees of persons referred to in paragraphs (e) and (f);
- (h) a person admitted under any regulation made under section *twenty-seven*; and
- (i) a person who enters a National Park as part of that person's official duties for a board.

(3) The persons referred to in paragraphs (f) to (h), inclusive, of subsection (2) shall be subject to any relevant regulations made under section *twenty-seven* and to any regulation providing for the payment of a 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 or Community Partnership Park.

19. (1) A person commits an offence who, without a hunting licence, capture permit or fishing permit issued under this Act —

(a) hunts or disturbs a wild animal or fish in a National Park or Community Partnership Park;

(b) disturbs a bird's nest in a National Park or Community Partnership Park; or

(c) removes a wild animal, fish, bird's nest, stone, vegetation or other object, whether animate or inanimate, from a National Park or Community Partnership Park.

Prohibition of hunting, etc in National Park or Community Partnership Park

(2) If the Minister determines that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life, or for other good and sufficient reason, the Minister may direct the Committee to issue a hunting licence to a person authorising that person, under the direction of the Director, to hunt the animal within the National Park or Community Partnership Park.

20. (1) A person commits an offence who, without a permit issued under subsection (2) or (3), or who in breach of an express condition of a permit or regulation made under this Act—

(a) conveys into a National Park, Community Partnership Park or bird or wildlife sanctuary a firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison; or

(b) being within the confines of a National Park, Community Partnership Park or bird wildlife sanctuary is in possession of, carries or uses for any purpose, any firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison.

Prohibition of weapons, etc, in National Park, Community Partnership Park or bird or wildlife sanctuary

(2) Subject to any regulations made under this Act, a person may, while travelling through a National Park, Community Partnership Park, bird or wildlife sanctuary or on a public road, convey into and through the National Park, Community Partnership Park, bird or wildlife sanctuary in the course of that journey, a firearm, dart gun, spear, bow, arrow or other weapon or an explosive, snare, net trap or poisonous substance.

(3) The Director, or a wildlife police officer duly authorised in writing by the Director, may subject to such conditions as the Director considers fit, issue a permit to a person to convey into a National Park, Community Partnership Park, bird or wildlife sanctuary, or within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary or to possess, carry or use for any purpose expressly stated in the permit, a firearm, dart gun, spear, bow, arrow or other weapon or an explosive, snare, net, trap or poisonous substance and that permit shall be valid for the period specified in it.

(4) This section shall not apply to a wildlife officer, honorary wildlife police officer, community scout or other police officer in the performance of duties under this Act or any other relevant written law.

Prohibition of introduction of wild animal into National Park, Community Partnership Park or bird or wildlife sanctuary

21. (1) A person commits an offence who, without the written consent of the Director—

- (a) drives, conveys or introduces a wild animal into a National Park, Community Partnership Park or bird or wildlife sanctuary; or
- (b) drives or conveys a wild animal out of a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) A wildlife police officer, community scout or honorary wildlife police officer who finds within the confines of a National Park, Community Partnership Park, bird or wildlife sanctuary a wild animal which was driven, conveyed or introduced into the National Park, Community Partnership Park, bird or wildlife sanctuary in contravention of subsection (1) may kill the wild animal.

Prohibition of domestic animal in National Park, Community Partnership Park or bird or wildlife sanctuary

22. (1) A person commits an offence who, being the owner of a domestic animal or the person in charge or control of it, without the written consent of the Director—

- (a) drives, conveys or introduces the domestic animal into a National Park, Community Partnership Park or bird or wildlife sanctuary or causes or permits the domestic animal to be driven, conveyed or introduced into a National Park, Community Partnership Park or bird or wildlife sanctuary;

(b) permits or suffers the domestic animal to stray into or within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary; or

(c) permits or suffers the domestic animal to worry, harass or interfere with a wild animal within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) The court may, upon the conviction of a person for an offence under this section, on application by the prosecution and in addition to any other penalty imposed, declare or order the domestic animal to be —

(a) forfeited;

(b) destroyed without compensation; or

(c) forfeited and destroyed without compensation.

(3) Notwithstanding subsection (2), a wildlife police officer, honorary wildlife police officer or community scout who discovers any domestic animal worrying, harassing or otherwise interfering with a wild animal within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary may destroy the domestic animal, and its owner shall not be entitled to any compensation whether convicted of an offence or not under this section.

23. (1) A person who, without the written consent of the Director, introduces any vegetation or causes any vegetation to be introduced into a National Park, Community Partnership Park or bird or wildlife sanctuary, commits an offence.

Prohibition of introduction of vegetation into National Park, Community Partnership Park or bird or wildlife sanctuary

(2) A wildlife police officer, honorary wildlife police officer or community scout who finds within a National Park, Community Partnership Park or bird or wildlife sanctuary any vegetation introduced into the National Park, Community Partnership Park, bird or wildlife sanctuary, in contravention of subsection (1), may destroy the vegetation or offer it to be destroyed.

Prohibition of removal of wild animal or vegetation from National Park, Community Partnership Park or bird or wildlife sanctuary

24. Except as is otherwise provided by this Act, a person commits an offence who, without the written consent of the Director, removes a trophy, vegetation or wild animal, whether alive or dead, from a National Park, Community Partnership Park or bird or wildlife sanctuary or causes or permits the trophy, vegetation or wild animal to be so removed.

Prohibition of damage or removal of object of geological or historical interest, etc. from National Park, Community Partnership Park or bird or wildlife sanctuary

25. Except as is otherwise provided by this Act, a person commits an offence who, without the written consent of the Director, removes from, moves within, defaces or damages within, a National Park, Community Partnership Park or bird or wildlife sanctuary an object of geological, pre-historic, archaeological, historical or scientific interest, or who causes or permits the object to be damaged or removed.

Prohibition of killing, injuring or capturing of wild animal or bird within National Park, Community Partnership Park or bird or wildlife sanctuary

26. Except as is otherwise provided by this Act, a person commits an offence who, without the relevant licence or permit, is in possession of, kills, injures, captures or disturbs a wild animal or removes or destroys an egg, a nest or habitat of a bird, reptile or fish within the confines of a National Park, Community Partnership Park, bird or wildlife sanctuary or Game Management Area.

Regulations relating to National Parks, Community Partnership Parks, bird and wildlife sanctuaries

27. (1) The Minister may, by statutory instrument, in consultation with the Director, make regulations for—

- (a) the conditions under which a person, vehicle, boat, aircraft or animal may enter into, travel through, reside or be kept within a National Park, Community Partnership Park or bird or wildlife sanctuary or any part of the National Park, Community Partnership Park, bird or wildlife sanctuary;
- (b) the conditions under which any building, lodge or aerodrome may be considered within a National Park, Community Partnership Park or bird and wildlife sanctuary;

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- (c) the conditions under which a person travelling through or within a National Community Partnership Park or bird and wildlife sanctuary or on a public road may have in that person's possession, or under the control of that person, a firearm or other weapon, ammunition, explosive, game meat, trophy, trap or poison;
 - (d) the conditions under which a wild animal or species of wild animal may be photographed within a National Park, Community Partnership Park or bird and wildlife sanctuary;
 - (e) the regulation or prohibition of the lighting of fires within a National Park, Community Partnership Park or bird and wildlife sanctuary;
 - (f) the conditions under which a domestic animal may be brought into or maintained within a National Park, Community Partnership Park or bird and wildlife sanctuary or the charging of fees for the bringing of domestic animals into a National Park, Community Partnership Park or bird or wildlife sanctuary;
 - (g) the prohibition or control of the bringing of a wild animal or domestic animal into a National Park, Community Partnership Park or bird and wildlife sanctuary;
 - (h) the prohibition or control of the introduction of any vegetation, whether alive or dead into, the cutting or damaging within, or the removal from, a National Park, Community Partnership Park or bird or wildlife sanctuary;
 - (i) the prohibition or control of destruction, damaging, defacing or removal of any thing, whether animate or inanimate, within or from a National Park, Community Partnership Park or bird or wildlife sanctuary;
 - (j) the fees and charges for entering into a National Park, Community Partnership Park or bird or wildlife sanctuary or any part of it and the fees for any services and amenities provided by the Department for the general public in a National Park, Community Partnership Park or bird or wildlife sanctuary;

- (k) the fees for fishing and the conditions under which a person may fish within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (l) the prohibition or control of the low flying of aircraft over a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (m) the rules of conduct and behaviour of persons while within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (n) the regulation of traffic on a road within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (o) the carriage of passengers and goods within a National Park, Community Partnership Park or bird or wildlife sanctuary, whether for hire or otherwise;
- (p) 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, Community Partnership Park or bird or wildlife sanctuary on roads other than public roads;
- (q) the prohibition, control or regulation of any trade or business carried on within a National Park, Community Partnership Park or bird or wildlife sanctuary, without prejudice to the provisions of the Tourism and Hospitality Act, 2015; and
- (r) generally, for the efficient control and management of a National Park, Community Partnership Park or bird and wildlife sanctuary.

Act No. 13
of 2015

(2) The Minister may, on the advice of the Director, in making regulations under subsection (1), provide differently for different National Parks, Community Partnership Parks, bird or wildlife sanctuaries and categories of businesses and premises for purposes of this Act.

(3) Any regulation made under this section may prescribe, for a breach of the regulations, a fine not exceeding two hundred thousand penalty units or imprisonment for a term not exceeding two years, or to both.

PART IV

GAME MANAGEMENT AREAS

28. (1) The President may, after consultation with the Minister and the local community, by statutory order, declare an area of land within the Republic to be a Game Management Area for the sustainable utilisation of wildlife and for the purposes of this Act, and may, in like manner, define or alter or extend the limits of the area or order the area to cease to be a Game Management Area.

Declaration of Game Management Areas

(2) Any land within any declared or extended Game Management Area that is held under a leasehold title shall not, except with the written consent of the occupier, be affected by the declaration or extension made under subsection (1) and shall be deemed to be excluded from it.

(3) The Minister may, upon application made to the Director, in writing, by the occupier of any land held under a leasehold title, recommend to the President that the land be declared to be, or be included within, a Game Management Area under subsection (1).

(4) Notwithstanding the provisions of any written law, a person may obtain leasehold title within a Game Management Area in accordance with the provisions of the general management plan for the Game Management Area.

(5) Nothing in this section shall prevent the Minister from granting concession agreements within a Game Management Area and land user-rights fees shall be payable to the Ministry by an investor within the Game Management Area which shall be shared between the Ministry and the local community, on such terms as may be prescribed.

29. A person who settles or lives in a Game Management Area shall comply with the provisions of a general management plan for the Game Management Area.

Settlement in Game Management Areas

30. (1) A person who holds any mining rights in, over, under or in respect of any land comprised in a Game Management Area may enter and exercise the mining right within the Game Management Area upon that person giving prior written notice to the Director of the person's intention to enter the Game Management Area and to exercise that person's right upon compliance with any conditions which the Minister may impose.

Restriction on exercise of mining rights within Game Management Area

(2) Without prejudice to the generality of the powers of the Minister to impose conditions, the Minister may impose conditions relating to the exercise of any mining rights in accordance with the measures specified under an environmental impact assessment approved by the Zambia Environmental Management Agency, including the number of persons to be employed within a Game Management Area and the conditions to be observed by such persons.

(3) A person to whom subsection (1) applies who enters a Game Management Area without giving prior notice to the Director or fails to comply with any condition imposed by the Minister commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Restriction on
hunting wild
animals in
Game
Management
Area

31. Except as otherwise provided by this Act, a person who, not being the holder of a hunting licence, capture permit or hunting concession issued under this Act relevant to such hunting, hunts a game or protected animal, except elephant and rhinoceros, in any Game Management Area commits an offence and is liable, upon conviction, to a fine not exceeding four hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

PART V

COMMUNITY RESOURCES BOARDS

Community
resources
boards

32. (1) A local community along geographic boundaries contiguous to a chiefdom in a Game Management Area, an open area or a particular chiefdom with common interest in the wildlife and natural resources in that area, may apply to the Minister for registration as a community resources board.

(2) The Minister shall register as a board, a local community which, in addition to the pre-requisites described in subsection (1), meets the requirements of subsection (3) and shall, in consultation with that board, develop management plans for the Game Management Area, open area or any part of the Game Management Area or open area which is under its jurisdiction.

(3) A board registered under subsection (2) shall serve for a fixed term of three years and shall comprise—

-
- (a) not more than ten but not less than seven representatives from the local community who shall be elected by the local community;
 - (b) one representative of the Council in the area;
 - (c) a representative of a Chief in whose area a board is established to represent that Chief; and
 - (d) a person seconded by the Minister in accordance with subsection (2) of section *thirty-four*.

(4) Notwithstanding subsection (2), a board may invite a person whose presence is, in its opinion, desirable to attend and to participate in the deliberations of a meeting of the board, but that person shall not vote on any matter.

(5) A Chief in whose area a board is established shall be a patron of that board.

(6) The Minister may, in consultation with the Director and the particular board, determine the allowances and honorarium that shall be payable to a Chief referred to in subsection (5).

(7) The Director shall, in consultation with the Minister and the majority of the members of the local community represented by a board, if satisfied that the board is no longer—

- (a) able to perform its functions under this Act, dissolve that board; or
- (b) viable in the area, de-register that board.

(8) Subject to the other provisions of this Act, a board may regulate its own procedure, and shall cause minutes to be kept of the proceedings of every meeting of the board.

(9) A board may convene any meeting at any time for the conduct of its business under this Act.

33. (1) The functions of a board are to promote and develop an integrated approach to the management of human and natural resources in a Community Partnership Park, Game Management Area or an open area falling under its jurisdiction.

(2) Without prejudice to the generality of subsection (1), a board may —

Functions of
board

- (a) negotiate, in conjunction with the Department, co-management agreements with hunting outfitters and photographic tour operators;
- (b) manage the wildlife under its jurisdiction within quotas specified by the Department;
- (c) appoint community scouts to exercise and perform the duties of a wildlife police officer under the supervision of a wildlife police officer in the area falling under the board's jurisdiction;
- (d) in consultation with the Director, develop and implement management plans which reconcile the various uses of land in areas falling under the board's jurisdiction; and
- (e) perform such other functions as the Minister or Director may direct or delegate to it.

(3) The preparation and implementation of general management plans in Community Partnership Parks, Game Management Areas and open areas shall be in accordance with such regulations as the Minister may prescribe, in consultation with the Director.

Secretariat of board

34. (1) There shall be a secretariat for each board which shall consist of such appropriately qualified officers as the board may appoint on such terms and conditions as it may determine.

(2) The Minister shall second an officer to the board who shall serve as part of the secretariat.

Financial provisions

35. (1) A board shall establish a fund to enhance the economic and social well being of the local community within the area described in section *thirty-two*.

(2) There shall be paid into the fund of a board, in addition to the revenues referred to in paragraph (o) of subsection (2) of section *five*, such monies as the board may, with the approval of the Minister, accept by way of grants and donations from any source within or outside Zambia.

(3) A board shall cause to be kept proper books of account and other records relating to its accounts.

(4) The accounts referred to in subsection (3) shall be open for inspection by the Minister, the Director or any other member of that local community.

(5) A board shall, not later than ninety days after the end of the financial year, submit to the Minister, through the Director —

- (a) an audited balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) a report concerning its activities during that financial year.
- (6) A person who misuses any money belonging to a board shall —
- (a) be liable to a surcharge; and
 - (b) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.
- (7) A board shall submit quarterly reports to the Director.
- (8) The accounts of a board shall be audited annually by independent auditors appointed by the board with the approval of the Minister.

PART VI

GAME ANIMALS AND PROTECTED ANIMALS

36. (1) For the purposes of this Act, the Minister shall, by statutory order, in consultation with the Director and on the advice of a board specify, including by scientific name, a wild animal as a game animal or protected animal and in like manner specify a game animal as a protected animal.

Game and
protected
animals

(2) A game animal shall be specified as a protected animal under this section —

- (a) to preserve a viable population of the species when it becomes rare, threatened or endangered;
- (b) for its role in the maintenance and assessment of the health of an eco-system;
- (c) for its economic significance in a local or national economy;
or
- (d) to preserve populations of endemic species.

(3) Where the Minister specifies a wild animal as a protected animal under an order made under subsection (1), the order may—

- (a) prohibit or regulate the hunting of the protected animal generally or during a specified period and throughout the Republic or in a specified area of the Republic; or

(b) apply to all wild animals within the area specified or to a 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 animal.

(4) Except as otherwise provided by this Act, a person who hunts or is found in circumstances showing that the person intends to hunt a protected animal commits an offence.

Restriction
on hunting
game or
protected
animals

37. Except as otherwise provided by this Act, a person who hunts a game animal or protected animal, except under or in accordance with the conditions of a hunting licence, commits an offence.

Wildlife
impact
assessment

38. (1) A person who has reasonable grounds to believe that a proposed or existing government plan or activity of the Government, an organisation or person may have an adverse effect on wildlife in a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area or open area, may request the Minister through the Director that a wildlife impact assessment be conducted.

Act No. 12
of 2011

(2) Where the Minister requires an environmental impact assessment to be conducted, it shall be conducted in accordance with the procedures specified under the Environmental Management Act, 2011, taking into account—

(a) existing or anticipated impact upon wildlife that may be threatened; and

(b) any endangered or endemic species which are or may be affected.

PART VII

LICENCES AND PERMITS

Licences and
permits

39. (1) The following classes of licences shall be issued under this Part—

(a) hunting licence;

(b) bird licence; and

(c) professional hunter's licence.

(2) The following permits shall be issued under this Part—

(a) fishing permit;

(b) capture permit;

- (c) professional guide's permit;
- (d) photographic tour operator's permit; and
- (e) commercial photographic permit.

(3) The Minister may, by statutory instrument, in consultation with the Committee, prescribe—

- (a) the form of, and the terms and conditions attaching to, each class of licence and permit;
- (b) the species, variety of species or the sex of game animal or protected animal which may be hunted or captured under each class of licence or permit;
- (c) the method of hunting to be employed under each licence, the number of game animals or protected animals of each prescribed species, variety or sex which may be hunted;
- (d) the area or areas in which each licence or permit shall be valid and the validity of each licence or permit;
- (e) the time or times of the year during which any specified species, variety or sex of game animal or protected animal may be hunted or captured pursuant to the licence or permit; and
- (f) the fee payable in respect of each class of licence or permit issued under this Part.

(4) The Minister may, on the advice of the Committee, make different provisions for different areas and for different species, varieties and sexes of game animals or protected animals.

40. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a hunting licence to that person.

Hunting
licence

(2) Subject to this Act and the terms and conditions prescribed for a hunting licence, the hunting licence shall authorise the licensee to hunt such animals as are specified in the hunting licence in such areas and for such period as may be prescribed.

(3) The Committee may, by way of endorsement on a hunting licence issued under this section, authorise the licensee to employ a Zambian, for reward or otherwise, to hunt or assist in hunting, on behalf of the licensee, the animal specified in the hunting licence, except that the Committee's endorsement under this subsection shall not be unreasonably withheld.

(4) It shall not be necessary that a person employed under subsection (3) be the holder of a hunting licence under this Part.

Bird licence

41. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a bird licence to that person.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a bird licence, the bird licence shall authorise the licensee to hunt such birds as are prescribed for the bird licence and in the numbers stated in the bird licence.

Professional
hunter's
licence

42. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a professional hunter's licence to that person.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a professional hunter's licence, a professional hunter's licence shall —

(a) authorise the licensee to carry on business as a professional hunter;

(b) allow the licensee to be employed by a hunting outfitter with a hunting concession or with an unfenced private wildlife estate;

(c) engage and supervise such number of apprentice professional hunters on such terms and conditions as may be prescribed; and

(d) while accompanied by a *bona fide* client, authorise the licensee to hunt such animals as are specified in the hunting licence issued to the *bona fide* client and in the numbers so prescribed.

(3) A person commits an offence who, without a professional hunter's licence —

(a) carries on business as a professional hunter;

(b) holds oneself out to the general public to be a professional hunter;

(c) advertises oneself publicly, by any means, as a professional hunter;

(d) solicits from a person a contract or commission to act in the capacity of a professional hunter for that person or for any other person; or

- (e) except as provided by subsection (3) of section *forty*, for gain or reward, assists another person in the hunting of a game animal in a capacity other than as a tracker, gunbearer or beater as provided by section *sixty-one*.

43. (1) Notwithstanding any other provision of this Act, the Minister may, in consultation with the Committee, upon such terms and conditions as the Minister may impose, issue a capture permit to —

Capture
permit

- (a) a person, body of persons or institution authorising the person or institution, for purposes of scientific research or the collection of specimens for zoological gardens, museums or education, to hunt in a stated area or part of the Republic such game animal or protected animal as may be specified in the permit;
- (b) a person or institution authorising the person or institution to rear a wild animal and for such purposes to capture for rearing in a stated area or part of the Republic such game animal or protected animal as may be specified in the permit;
- (c) a person permitting that person to collect crocodile eggs, bird's nest or eggs or any other reptile eggs in such quantities, in such area and for such period as may be specified in the permit; or
- (d) a Chief or other person approved by the Minister, 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 permit.

(2) The Minister may, by way of endorsement on a capture permit issued under this section, authorise the holder to employ for reward or otherwise, any other person to hunt or assist in hunting, or to capture or assist in capturing for rearing, on behalf of the holder, a game animal or protected animal specified in the capture permit.

(3) It shall not be necessary that a person employed as provided by sub-section (2) be the holder of a hunting licence or capture permit under this Part.

(4) Where a person employed by the holder of a capture permit commits an offence under this Act during and in the course of such employment or contravenes a term or condition of the permit, the holder of the capture permit shall be deemed to have committed the same offence that the employed person commits, and the holder of the capture permit may be joined as a defendant with the employed person in any prosecution brought against the employed person for that offence.

Fishing
permit

44. (1) The Committee, or a wildlife police officer duly authorised, in writing, by the Committee, may issue a fishing permit to authorise a person to fish for non-consumptive purposes in a National Park or Community Partnership Park and shall impose such conditions upon the use of the fishing permit as the Minister may prescribe.

(2) A fishing permit issued under subsection (1) shall specify the species and number of fish which may be caught under the fishing permit.

Professional
guide's
permit

45. (1) The Committee may, upon application made to the Committee in the prescribed manner and form, and upon payment of the prescribed fee, by a person who ordinarily resides in Zambia and who complies with the prescribed qualifying conditions, issue to that person a professional guide's permit.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for the professional guide's permit, a professional guide's permit shall be in the prescribed form and shall authorise the holder of the permit to—

(a) conduct or offer to conduct for reward, a photographic or viewing safari; and

(b) take out clients for game drives and walks as may be specified in the permit.

(3) A person commits an offence who, not being a holder of a professional guide's permit—

(a) conducts for reward in a National Park, Community Partnership Park, bird sanctuary, wildlife 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 publicly by any means that the person is a professional guide;
- (d) solicits from any person a contract or commission to act in the capacity of a professional guide for that person or for any other person; or
- (e) holds out to the general public that the person is a professional guide.

(4) A person who employs any other person to carry out the functions of a professional guide without a professional guide's permit commits an offence.

46. (1) The Committee may, upon application made to the Committee, in the prescribed manner and form and upon payment of the prescribed fee, by a person holding a tourism enterprise licence, issue to that person a photographic tour operator's permit.

Photographic
tour
operator's
permit

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a photographic tour operator's permit, a photographic tour operator's permit shall be in the prescribed form and shall authorise the holder to carry on business as a photographic tour operator.

47. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a commercial photographic permit to that person.

Commercial
photographic
permit

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a commercial photographic permit, the commercial photographic permit shall authorise the holder to make paintings or take films or video for commercial purposes in a National Park or Community Partnership Park.

48. (1) Subject to subsection (2), the Committee may, upon application by a hunting outfitter in the prescribed manner and form and upon payment of the prescribed fee, grant the hunting outfitter a hunting concession.

Hunting
concession

- (2) A hunting concession shall authorise a hunting outfitter to—
 - (a) hunt within a Game Management Area or part of a Game Management Area on such terms and conditions as may be prescribed; and
 - (b) sell a hunting quota to any person to hunting in the concession area.

Refusal to
issue licence
or permit

49. (1) The Committee may refuse to issue a licence or permit under this Part if—

- (a) the applicant fails to comply with any prescribed conditions precedent to the issue of the licence or permit;
- (b) a licence or permit formerly held by the applicant is revoked by the Committee;
- (c) the applicant has been or is convicted of an offence under this Act;
- (d) the Committee is satisfied that the applicant is not a fit or proper person to hold the licence or permit;
- (e) the applicant for a photographic tour operator's permit or a hunting concession, is not the holder of a tourism enterprise licence;
- (f) the Committee is satisfied that in the interest of wildlife management, the licence or permit should not be issued; or
- (g) the applicant has been convicted of an offence relating to hunting outside Zambia or the applicant's licence or permit was withdrawn by the wildlife authority of another country.

(2) The Committee shall notify the applicant, in writing, of the refusal to issue a licence or permit and shall state the reasons for the refusal.

Display of
licence or
permit

50. A licensee or permit holder shall display the licence or permit issued in accordance with this Act, or a certified copy of the licence or permit, in a conspicuous place at the principal place of business and at every subsidiary premises where the licensee or permit holder carries out business.

Prohibition
of transfer of
licence or
permit

51. (1) Except as is otherwise provided by this Act, a licence or permit issued under this Part shall be used solely by the licensee or permit holder and is not transferable to another person.

(2) A person who transfers a licence or permit issued to that person or accepts the transfer of a licence or permit from any person commits an offence.

Amendment
or variation
of licence or
permit

52. (1) A licensee or permit holder may, at any time during the validity of the licence or permit, if there are any changes to the licensee's or permit holder's business operations, apply to the Committee for the amendment or variation of the terms and conditions of the licence or permit.

(2) The Committee may approve the amendment of a licence or permit to accommodate any variations requested by the licensee or permit holder and approved by the Committee.

(3) The Committee shall endorse and date any variation, approved in accordance with subsection (2), on the licence or permit.

53. (1) Where a licensee or permit holder decides not to continue operating the licensed or permitted business or activity, the licensee or permit holder shall notify the Committee, in writing, and surrender the licence or permit to the Committee.

Surrender of
licence or
permit

(2) Where a licence or permit is surrendered in accordance with subsection (1), the Committee shall cancel the licence or permit subject to such conditions as it may impose with respect to the winding up of the licensed or permitted business or activity.

54. (1) Subject to subsection (2), the Committee may suspend or revoke a licence or permit if the licensee or permit holder—

Suspension
or revocation
of
licence or
permit

- (a) obtained the licence or permit on the basis of fraud, negligence or misrepresentation;
- (b) assigns, cedes or otherwise transfers the licence without the prior approval of the Committee;
- (c) fails to comply with any term or condition of the licence or permit; or
- (d) operates the licensed or permitted business activity in contravention of this Act or any other relevant written law.

(2) The Committee shall, before suspending or revoking a licence or permit, in accordance with subsection (1), notify the licensee or permit holder of its intention to suspend or revoke the licence or permit, giving reasons for its decision and requesting the licensee or permit holder to show cause, within such reasonable period as may be specified in the notice, why the licence or permit should not be suspended or revoked.

(3) The Committee shall, where a licensee or permit holder fails to correct the contravention within the period specified under subsection (2), suspend or revoke the licence or permit as it considers appropriate in the circumstances of the case.

(4) Where a licence or permit is revoked, in accordance with this section, the licensee or permit holder shall surrender the licence or permit to the Committee and the Committee shall cancel the licence or permit, subject to such conditions as it may impose with respect to the winding up of the licensed or permitted business or activity.

Renewal of
licence or
permit

55. (1) A licensee or permit holder may, sixty days prior to the expiration of the period of validity of the licence or permit, apply to the Committee for the renewal of the licence or permit in the prescribed manner and form upon payment of the prescribed fee.

(2) The Committee shall, within thirty days of receiving an application for the renewal of a licence or permit, approve or reject the application and give reasons where it rejects the application for renewal of the licence or permit.

(3) A licensee or permit holder who submits an application for the renewal of a licence or permit in accordance with subsection (1), shall continue to operate the licensed or permitted business or activity until a decision is made by the Committee on the application for renewal of the licence or permit.

Loss of
licence or
permit

56. (1) A person who loses a licence or permit or whose licence or permit is damaged shall inform the authorised officer within fourteen days of the loss or damage and shall, after a further period of fourteen days, apply to the Committee for the issuance of a duplicate licence or permit.

(2) On application under subsection (1), the Committee may —

(a) issue a duplicate licence or permit on such terms and conditions as it may determine; or

(b) refuse the application and notify the licensee or permit holder, in writing, and give reasons for the refusal.

Single
licensing

Act No. 3 of
2014

57. (1) Subject to this Act, the Department shall operate a single licensing system for the wildlife sector in accordance with the Business Regulatory Act, 2014.

(2) A regulatory agency shall not issue or grant a licence, permit, certificate or other authorisation for the doing of an activity by a person, which may have an adverse effect on wildlife management and conservation, before the regulatory agency first consults the Department whether the issuing or the grant of the licence, permit, certificate or other authorisation will have an adverse effect on wildlife management and conservation.

(3) The Department may, where consulted under subsection (1), impose such conditions or stipulate such requirements as it considers necessary to maintain the wildlife estate or protect wildlife and the wildlife habitat, including conditions relating to the strict compliance of any provision of this Act.

(4) Where the Department imposes any conditions or stipulates any requirement under subsection (3), a regulatory agency shall endorse such condition or requirement on a licence, permit, certificate or authorisation issued to a person whose activities under the licence, permit, certificate or authorisation will affect wildlife conservation and management.

(5) A regulatory agency shall, when requested to do so by the Department, give to the Department any advice or assistance or submit such information as may be necessary for the performance of its functions under this section.

(6) A contravention of a condition or requirement endorsed on a licence, permit, certificate or authorisation under subsection (3), shall be a ground for the revocation of the licence, permit, certificate or authorisation issued by a regulatory agency under the relevant law.

PART VIII

HUNTING OF WILD ANIMALS

58. (1) A licensee and permit holder shall—

- (a) have the licence or permit in actual possession at all times while hunting a game animal or protected animal under the licence or permit;
- (b) produce the licence or permit for inspection and give the licensee's or permit holder's full names and address, in writing, to an authorised officer, upon request;
- (c) be accompanied by a wildlife police officer or community scout while hunting; and
- (d) keep, in the prescribed form, a true record of all game animals or protected animals, other than birds, hunted by that person during the validity of the licence or permit.

(2) A person who contravenes sub-section (1) commits an offence.

Duties of
licensees and
permit
holders

Duties of
holder of
professional
hunter's
licence

59. (1) A holder of a professional hunter's licence issued under section *forty-two* shall—

- (a) have the licence in actual possession, at all times, while engaged in hunting a game animal or protected animal as a professional hunter;
- (b) produce the licence for inspection, and give the licensee's full names and address, in writing, to an authorised officer, upon request;
- (c) keep, in the prescribed form, a record of each client whereby the professional hunter accepted engagement by the 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, that client under the licence;
- (d) be accompanied by a wildlife police officer or community scout during hunting; and
- (e) immediately after each hunt ensure that a client in relation to whom the professional hunter is engaged for that hunt completes a certificate in the prescribed form, specifying the game animal or protected animal killed or wounded.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence.

Counting of
hunted game
animals or
protected
animals

60. (1) For the purpose of—

- (a) computing the numbers of game animals or protected animals authorised to be hunted under a hunting licence;
- (b) computing the numbers of game animals or protected animals permitted to be hunted or captured in a National Park, Community Partnership Park, Game Management Area or open area under a hunting licence granted under section *forty* or a capture permit granted under section *forty-three*; or
- (c) recording the numbers of hunted animals or protected animals in a record required to be kept under section *fifty-nine*; only the game animals or protected animals killed, wounded or captured shall be counted.

(2) Subject to subsection (3) and (4), if a game animal or protected animal is killed, in any circumstances, by a licensee or permit holder under this Act whose licence or permit entitles the licensee or permit holder to hunt a game animal or protected animal of that species, or by a person accompanying or assisting the licensee or permit holder, such animal shall count as having been hunted under the licence or permit.

(3) Where a person accompanying or assisting a licensee or permit holder is in possession of a licence or permit entitling the person to hunt a game animal or protected animal of the species killed by that person, the animal shall count as having been hunted under the licence or permit of the person accompanying or assisting the licensee or permit holder.

(4) Nothing in subsection (2) or (3) shall apply to a game animal or protected animal killed or wounded in accordance with section *seventy-eight*.

61. (1) Subject to section *forty*, a person who is not a holder of a hunting licence or capture permit issued under this Act may assist, for gain or reward or otherwise, a licensee under a hunting licence or a permit holder under a capture permit, to hunt a game animal or protected animal solely in the capacity of a tracker, gun bearer or beater.

Limitations upon persons assisting in hunting game or protected animals

(2) A person who contravenes this section commits an offence.

62. (1) A person who employs, causes or induces another person to hunt a game animal or protected animal on that person's behalf commits an offence.

Prohibition of employment of another person to hunt

(2) This section shall not apply where the person employed —

(a) is a licensed professional hunter employed to hunt game or protected animals on behalf of a licensee under a hunting licence while the licensed professional hunter is accompanied by the licensee; or

(b) is employed by a licensee under a hunting licence or a permit holder under a capture permit to hunt a game animal or protected animal in accordance with an authorisation to that effect endorsed on the hunting licence or capture permit.

Prohibition
of hunting in
open area

63. (1) Except as otherwise provided by this Act, a person who is not a holder of a hunting licence or capture permit under this Act, who hunts a game animal or protected animal in an open area commits an offence and is liable, upon conviction, to a fine not exceeding four hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

(2) This section does not apply to a person who, within an open area —

(a) hunts an animal which is not a game animal or protected animal;

(b) is the owner of the land and is in possession of a hunting licence or hunting concession authorising that person to hunt the game animal or protected animal;

(c) has previously sought and obtained the written consent of the owner to do so and is in possession of a hunting licence authorising that person to hunt a game animal or protected animal; or

(d) is an authorised officer while acting under instructions in performance of that officer's duties in the exercise of powers under this Act.

Hunting in
fenced and
unfenced
private
wildlife
estate

64. (1) A person who, without the written consent of the owner of a fenced private wildlife estate or other authorised person, hunts a game or protected animal in a private wildlife estate commits an offence and is liable, upon conviction, to a fine not exceeding four hundred thousand penalty units or imprisonment for a term not exceeding four years, except that this section does not apply to the owner of the private wildlife estate.

(2) Notwithstanding subsection (1), a person found in possession of meat of a game or protected animal hunted in a fenced private wildlife estate without the written consent of the owner of the private wildlife estate commits an offence and is liable, upon

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

(3) A person who, not being a holder of a hunting licence or capture permit, hunts a game or protected animal in an unfenced private wildlife estate commits an offence and is liable, upon conviction, to a fine not exceeding four hundred thousand penalty units or to imprisonment for a term not exceeding four years, or to both.

(4) A person found in possession of meat of a game or protected animal hunted in an unfenced private wildlife estate without a written consent issued by the owner of the private wildlife estate commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

65. (1) Except as may be authorised under a capture permit or permitted under section *seventy-six*, a person commits an offence who hunts—

Prohibition
of
hunting
young game
animals and
females with
young

- (a) the dependent young of a game animal or protected animal;
or
- (b) a female game animal or protected animal accompanied
by her dependent young.

(2) For the purposes of this section, "dependent young" means a young animal relying upon its parent for sustenance and protection.

66. (1) Except as provided by subsection (2), a person commits an offence who —

Restrictions
on use of
motor vehicle,
aircraft or
boat while
hunting

- (a) uses a motor vehicle, boat or aircraft for purposes of
hunting a game animal or protected animal or who uses
it in such manner as to drive or stampede a game animal
or protected animal, other than a bird, for any purpose;
or

(b) discharges a firearm or other weapon at a game animal or protected animal, other than a bird, from a motor vehicle, aircraft, boat or other conveyance, or discharges the firearm or other weapon from a point within two hundred and fifty metres' distance of a motor vehicle, aircraft, boat or other conveyance.

(2) Nothing in this section shall prohibit the use of a motor vehicle, aircraft, boat or other conveyance for—

(a) hunting a game animal or protected animal under a hunting licence or hunting concession issued under Part VII or under any permit issued under this Act where those means are expressly permitted under the terms of the licence or permit; or

(b) driving away a game animal or protected animal from any aerodrome by a person concerned with the maintenance of the aerodrome, or driving a game animal or protected animal by a 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 an aircraft which is about to alight on or take off from the land.

Restrictions
on use of
dogs while
hunting

67. (1) Except as provided by subsection (2), a person who, without the written permission of the Committee, uses dogs for the purpose of hunting a game animal or protected animal commits an offence.

(2) The Minister may, by statutory instrument, on the advice of the Committee, prescribe a game animal or protected animal in the hunting of which dogs may be used.

(3) A person who contravenes any of the provisions of this section commits an offence.

Prohibition
of
use of fire in
hunting

68. A person who, for the purpose of hunting or assisting in hunting a game animal or protected animal, causes a fire or drives or surrounds a game animal or protected animal with fire commits an offence.

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

Prohibition of use of poison, bird lime or poisoned weapon in hunting

70. Except with the written permission of the Committee, or as authorised under a hunting licence or capture permit or as otherwise provided under this Act, a person who, for the purpose of, or in connection with, hunting a 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 a game animal or protected animal commits an offence.

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

71. (1) The Minister may, by statutory instrument, on the advice of the Committee—

Control of use of specified weapons or methods of hunting

(a) prohibit the hunting of a wild animal, generally or in a specified area, by means of a 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

(b) impose such conditions or restrictions in respect of the use of a 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, on the advice of the Committee, revoke, amend or alter any statutory instrument made under sub-section (1) or suspend, in an area specified in the statutory instrument for any specified period, any regulation where it is necessary to do so in the interest of good wildlife management, for the protection of life, property or the protection of human, animal or plant health.

(3) A person commits an offence who —

(a) hunts a wild animal in contravention of any regulation made under this section; or

(b) possesses, makes, buys or sells, for the purpose of hunting or assisting in the hunting of a wild animal, an instrument, weapon, missile or explosive the use of which for such purpose is prohibited by any regulation made under this section.

Prohibition of driving certain game animal or protected animal into water

72. (1) A person who drives a 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 commits an offence.

(2) The Minister may, by regulation, on the advice of the Committee, suspend the operation of this section in a specified area for a specified period of time or in respect of a specified game or protected animal.

(3) A person who prevents an animal or bird to have access to water or introduces poisonous substances into water commits an offence.

Prohibition of hunting during hours of darkness

73. (1) Except with the written permission of the Committee, a person commits an offence who, during the hours of darkness —

(a) hunts a wild animal; or

(b) for the purpose of or in connection with hunting, or assisting in hunting a wild animal, uses any torch, flare, headlamp or any other artificial light.

(2) For the purpose of this section, “hours of darkness” means the period between one half-hour after sunset and one half-hour before sunrise.

Game drives

74. (1) Except with the written permission of the Committee, a person who uses a motor vehicle to drive or stampede a game animal, other than a drive of birds, commits an offence.

(2) The Minister may, by regulation, on the advice of the Committee, suspend the operation of this section in respect of an area for a specified period of time.

PART IX

KILLING, WOUNDING OR MOLESTING WILD ANIMALS

75. (1) Notwithstanding anything to the contrary in this Act, a person may, if it is necessary, kill a wild animal in defence of oneself or in defence of another person. Self-defence

(2) Nothing in this section shall exonerate a person who, at the time of killing a wild animal in self-defence or in defence of another person, is or was committing an offence under this Act.

(3) Except as is otherwise provided by this Act or by the terms and conditions of a licence or permit issued under this Act, the killing of a game animal or protected animal in accordance with subsection (1) shall not be deemed to transfer to a person the absolute ownership of the animal or the carcass, trophy or meat of the animal.

(4) Where a game animal or protected animal is killed in accordance with subsection (1), the person who has killed the animal shall, within a period of twenty-four hours, make a report of the facts to the nearest authorised officer and shall, unless otherwise entitled to retain the animal under this Act or under a licence or permit issued under this Act, hand over to the authorised officer the carcass, trophy or meat of the animal as the authorised officer may direct.

(5) A person who fails to comply with subsection (4) commits an offence.

76. (1) Notwithstanding any provision to the contrary in this Act— Defence of property

(a) an owner or owner's employee where it is necessary for—

- (i) the protection of the owner's land or a building on it;
- (ii) the protection of a part of the owner's land, which is under cultivation, and for the protection of any crops growing upon that part of the land;
- (iii) the protection of any livestock upon any part of that person's land, whether fenced or enclosed or not, which for the time being is in use for the grazing or herding of domestic stock;

(b) an owner of any crops lawfully cultivated on land leased by any other person or held under customary law, or an employee of the owner of the crops; or

- (c) an owner of any livestock lawfully grazed or herded upon land leased by any other person or held under customary law, whether the lands are fenced or enclosed or not, or an employee of the owner of the livestock;

may kill a game animal, non-game animal, protected or non-protected animal that is identified as causing or has caused material damage to the land, building, crops or livestock, as the case may be, and a report shall be made to the nearest authorised officer.

(2) Except as is otherwise provided by this Act or by the terms and conditions of a licence or permit issued under this Act, the killing of a game or protected animal in accordance with subsection (1) shall not be deemed to transfer the absolute ownership to any person of the game animal or protected animal, or the carcas, trophy or meat of the game or protected animal.

(3) Where a game animal or protected animal is killed in accordance with subsection (1), the person who has killed that animal shall, within a period of twenty-four hours, make a report of the fact to the nearest authorised officer and shall, unless otherwise entitled to retain the animal under this Act or under a licence or permit issued under this Act, hand over to the authorised officer the carcas, trophy or meat of that animal as the authorised officer may direct.

(4) An authorised officer may grant the person referred to in subsection (3) ownership of the carcas, trophy or meat of the animal as compensation for any damage to the land, building, crops or livestock caused by the game animal, protected non-game animal or non-protected animal.

(5) A person who fails to comply with subsection (3) commits an offence.

(6) Nothing in this section shall authorise a person to use in the killing of a wild animal a method of hunting prohibited under Part VIII or by any regulation made under this Act.

Game or
protected
animal killed
through
accident or
error

77. (1) A person who kills a game animal or protected animal through accident or error shall, within a period of twenty-four hours, make a report of the facts to the nearest authorised officer and shall hand over to the authorised officer the carcas, trophy or meat of the game or protected animal as the authorised officer may direct.

(2) Nothing in subsection (1) shall apply to a person who kills a game animal or protected animal through accident or error if—

(a) that person is entitled under a licence or permit issued under this Act to hunt a game animal or protected animal of that species and sex; and

(b) no offence under this Act has been committed in relation to the killing of the animal.

(3) Section *sixty* applies to a game animal or protected animal killed by accident or error.

(4) A person who fails to comply with subsection (1) commits an offence.

78. (1) A person who, in any circumstances, wounds a dangerous animal and fails without reasonable cause to use all reasonable effort to kill the animal at the earliest possible opportunity commits an offence, except that a person shall not follow a wounded game animal or protected animal into a National Park, Community Partnership Park or Game Management Area in which the hunting of the animal is prohibited or onto any land held by a person under a leasehold title.

Wounding of
game animal
or protected
animal

(2) A person who has, or who believes that that person has, wounded a game animal or protected animal that in such wounded condition has entered a National Park, Community Partnership Park or Game Management Area in which the hunting of the animal is prohibited shall, within a period of twenty-four hours of the wounding of the animal, make a report of the facts and circumstances to the nearest authorised officer.

(3) A person who has, or who believes that the person has, wounded a game animal or protected animal that in such wounded condition has entered land held by a person under a leasehold title and upon which land that person has no permission to enter shall, within a period of twenty-four hours of the wounding of the animal, make a report of the facts and circumstances to the occupier of the land and to the authorised officer.

79. (1) A person who, in any circumstances, wounds a dangerous animal and fails to kill or recover the animal within twenty-four hours after its wounding shall, within forty-eight hours of the wounding of the animal, report the circumstances of the wounding to the nearest authorised officer.

Wounding of
dangerous
animal

- (2) A report made under subsection (1) shall specify—
- (a) the species of dangerous animal wounded;
 - (b) the date, time and place of the wounding;
 - (c) the type of wound, if known;
 - (d) the weapon by which the wound was inflicted;
 - (e) the efforts made to kill the animal after it was wounded;
 - (f) the time and place at which the animal was lost or escaped;
- and
- (g) 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 Committee within forty-eight hours of the wounding of the animal.

(4) Where a dangerous animal is found dead and the Committee determines that it is an animal which was wounded, but not killed, by the holder of a licence or permit that entitles the holder to hunt the animal, and that the licensee or permit holder—

- (a) made the requisite report; and
- (b) after wounding the animal, used every possible endeavour to kill it;

the Committee may direct that a trophy of the animal be delivered to the licensee or permit holder.

(5) A 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 that person's instructions, by a person accompanying or assisting that person at the time when the wounding took place.

(6) A person who is required by subsection (5) to make a report under subsection (1) or (3) and who fails to do so, or who does not make the report within forty-eight hours of the loss of the wounded dangerous animal, commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

(7) Where a dangerous animal has been wounded by the holder of a licence or permit issued under this Act entitling the holder 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.

80. A person who, in any circumstances, causes unnecessary or undue suffering to a wild animal commits an offence. Cruelty to wild animals

81. (1) Subject to subsection (2), a person who, without the permission of the Committee, is in possession of, or has in that person's control or keeping, a live wild animal that has been orphaned, maimed, mutilated or incapacitated commits an offence. Possession of maimed wild animal

(2) This section does not apply to a veterinary surgeon or a person assisting a veterinary surgeon, or any other person, who has in actual possession, control or keeping an orphaned, maimed or mutilated wild animal for purposes of medical care, treatment, scientific or educational purposes in accordance with the written authority of the Committee.

82. Except as provided for by, or for the purposes of, sections *seventy-five*, *seventy-six*, *seventy-eight* and *seventy-nine*, a person commits an offence who willfully— Molesting or provoking game animal or protected animal

(a) molests or provokes a 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 an animal in any manner that results in the harassment or destruction of a game animal or protected animal.

PART X

TROPHIES

83. (1) A person who, in the course of trade, buys, sells or processes or otherwise deals in a trophy, or manufactures an article from a readily recognisable part of it, without a trophy dealer's permit commits an offence. Prohibited dealings in trophies

(2) This section does not apply to a person who, for purposes of gain, sells, processes or manufactures an article from a trophy of a game animal or protected animal which was lawfully hunted by that person and the ownership of which licence is vested in that person under section *three* or any other provision of this Act.

84. (1) The Committee may, upon application to the Committee made by a person in the prescribed manner and form, and upon payment of the prescribed fee, issue to the person a trophy dealer's permit, in the prescribed form, on such terms and conditions as the Committee shall specify. Trophy dealer's permit

(2) A trophy dealer's permit shall authorise the permit holder to buy, sell, deal in, process or manufacture articles from trophies.

(3) The Committee may—

(a) grant or refuse to grant, suspend for a period of time or revoke a trophy dealer's permit;

(b) make the granting of a trophy dealer's permit subject to any condition that it considers fit to impose; or

(c) limit a trophy dealer's permit to, or exclude from, a specific trophy or class of trophies.

(4) The Committee shall, where it—

(a) refuses to grant a trophy dealer's permit;

(b) suspends, revokes or cancels a trophy dealer's permit;

(c) makes the granting of the trophy dealer's permit subject to any condition; or

(d) limits the trophy dealer's permit to, or excludes from it, any specific trophy or class of trophy;

notify the applicant of the decision, in writing, and shall give reasons for the decision.

Records and
returns

85. (1) A trophy dealer shall keep and maintain such records, and make such returns, of the trophy dealer's trading in trophies as the Minister may prescribe, by statutory instrument, after consultation with the Committee.

(2) A trophy dealer who fails to keep or maintain a record or make a return prescribed under subsection (1) commits an offence.

Prescribed
trophies

86. (1) Subject to subsection (2), the Minister may, on the advice of the Committee, 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 the trophy or class of trophy, except in accordance with the provisions of this Act.

(2) Ivory and rhinoceros horn are prescribed trophies for the purposes of this Act.

Certificate of
ownership of
trophy and
prescribed
trophy

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

(2) Subject to sections *eighty-eight*, *ninety* and *ninety-one* in respect of the import and registration of ivory and rhinoceros horn, a person who imports a prescribed trophy shall, within one month from the date of the import of the prescribed trophy, apply to the Committee for a certificate of ownership in respect of the prescribed trophy under this section.

(3) The Committee may, where satisfied that a certificate of ownership referred to in subsection (1) or (2) was issued through error, or through the misrepresentation or fraud of any person, 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.

(4) A person who has in that person's possession a trophy or prescribed trophy without the certificate of ownership issued in respect of the trophy or prescribed trophy commits an offence.

88. (1) A person who intends to import or export a trophy or prescribed trophy shall apply for an import permit or export permit, respectively, in the prescribed manner and form, upon payment of the prescribed fee.

Importation
and
exportation
of trophy or
prescribed
trophy

(2) A person who contravenes subsection (1) commits an offence.

(3) The Committee may, upon application made by a person in the prescribed manner and form and upon payment of the prescribed fee, with the approval of the Minister and subject to such conditions as the Minister may determine, issue an import or export permit in respect of a prescribed trophy.

(4) A permit issued under this section shall not be deemed to relieve a person from a restriction on, or prohibition of, the import or export of a trophy or prescribed trophy imposed by or under any other written law.

89. (1) A person who transfers, or purports to transfer, the ownership of a prescribed trophy to another person, whether by way of gift, sale or otherwise, shall, at the time of the transfer or purported transfer, be in actual possession of the certificate of ownership issued in respect of the prescribed trophy.

Transfer of
ownership of
prescribed
trophy

(2) Subject to section *ninety-three*, a person who intends to transfer a certificate of ownership of a prescribed trophy to another person shall apply to the Committee for the transfer in the prescribed manner and form.

(3) The Committee shall, where it approves the application made under subsection (2), withdraw the original certificate of ownership from the transferor and upon payment of the appropriate fee by the transferor, issue a new certificate of ownership in the name and address of the transferee for the prescribed trophies as recorded on the original certificate of ownership.

(4) A person who intends to transfer only part of the trophies indicated on the original certificate of ownership held by that person to another person shall apply to the Committee for the transfer, in the prescribed manner and form, indicating the number and type of trophies to be transferred to that other person.

(5) The Committee shall, upon approval of the application referred to in subsection (4) and upon payment of the prescribed fee, withdraw the original certificate of ownership from the transferor and shall issue two separate certificates of ownership, one in the name of the transferor indicating the remaining trophies, and the other in the name of the transferee indicating the number and type of trophies which have been transferred.

(6) Subject to section *ninety-three*, a person who, by way of gift, purchase or otherwise, obtains or purports to obtain from any other person the ownership of a prescribed trophy, shall ensure that the certificate of ownership for that trophy has been lawfully transferred to that person as provided for in subsections (2), (3), (4) and (5).

(7) Subject to section *ninety-three*, a person who, by way of gift, purchase or otherwise, obtains or purports to obtain from any other person the ownership of a prescribed trophy shall, at the time such ownership is, or is purported to be, transferred to that person obtain from the transferor the certificate of ownership issued in respect of the prescribed trophy endorsed as prescribed by subsection (3).

(8) The transferor shall bear the cost of carrying out an inspection where required under this section.

Production
of ivory or
horn of killed
elephant or
rhinoceros

90. (1) A person who, except as provided under section *seventy-five* or *seventy-six*, kills an elephant or rhinoceros shall, within forty-eight hours from 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) A person who fails to comply with subsection (1) commits an offence.

91. (1) Subject to any regulations made under subsection (1) of section *eighty-six*, a person who imports ivory or rhinoceros horn into the Republic shall, within forty-eight hours from the date of importation, produce the ivory or rhinoceros horn to a wildlife police officer, or to a person authorised, in writing, by the Director, for the purpose of weighing and registering the ivory or rhinoceros horn.

Production
of
imported
ivory or
rhinoceros
horn

(2) A person who fails to comply with subsection (1) commits an offence.

92. (1) If, after such inquiry as the wildlife police officer may consider necessary, the wildlife police officer or other person to whom any ivory or rhinoceros horn is produced under section *ninety* or *ninety-one*, is satisfied that the ivory or rhinoceros horn is 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, subject to the regulations made under subsection (1) of section *eighty-six*, been lawfully imported by the person who produced the ivory or rhinoceros horn, as the case may be, the wildlife police officer shall cause it to be weighed, marked and registered in the manner prescribed and shall thereafter return it to the person who produced it for such purpose and shall issue to that person a certificate of ownership in the prescribed form.

Registration
of ivory and
rhinoceros
horn

(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 *ninety* or *ninety-one* 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, the wildlife police officer or person may retain the ivory or rhinoceros horn pending, and for the purposes of, any proceeding which may be instituted in respect of it under this Act.

(3) Where any proceeding is not instituted within three months from the date of production of the ivory or rhinoceros horn, the wildlife police officer or other person 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).

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

Prohibition of transfer of ivory or rhinoceros horn before registration

93. A 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 *ninety-two* commits an offence.

Transfer of ownership of ivory or rhinoceros horn

94. (1) The provisions of section *eighty-nine* shall apply to a 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 the transferee shall endorse upon the certificate of ownership in respect of the ivory or rhinoceros horn a memorandum of 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) A person who fails to comply with subsection (1) commits an offence.

Government trophies

95. A 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.

Report of possession of Government trophy

96. (1) A person who obtains possession of a Government trophy shall, as soon as practicable after obtaining possession of it, make a report of the person's possession of the trophy to the nearest wildlife police officer or such other person authorised, in writing, by the Director, and shall, if so required, deliver up, within forty-eight hours of such notice, the Government trophy to the wildlife police officer or other person.

(2) A person who fails to comply with subsection (1) commits an offence.

Unlawful possession of, or dealing in, Government trophies

97. (1) A person who unlawfully possesses or who purports to buy, sell or otherwise transfer or deal in a Government trophy commits an offence.

(2) For the purposes of this section, possession of a trophy by a person without the relevant licence or 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

TRADE IN WILD ANIMALS AND MEAT OF WILD ANIMALS

98. Except with the written permission of the Director or as is otherwise provided by this Act, a person commits an offence who possesses, buys or sells a live game or protected animal or meat of the game or protected animal, or who is found in circumstances showing that it is that person's intention to buy or sell a live game or protected animal or meat of the game or protected animal.

Prohibited dealings in live wild animals

99. (1) The Director may, in the prescribed form, issue to a person who is in lawful possession of a game animal or protected animal or who intends to sell the meat of a game animal or protected animal a certificate of ownership of the meat, game animal or protected animal.

Certificate of ownership of game animal or protected animal or meat of game or protected animal

(2) The Director shall revoke a certificate of ownership where the Director determines that the certificate of ownership issued under subsection (1) was issued through error or through the misrepresentation or fraud of a person.

(3) The Director shall, upon the revocation of a certificate of ownership under subsection (2), notify the holder of the revocation, in writing, and the person to whom the certificate of ownership was issued shall cause the certificate of ownership to be returned to the Director for cancellation.

(4) A person who fails to comply with subsection (3) commits an offence.

100. (1) The Minister may, on the advice of the Director, by statutory instrument—

Regulation of trade or movement of meat of game or protected animal

(a) control, or make subject to any condition, the trade in live or game animal or protected animal or the trade in carcasses, meat and skins of such animals; and

(b) prohibit, limit, control or make subject to a condition, the movement of the meat of a game animal or protected animal from a specified area for a period of time specified in the order, or may, by like order exclude, in respect of a specified area, the meat of a game animal or protected animal specified in the order from the provisions of this Part or any provision of the order.

(2) A 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 specified game animal or protected animal or to such specified classes of persons as the Minister may determine, on the advice of the Director.

(3) A statutory instrument made under subsection (1) may provide that for a contravention of the Regulations a person commits an offence and shall be liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Sale of game animal or protected animal or meat of game or protected animal

101. (1) A person who sells a 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 the meat of a game animal or protected animal, as the case may be, and a permit to sell the game or protected animal or the meat of the game or protected animal.

(2) Except as may otherwise be prescribed, a seller shall, upon the sale of a game animal or protected animal or 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 the seller 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 a 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 the certificate and endorsement 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) A person who contravenes or fails to comply with any of the provisions of this section commits an offence.

102. (1) A person shall not import a wild animal or meat of a wild animal without an import permit issued under this Part.

Prohibition of importation of wild animal or meat of wild animal without import permit

(2) A person who contravenes subsection (1) commits an offence.

103. (1) A person shall not export a wild animal or meat of a wild animal without an export permit issued under this Part.

Prohibition of exportation of wild animal or meat of wild animal without export permit

(2) A person who contravenes subsection (1) commits an offence.

104. (1) A person may apply to the Committee in the prescribed manner and form upon payment of the prescribed fee for a permit to import or export a wild animal or meat of a wild animal.

Application for import or export permit

(2) The Committee shall, where the applicant meets the requirements of this Act, issue an import or export permit, as the case may be, on such terms and conditions as it may determine.

(3) A permit issued under this section shall—

(a) be valid for the period of time specified in the permit; or

(b) not authorise the export of a protected animal.

(4) A permit issued under this section shall not be deemed to relieve a person from a restriction on, or prohibition of, the import or export of a wild animal or meat of a wild animal imposed by or under any other written law.

105. (1) A person shall import or export a wild animal, trophy or prescribed trophy through a customs port of entry or exit, as applicable, and shall produce to a customs officer —

Restriction on import or export of wild animals or trophies

(a) a valid import or export permit, as the case may be; and

(b) in the case of an importation of a wild animal, trophy or prescribed trophy, documentary evidence that the wild animal, trophy or prescribed trophy has been lawfully exported from the country of origin.

(2) A person who contravenes subsection (1) commits an offence.

(3) A customs officer may, where an importer or exporter fails at the time of the import or export to comply with the requirements of paragraph (a) or (b) of subsection (2), give the importer or exporter three months from the date of the attempted import or export to comply with the requirements.

(4) A customs officer shall detain the wild animal, trophy or prescribed trophy to which subsection (3) applies and the cost incurred in connection with the detention and storage of the wild animal, trophy or prescribed trophy shall be borne by the importer or exporter, as the case may be, and be recoverable from the importer or exporter as a civil debt to the Government.

(5) Where the country from which a wild animal or meat of a wild animal is exported is not the country of origin, it shall be sufficient for the purposes of paragraph (b) of subsection (1) if the importer produces to the customs officer documentary evidence that the wild animal or meat of a wild animal was lawfully exported from the country of export.

Certificate of ownership of imported live wild animal

106. A person who imports any live wild animal shall, within one month from the date of the importation of the live wild animal, apply to the Director for a certificate of ownership in respect of the live wild animal.

Wild animals and trophies in transit

107. (1) This Part does not apply to a wild animal, trophy or prescribed trophy—

(a) in transit through Zambia, if the wild animal, trophy or prescribed trophy is accompanied by the necessary transit customs documents issued in the country of origin or of export of the wild animal, trophy or prescribed trophy and enters through a customs port of entry; or

(b) accompanied by a 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, trophy or prescribed trophy, stating that the person is lawfully authorised to export the wild animal, trophy or prescribed trophy and the person satisfies the customs officer that—

- (i) the certificate was issued to that person; and
- (ii) the person is exporting the wild animal, trophy or prescribed trophy, as the case may be, from the country of origin or export.

(2) A person who contravenes or fails to comply with subsection (1) commits an offence.

108. Notwithstanding the other provisions of this Act, the Minister may, on the advice of the Director and in consultation with the Minister responsible for trade and industry and the Minister responsible for veterinary services, by statutory instrument, regulate the import, export or re-export of any game or protected animal and the regulations may incorporate the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

Implemen-
tation of
international
treaties

PART XII

THE WILDLIFE DEVELOPMENT FUND

109. (1) There is established the Wildlife Development Fund for purposes of wildlife development, research, conservation and management.

Establishment
of Fund

(2) The Fund shall consist of—

- (a) such monies as may be appropriated by Parliament for the purposes of the Fund;
- (b) monies collected from such fees and levies as the Minister responsible for finance may prescribe, in consultation with the Minister;
- (c) such monies as may be received by the Fund from donations and grants from any source, with the approval of the Minister;
- (d) such other monies as may vest in or accrue to the Fund; and
- (e) such other monies as may, by or under any other law, be payable to the Fund.

110. (1) Subject to subsection (3), the Fund shall be managed and administered by the Ministry responsible for wildlife for the purposes specified under subsection (1) of section *one hundred and nine*.

Administration
of Fund and
accounts

(2) The Ministry responsible for wildlife shall ensure that prudent controls are established for the Fund relating to—

- (a) fiscal controls and accounting procedures governing the Fund;
- (b) reporting procedures for matters relating to the Fund; and
- (c) investment of the monies of the Fund.

(3) Subject to subsections (1) and (2), the Fund shall be administered by a Fund committee consisting of seven members appointed by the Minister.

(4) The Fund committee constituted, in accordance with subsection (3), shall comprise one representative each of—

- (a) the Ministries responsible for wildlife and finance;
- (b) the Department;
- (c) the Tourism Council of Zambia;
- (d) the Zambia Institute of Chartered Accountants; and
- (e) an institution and association, in the private sector, which the Minister considers to be beneficial to the objectives of the Fund.

(5) The Ministry responsible for wildlife shall cause to be kept proper books of account and other records relating to the accounts of the Fund.

(6) The Fund shall be audited annually by the Auditor-General.

Annual
report and
statement of
income and
expenditure

111. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Ministry responsible for wildlife shall submit to the Minister responsible for finance a report concerning the activities relating to the Fund during the financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Fund and there shall be appended to the report—

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister responsible for finance may require.

(3) The Minister responsible for finance shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay the report before the National Assembly.

PART XIII
ENFORCEMENT

112. (1) Subject to the other provisions of this Act, an authorised officer may—

Powers of
authorised
officers

- (a) at any reasonable time, enter upon and inspect any land, building, premises, tent, vehicle, boat, aircraft or other conveyance where any wild animal, trophy or prescribed trophy may be found or processed, for the purposes of inspection and data collection;
- (b) demand from any person the production of a licence, permit, certificate or authorisation for an act done or omitted by that person in a public wildlife estate or in relation to which a licence, permit, certificate or authorisation is required under this Act;
- (c) require a person found within a public wildlife estate who has in that person's possession any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light to give an account of the manner in which the person came in its possession and where the account given is not satisfactory, arrest and take that person before a court;
- (d) require the person in charge of any vehicle, boat, aircraft or other conveyance entering Zambia to furnish a list of the names of persons in the vehicle, boat, aircraft or other conveyance and such other prescribed information which is within the power of such person to furnish;

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- (e) search any person whom the authorised officer has reasonable grounds to believe is carrying any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light in contravention of this Act or carrying out an activity contrary to this Act;
 - (f) require any person to produce for inspection any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light, appliance, article, device or any other thing in relation to or in connection with which, the authorised officer has reason to believe, an offence has been committed or is likely to be committed;
 - (g) seize any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light, appliance, equipment, device or other material in connection with which an offence appears to have been committed;
 - (h) seize or order the seizure of a vehicle, boat, aircraft or other conveyance carrying any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation or object in contravention of this Act or any other written law;
 - (i) seize and detain any domestic animal found in a public wildlife estate without a permit;
 - (j) take all reasonable steps to prevent the commission of an offence under this Act;
 - (k) apply or order the application of measures which are necessary or prescribed for the control or prevention of the spread of animal infections or diseases in consultation with other relevant institutions;
 - (l) destroy or order the destruction of any wild animal, trophy or prescribed trophy which is moved or used contrary to the provisions of this Act; and
 - (m) order the adoption of measures prescribed to ensure the protection of public wildlife estates and wildlife.

(2) An owner of any land, building, premises or conveyance shall afford an authorised officer access to the land, building, premises or conveyance and shall give such information and provide such reasonable assistance as the authorised officer may require for the purposes of data collection and carrying out an inspection.

(3) An authorised officer may, in the performance of any functions under this section, be accompanied and assisted by a police officer.

(4) An authorised officer may, in the course of an inspection carried out under this section—

(a) recall, destroy, detain or otherwise dispose of any wild animal, trophy, prescribed trophy or vegetation or order that any such action be taken at the expense of the owner;

(b) obtain a sample of a wild animal, trophy, prescribed trophy or vegetation as the authorised officer considers necessary for purposes of this Act;

(c) order a person to produce for inspection or for purposes of obtaining extracts or copies, any book, document or other information concerning any matter relevant to the administration of this Act; and

(d) suspend one or more activities or temporarily, partially or completely close inspected premises.

(5) A person who contravenes an order made pursuant to this section commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

(6) Where a person fails or refuses to do anything which that person is required to do under an order made under this section, an authorised officer may do or cause such thing to be done.

(7) The cost of anything which an authorised officer does or causes to be done under subsection (6) shall be recoverable by the Director from the person who failed or refused to comply with the order.

(8) The Government shall not be liable for any loss or damage which occurs to any property during an act of seizure by an authorised officer or whilst the property is detained under this Act, unless the authorised officer caused the loss or damage negligently, maliciously or fraudulently.

Power to carry out tests and take statistics

113. (1) An authorised officer may, for the purposes of this Act—

- (a) take or cause a sample or specimen to be taken from any wild animal, trophy or prescribed trophy;
- (b) take or cause a sample or specimen to be taken from any land, building, premises, tent, vehicle, boat, aircraft or other conveyance; or
- (c) conduct such other tests as the authorised officer considers necessary.

(2) An authorised officer may, for the purpose of obtaining statistics, weigh, measure and check any wild animal, trophy or prescribed trophy and any person in charge of the wild animal, trophy or prescribed trophy shall, on demand being made to that person by an authorised officer, produce that wild animal, trophy or prescribed trophy to the authorised officer for that purpose.

Arrest without warrant

114. (1) An authorised officer may arrest a person, without warrant, where the authorised officer has reasonable grounds to believe that the person—

- (a) has committed an offence under this Act;
- (b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence; or
- (c) is wilfully obstructing the authorised officer in the execution of the officer's duties.

(2) An authorised officer who makes an arrest under subsection (1) shall, without undue delay, have the person arrested brought to a police station.

Power to take photographs, measurements, finger prints, etc

115. (1) A wildlife police officer may, on the prescribed form, take or cause to be taken in the presence of that officer, for the purpose of record and identification, the measurements, photographs, fingerprints, hand prints and footprints of a 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 the officer or that the officer has caused them to be taken in the presence of that officer, in accordance with the instructions contained on the form, and that the particulars entered on the form are, to the best of the officer's knowledge and belief, accurate and true.

(3) For the purposes of this section “person in lawful custody” means a person taken into custody under section *one hundred and twelve*.

116. (1) Subject to subsection (2), an authorised officer may, where the authorised officer suspects that a person has committed an offence or is in possession of any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light in relation to or in connection with which an offence has been committed, with a warrant—

Search with
warrant

- (a) enter upon and inspect the land, building, tent, structure or enclosure on or in which the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light which is the subject of an offence may be found; or
- (b) search any baggage, package, parcel, vehicle, boat, aircraft or other conveyance under the control of that person or the employee or agent of that person.

(2) Notwithstanding subsection (1), a private dwelling shall not be entered into except in the presence of the occupier or person over the apparent age of eighteen years who resides in the private dwelling as a member of the occupier’s family.

117. A person who—

Obstruction
of authorised
officer

- (a) willfully delays or obstructs an authorised officer in the carrying out of the officer’s duties under this Act;
- (b) knowingly or negligently gives an authorised officer, in relation to information which the officer is entitled to under this Act, false or misleading information;
- (c) refuses to furnish an authorised officer with information to which the officer is entitled; or
- (d) impersonates or falsely represents oneself to be an authorised officer or to be a person acting under an authorised officer’s orders;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Demanding
production
of licence,
permit,
certificate or
authorisation

118. An authorised officer may demand from a person engaged in doing or causing to be done anything for which a licence, permit, certificate or authorisation is required under this Act to produce the licence, permit, certificate or authorisation and if that person fails to produce it, restrain that person and the employees and agents of that person from doing such thing until the licence, permit, certificate or authorisation is produced.

Prosecution
by officers

119. (1) The Director of Public Prosecutions may, at the request of the Director, in writing, appoint by name or rank a wildlife officer to undertake the prosecution of any offence alleged to have been committed under this Act.

(2) A wildlife officer shall, in undertaking prosecution under subsection (1), act in accordance with the general or special instructions of the Director of Public Prosecutions.

Seizure of
property

120. Where there is reason to believe that an offence has been committed under this Act, any tool, instrument, machinery, equipment, vehicle and other property suspected of having been used in the commission of the offence may be seized by an authorised officer and detained until an order of the court is made regarding the disposal thereof.

Forfeiture
and
restoration
of property

121. (1) The Director shall, where a person from whom a wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or other property has been seized under section *one hundred and twenty*—

(a) is found not guilty or the proceedings against that person are withdrawn, without unnecessary delay, restore the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property to that person; or

(b) cannot be found or is unwilling to receive back the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property, apply to the court for an order of forfeiture of the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property.

(2) The court shall not make an order of forfeiture under subsection (1) unless—

(a) the Director has given notice, by publication in the *Gazette* and in one daily newspaper of general circulation in Zambia, to the effect that the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property which has been seized under this Act shall vest in the State if it is not claimed within three months from the date of publication of the notice; and

(b) three months after the giving of the notice under paragraph (a), the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property remains unclaimed.

(3) Where a claim is made, in writing, by any person that is lawfully entitled to the wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property seized under this Act that the wild animal, trophy,

prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property is not liable to forfeiture under this Act, the Director may order its release to the claimant if satisfied that there is no dispute concerning its ownership and that it is not liable to forfeiture.

(4) The Director shall refer a claim to the High Court where a claim of ownership is made in relation to any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow, explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light or property seized under this Act and the Director finds that—

- (a) there is dispute regarding its ownership;
- (b) there is insufficient evidence to determine its ownership;
or
- (c) the Director is unable to ascertain whether it is liable to forfeiture or not.

Traffic
barriers and
cordons

122. (1) Notwithstanding the provisions of any other law, if a wildlife police officer of a prescribed rank considers it necessary to do so for the prevention and detection of an offence relating to wildlife, the wildlife police officer may —

- (a) erect or place or cause to be erected or placed barriers in or across any street, or cause a cordon to be placed on or around any public place in such manner as the officer may think fit; or
- (b) cause a cordon to be placed in or across or around any public place or private property in such manner as the officer may think fit, and for the purpose, the wildlife police officer forming the cordon may, without the consent of any person, enter any property and do an 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), a wildlife police officer may take all reasonable steps to prevent a person passing or a vehicle being driven past the barrier or cordon.

(3) The driver of a vehicle who fails to comply with any reasonable signal of a wildlife police officer requiring that driver to stop the vehicle before reaching any barrier erected or placed or cordon formed under subsection (1), commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(4) A person who breaks through or attempts to break through a barrier erected or placed or cordon formed, under subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

123. (1) An authorised officer may, subject to subsections (2) and (3), use a firearm which has been issued to the authorised officer against a person—

Use of
firearms

- (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; or
 - (c) who by force prevents or attempts to prevent the lawful arrest of that person or of any other person.
- (2) An authorised officer shall not use a firearm—
- (a) as authorised under paragraph (a) of subsection (1) unless the authorised officer has —
 - (i) reasonable grounds to believe that the officer cannot otherwise prevent the escape; and
 - (ii) given a warning to the person that the officer is about to use a firearm against the person and the warning is unheeded;
 - (b) as authorised under paragraph (b) or (c) of subsection (1) unless the authorised officer has —
 - (i) reasonable ground to believe that the officer or any other person is in danger of grievous bodily harm; and
 - (ii) cannot otherwise effect the arrest or prevent the rescue.

(3) An authorised officer shall not, in the presence of a superior officer, use a firearm against a person except under the orders of that superior officer.

(4) The use of firearms under this section shall, as far as possible, be to incapacitate and not to kill.

(5) 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.

Compliance with Firearms Act Cap. 110

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

Immunity of authorised officer

125. An authorised officer shall not be held liable for damages or otherwise for an act done or omitted to be done in good faith in the performance of the duties and exercise of authorised powers of the authorised officer under this Act.

PART XIV

OFFENCES AND PENALTIES

Prohibition of bush or grass fires in public wildlife estate

126. A person, other than a person authorised in writing by the Director, who causes a bush or grass fire in any public wildlife estate commits an offence.

Hunting or dealing with elephant or rhinoceros

127. (1) A person who hunts, wounds, molests or reduces into possession an elephant or rhinoceros in contravention of any provision of this Act commits an offence and is liable, upon conviction—

(a) for a first offence, to a term of imprisonment of not less than five years but not exceeding twenty years, without the option of a fine; and

(b) for a second or subsequent offence, to a term of imprisonment of not less than ten years but not exceeding twenty-five years, without the option of a fine.

(2) If the court is satisfied that an offence, referred to in subsection (1), was committed for the purpose of, or in connection with, illegal trafficking in ivory or rhinoceros horn, the offender shall be liable, upon conviction—

- (a) for a first offence, to a term of imprisonment of not less than seven years but not exceeding twenty years, without the option of a fine; and
- (b) for a second or subsequent offence, whether or not the previous offence involved illegal trafficking, to a term of imprisonment of not less than fifteen years but not exceeding twenty-five years, without the option of a fine.

128. A person who hunts in a National Park, Community Partnership Park or bird or wildlife sanctuary in contravention of this Act is liable, upon conviction—

Penalty for unlawful hunting in National Park, Community Partnership Park or bird or wildlife sanctuary

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

129. (1) Subject to section *one hundred and thirty*, a person who is in possession of, sells, buys, imports or exports or attempts to sell, buy, import or export a trophy or meat of a wild animal in contravention of this Act is liable, upon conviction, to a fine of not less than three hundred thousand penalty units but not exceeding six hundred thousand penalty units, or to imprisonment for a term not exceeding seven years, or to both.

Illegal possession, purchase or sale of wild animal or trophy

(2) A person who commits an offence under subsection (1) for the purpose of, or in connection with, illegal trafficking of trophy is liable, upon conviction —

- (a) for a first offence, to a fine of not less than one hundred and fifty thousand penalty units but not exceeding five hundred thousand penalty units or to a term of imprisonment of not less than three years but not exceeding five years, or to both; and
- (b) for a second or subsequent offence, to a fine of not less than two hundred thousand penalty units but not exceeding six hundred thousand penalty units or to a term of imprisonment of not less than five years but not exceeding seven years, or to both.

Illegal possession, purchase or sale of protected animal, trophy or meat of protected animal or prescribed trophy

130. (1) A person who is in possession of, sells, buys, imports or exports or attempts to sell, buy, import or export, a protected animal or trophy or meat of a protected animal in contravention of this Act commits an offence and is liable, upon conviction, to imprisonment, without the option of a fine, for a term of not less than five years but not exceeding ten years.

(2) A person who is in possession of, sells, buys, imports or exports or attempts to sell, buy, import or export a prescribed trophy in contravention of this Act is 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.

Malicious damage to infrastructure in public wildlife estate

131. Subject to any other written law, a person who intentionally damages any machinery, equipment, road, track, tramway, bridge, water installation, power line, telephone line, drain or other infrastructure in any public wildlife estate commits an offence.

Unauthorised possession or use of uniform or identity of authorised officer

132. A person who, without authority, wears or is in possession of any uniform or part of a uniform or any badge, mark or identity document issued by or on behalf of the Director to be worn or possessed by an authorised officer commits an offence.

Failure to keep registers or furnish returns

133. (1) A person commits an offence who, when required by or under this Act to keep a register or furnish a return or information to the Director—

(a) fails to keep a register or to furnish a return or information;

(b) fails to make an entry in the register or to furnish the return or information within the prescribed time; or

(c) with intent to mislead, makes an entry in the register or furnishes a return or information which is false in a material particular.

(2) A person who is required to surrender a licence, permit, certificate or authorisation to the Director under this Act who fails to surrender the licence, permit, certificate or authorisation commits an offence.

134. (1) A person commits an offence who, without lawful authority, alters, defaces or removes—

- (a) a register, index or other official record maintained under or for purposes of this Act or an order, requirement, regulation or rule; or
- (b) an entry appearing in a register, index or other official record.

Alteration, defacement or removal of documents

(2) A person who alters, forges, utters, fabricates or defaces a licence, permit, authority, certificate, register, return, record or other document prescribed, issued, furnished or kept for purposes of and under this Act commits an offence.

135. A person who—

Disclosure of confidential information

- (a) being a person employed for the purposes of this Act, publishes or communicates, without lawful authority, to another person information acquired by that person in the course of that person's employment; or
- (b) being in possession of information which, to the person's knowledge, had been disclosed in contravention of this Act, publishes or communicates that information to another person;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

136. A person who commits an offence under this Act for which a penalty is not provided is liable, upon conviction—

General Penalty

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

137. (1) An authorised officer may, where satisfied that a person has committed an offence for which the penalty does not exceed two hundred thousand penalty units or where a person has admitted the commission of an offence under this Act for which the penalty does not exceed two hundred thousand penalty units, summarily demand from the person the payment of a fine not exceeding one hundred thousand penalty units in respect of the offence.

Payment of fine without appearing in court

(2) An authorised officer shall, where the authorised officer demands a payment under subsection (1), inform the person against whom the demand is made of the right to admit or dispute the liability.

(3) A person from whom payment of a fine has been demanded under subsection (1) may elect to admit liability and pay the fine or dispute liability.

(4) The payment of a fine shall operate as a bar to any further criminal proceedings against the person making the payment in respect of the offence concerned.

(5) An authorised officer who receives payment of a fine shall give a receipt to the person making the payment in such form as may be prescribed.

(6) An authorised officer who receives a payment under this section and—

(a) fails to issue a receipt to the person making the payment as required under subsection (5);

(b) fails to account for any payment made under this section;
or

(c) in any manner, misuses or puts to personal use any payment made under this section;

commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

Additional
powers of
court

138. (1) The court may, where a person is convicted of an offence, in addition to any other penalty provided for in this Act—

(a) order the cancellation and surrender of the licence, permit, certificate or authorisation held by that person;

(b) assess the amount of compensation for the loss or damage caused by that person in the commission of the offence and cause the compensation to be recovered from that person as if it were a debt due and payable to the Government;

(c) order the removal or demolition, within such time as the court may determine, of any unauthorised buildings, structures, machinery, equipment, crops and other works set up or grown by that person, and the restoration, as far as practicable, of all areas and things to their former state, and if the removal, demolition and restoration is not effected within the time fixed by the court, the Director shall cause it to be done and the cost incurred shall be recovered by the Director from the convicted person; or

(d) order the confiscation or forfeiture of any wildlife, object, item or article in respect of which the offence was committed and of any livestock, tools, machinery, equipment, vehicles or other property used in the commission of the offence.

(2) The Director may sell or otherwise dispose of any property confiscated or forfeited under subsection (1) and handed over to the Director by order of the court, and any moneys received from the sale or disposal of the property shall be paid into the general revenues of the Republic.

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

Destruction
of game
pits, etc., on
conviction

140. (1) Upon the conviction of any person of an offence under this Act, the court may, in addition to any other penalty imposed, declare any wild animal, trophy, prescribed trophy, nest, habitat, stone, vegetation, object, firearm, dart gun, ammunition, spear, bow, arrow explosive, snare, net trap, poison, bird-lime, gin, mist net, contrivance, missile, torch, flare, headlamp or other artificial light, vehicle, boat, aircraft or other conveyance 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 to the State without compensation and shall order the same to be disposed of as the State considers fit.

Forfeiture of
property on
conviction

(2) Where the prosecution applies for an order of forfeiture in respect of any vehicle, boat, aircraft or other conveyance, the court shall make an order, to the effect that unless any person other than the convicted party claims, under this section, any right of ownership in the vehicle, boat, aircraft or other conveyance within three months of the date referred to in subsection (5), the prosecution may apply to the court, *ex parte*, for an order of forfeiture under subsection (1), and the court shall make the order.

(3) Upon the making of an order under subsection (2), the Director shall, within one month thereafter, cause to be published in the *Gazette* and in at least one daily newspaper of general circulation in the place where the offence was committed, a notice of the making of the order, which shall be in the prescribed form, or if no form is prescribed, in a form approved by the court.

(4) If under any written law requiring the registration of a vehicle, boat, aircraft or other conveyance referred to in subsections (1) and (2), the vehicle, boat, aircraft or other conveyance is registered in Zambia in the name of any person other than the person convicted, the Director shall, within seven days of the date of 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 the address appearing on the register, and the registration of the letter shall be conclusive evidence of service of the notice upon that person.

(5) A person who claims a right to a vehicle, boat, aircraft or other conveyance may, within three months from the date of the making of the 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 order setting out the claim of ownership in the vehicle, boat, aircraft or other conveyance, whereupon the clerk of the court shall fix a date, of one month or more from the date of the lodgement of the application for a hearing and shall, within seven days from the date of 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 burden of proof shall be on the applicant and the court shall not discharge the order made under subsection (2) unless the applicant has adduced evidence and proved to the satisfaction of the court that the applicant was not in any way privy to the offence and that the vehicle, boat, aircraft or other conveyance was, at the time of the commission of the offence, being used for such purpose without the knowledge or consent of the applicant and without any negligent disregard on the part of the applicant, of its use by the convicted person.

(7) Where, upon an application made under subsection (5), the court is satisfied that the conveyance 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 the burden of proof referred to under subsection (6), the court shall declare forfeited all of the estate or interest of the convicted person in and to the conveyance, or all of the rights therein accrued to that person under the hire-purchase agreement or pursuant to the Hire-Purchase Act and order the estate, or interest or rights to be disposed of as the State may consider fit.

Cap. 399

(8) Except with the consent of the State, any right vested in any claimant under any hire-purchase agreement or pursuant to the Hire-Purchase Act to repossess a vehicle, boat, aircraft or other conveyance which is subject to an 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 conveyance shall not be exercisable against the State.

Cap. 399

141. (1) Where a trophy, prescribed trophy firearm or other weapon, trap, net, poison or instrument, vehicle, aircraft, boat or other conveyance, material or article is seized under this Act or any other written law, in relation to or in connection with the commission of an offence under this Act and—

Disposal of animals and goods seized

- (a) the person suspected of having committed the offence is unknown;
- (b) the person suspected of having committed the offence cannot be found for the purpose of service of the court process charging that person with the offence; or
- (c) having been served with such process, the person suspected of having committed the offence fails to appear in answer to the charge;

the Director may, one month from the date of publication of a notice of intention to apply for a court order for forfeiture in one issue of a daily 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, vehicle, aircraft, boat, conveyance, material or article, as the case may be, to be forfeited without compensation and ordering it to be disposed of as the Director may consider fit.

(2) If a person claims any right of ownership in any vehicle, aircraft, boat or other conveyance, to which a notice published under subsection (1) applies, the person may, within one month from 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 subsections (4) to (8) of section *one hundred and forty* shall apply, with the necessary modifications, to the claim of ownership.

(3) If a wild animal or trophy is seized under this Act or any written law in relation to or in connection with the commission of an offence under this Act or such other written law, 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 wild animal or trophy, and the court may order the sale and in the event of a sale of the wild animal or trophy, 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 the Director 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.

Civil remedy reserved

142. (1) Nothing in this Act shall be construed as taking away or interfering with the right of the Republic or any person to sue for and recover, at common law or otherwise, compensation for or in respect of any damage or injury caused by the commission of an offence.

(2) The court shall, in assessing the compensation take into account the amount of any compensation recovered under section *one hundred and thirty-eight*.

Evidence

143. Where in any proceedings under this Act a question arises whether any wildlife is the property of the Republic, it shall be presumed to be the property of the Republic unless the contrary is proved.

Exhibits

144. Where in any proceedings under this Act it becomes necessary for an authorised officer to produce in evidence any wildlife and, in the opinion of that authorised officer, production of the wildlife would be impracticable or involve unnecessary expense or undue delay, it shall be sufficient for the authorised officer to produce in the court any piece or sample of the wildlife.

PART XV
GENERAL PROVISIONS

145. (1) A person who is aggrieved with the decision of the Director or Committee under this Act may appeal to the Minister within thirty days of the receipt of the decision of the Director or Committee. Appeals

(2) The decision of the Minister on an appeal under this section shall be subject to appeal to the High Court within thirty days of the receipt of the decision of the Minister.

146. (1) The Minister may, after consultation with the Director, by regulation, prescribe anything required to be prescribed under this Act and for the better carrying out of the provisions of this Act. Regulations

(2) Without prejudice to the generality of subsection (1), the regulations made under that subsection may make provision for—

- (a) returns to be furnished to the Department or to the Director by holders of licences, permits or certificates issued under this Act;
- (b) the terms and conditions of the licences, permits and certificates issued under this Act;
- (c) the numbers and sex of each species which may be hunted under a licence or permit, the times of the year in which a species of game or protected animal may be hunted generally or in any specified area, the type of weapons prohibited or permitted and such other matters in respect of hunting as may be necessary;
- (d) the hearing and determination of appeals by the Minister;
- (e) the control or prohibition of entry into, passage through, settlement or residence and the regulation of the activities of persons in a Game Management Area;
- (f) the permitting, controlling or prohibiting the burning, cutting, felling or removal of vegetation from a Game Management Area;
- (g) the control or prohibition of hunting of wild animal and protected animals or a species or variety or sex of wild animal or protected animals in a Game Management Area, Community Partnership Park or open area;

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- (h) the control, regulation or prohibition of land development or mining within a National Park, Game Management Area or Community Partnership Park and the imposition of terms and conditions under which land development or mining may be undertaken in such areas;
 - (i) the control of the sale or movement of a game or protected animal, meat of a game or protected animal, or of any trophy, from a National Park, Game Management Area, wildlife sanctuary or bird sanctuary;
 - (j) the fees to be paid for anything to be done under this Act and the remission of any fees payable under this Act;
 - (k) the terms and conditions of wildlife conservation and management on private wildlife estates;
 - (l) the sealing of firearms in areas where the hunting of animals is prohibited or controlled;
 - (m) the terms and conditions under which wild animals lawfully owned may be kept on private wildlife estates, including specifications as to the size and design of enclosures for such wild animals;
 - (n) the preparation of general management plans for National Parks, Community Partnership Parks and Game Management Areas;
 - (o) the payment of rewards to finders of trophies;
 - (p) the functions of a Chief as patron of a board and the conduct of business of boards, including the tenure of such boards;
 - (q) the terms and conditions under which an honorary wildlife police officer may exercise the functions of a wildlife police officer;
 - (r) the implementation of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the Lusaka Agreement on Cooperative Enforcement Operation Directed at Illegal Trade in Wild Flora and Fauna and the Convention on Biological Diversity; and
 - (s) the terms and conditions of co-operation with a person or organisation carrying out the functions of the Department.

(3) The Minister may, on the advice of the Director, in any regulations made under this section, prescribe in respect of the contravention of a provision of the regulations—

- (a) a penalty not exceeding four hundred thousand penalty units or a term of imprisonment for a period not exceeding five years, or both;
- (b) the forfeiture of anything which was the subject matter of the contravention or with which the offence was committed or which was used in, for the purpose of, in relation to, or in connection with, the contravention; and
- (c) in the case of a continuing offence, an additional penalty not exceeding fifty thousand penalty units for each breach.

147. The Zambia Wildlife Act, 1998, is repealed.

Repeal of
Zambia
Wildlife Act,
1998
Act No. 12
of 1998

148. (1) The savings and transitional provisions set out in the Second Schedule apply to the winding up of the Zambia Wildlife Authority.

Savings and
transitional
provisions

(2) Notwithstanding the provisions of this Act, a National Park, bird or wildlife sanctuary and Game Management Area established under the repealed Act continues to exist as if established under this Act.

Act No. 12 of
1998

FIRST SCHEDULE

(Section 7(7))

THE WILDLIFE MANAGEMENT LICENSING COMMITTEE

1. (1) Subject to the other provisions of this Act, a member of the Committee shall hold office for a term of three years from the date of appointment and may be re-appointed for a further term of three years.

Tenure of
office and
vacancy

(2) On the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall an extension of the period exceed three months.

- (3) The office of a member becomes vacant—
- (a) on the member's death;
 - (b) if the member is adjudged bankrupt;
 - (c) if the member is absent, without reasonable excuse, from three consecutive meetings of the Committee of which the member had notice, without the prior approval of the Committee;
 - (d) upon the expiry of one month's notice of the member's intention to resign, given by the member, in writing, to the Minister;
 - (e) if the member becomes mentally or physically incapable of performing duties as a member of the Committee; or
 - (f) if the member is convicted of an offence under this Act or any other written law.

Filling of
casual
vacancy

2. The Minister may, where the office of a member becomes vacant before the expiry of the term of office, appoint another member in the place of the member who vacates office, but that member shall hold office for the unexpired part of the term.

Proceedings
of
Committee

3. (1) Subject to the other provisions of this Act, the Committee may regulate its own procedure.

(2) The Committee shall meet as often as is necessary to perform its functions and at such places and times as the Chairperson may determine.

(3) The Chairperson may, upon giving notice of not less than fourteen days, call a meeting of the Committee and shall call a special meeting to be held within fourteen days of receipt of a written request to the Chairperson by at least five members of the Committee.

(4) If the urgency of any particular matter does not permit the giving of the notice required under sub-paragraph (3), a special meeting may be called by the Chairperson on giving a shorter notice.

(5) The quorum at a meeting of the Committee shall be half of the members of the Committee.

(6) There shall preside at a meeting of the Committee—

- (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice-Chairperson;
- and

(c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(7) A decision of the Committee on any question shall be by the majority of votes of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to the person's deliberative vote.

(8) The Committee may invite any person whose presence is in its opinion desirable to attend and participate in the deliberations of a meeting of the Committee but such a person shall not have a vote.

(9) The validity of any proceedings, act or decision of the Committee shall not be affected by a vacancy in the membership of the Committee or by a defect in the appointment of a member or by reason that a person not entitled to do so, took part in the proceedings.

(10) The Committee shall cause minutes to be kept of the proceedings of every meeting of the Committee and every meeting of a sub-committee established by the Committee.

4. (1) The Committee may, for the purpose of performing its functions, constitute such sub-committees as it considers necessary for the effective performance of the functions of the Committee.

Sub-committees of Committee

(2) The Committee may appoint, as members of a sub-committee, persons who are or are not members of the Committee, except that at least one member of the Committee shall be a member of a sub-committee.

(3) A person serving as a member of a sub-Committee shall hold office for such period as the Committee may determine.

(4) Subject to any specific or general direction of the Committee, a sub-committee may regulate its own procedure.

5. The members of the Committee or any sub-committee of the Committee shall be paid such allowances as the Committee may determine with the approval of the Minister.

Allowances of members

Disclosure of
interest

6. (1) A member or person who is present at a meeting of the Committee or a sub-committee of the Committee at which a matter is the subject of consideration and in which matter that member or person or the member's or that person's associate or relative, is directly or indirectly interested in a private capacity shall, as soon as is practicable, after the commencement of the meeting, declare that interest and shall not, unless the Committee or the sub-committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to, that matter.

(2) A declaration of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) In this paragraph—

(a) “ associate ”, in relation to a person means—

- (i) a nominee or an employee of that person;
- (ii) a former spouse or conjugal partner of that person;
- (iii) a firm of which that person, or that person's nominee, is a partner or a person in charge or in control of its business or affairs;
- (iv) a company in which that person, or that person's nominee, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with that person's nominee, holds a controlling interest or shares amounting to more than thirty percent of the total share capital; or
- (v) the trustee of a trust, where the trust has been created by that person or the total value of the assets contributed by that person before or after the creation of the trust amounts, at any time, to twenty percent or more of the total value of the assets of the trust; and

(b) “ relative ” in relation to a person means—

- (i) a parent, son, daughter, brother, sister, niece, uncle, aunt, grandparent or cousin of that person; or
- (ii) that person's spouse or the spouse of a person mentioned in sub-item (i).

7. (1) A person shall not, without the consent in writing, given by or on behalf of the Committee, publish or disclose to an unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) A person who contravenes sub-paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates the information to any other person commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

8. An action or other proceeding shall not lie or be instituted against a member of the Committee or sub-committee in respect of an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers or functions conferred under this Act.

Immunity

SECOND SCHEDULE

(Section 148 (1))

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Act unless the context otherwise requires—

Interpretation

“appointed date” means such date as the Minister shall appoint by statutory instrument;

“Authority” means the Zambia Wildlife Authority established under section *four* of the Zambia Wildlife Act, 1998, before the commencement of this Act; and

Act No. 12 of 1998

“Secretary to the Treasury” means the Secretary to the Treasury appointed under section *six* of the Public Finance Act, 2004;

Act No. 15 of 2004

2. (1) From the commencement of this Act, the Authority shall exist only for the purpose of winding up its affairs and for no other purpose.

Winding up of affairs of Authority

Act No. 15
of 2004

(2) After the commencement of this Act, the Secretary to the Treasury shall, pursuant to section *forty-three* of the Public Finance Act, 2004, constitute a committee consisting of not less than five members, two of whom shall be Government officers, to wind up the affairs of the Authority.

(3) The committee constituted in accordance with subsection (2) shall ensure that—

- (a) the assets of the Authority are properly inventoried, valued and disposed of subject to the instructions of the Secretary to the Treasury;
- (b) ensure that all debts due to the Authority are properly recovered;
- (c) ensure that the claims of all creditors, including employees and tax liabilities, if any, are proved and settled in full;
- (d) any balance remaining after the conclusion of transactions referred to in paragraphs (b) and (c) is credited to Government revenue; and
- (e) any asset considered strategic by Government in the public interest reverts to the ownership of the Government at no cost to Government.

(4) Notwithstanding anything to the contrary contained in this Act or in any other written law, the Authority shall, subject to the instructions of the Secretary to the Treasury have, for the purpose of winding up its affairs, power to do anything which is necessary or expedient for the purpose or which is incidental thereto, including in particular, without prejudice to the generality of that power, power to enter into and carry out agreement and arrangements for the transfer of its property, rights, liabilities and obligations to the Government.

(5) When the Minister is satisfied, on the advice of the Secretary to the Treasury, that all necessary agreements and arrangements have been made for the winding up of the affairs of the Authority, the Minister shall, by statutory instrument, order that the Authority be dissolved on such date as may be appointed in the statutory instrument.

3. (1) Whenever in pursuance of this Act, any property, rights, liabilities and obligations of the Government through the Authority are deemed transferred to the Government in respect of which transfer a written law provides for registration, the Minister shall make an application in writing to the appropriate authority for registration of the transfer.

Registration of property to be transferred

(2) The registration authority referred to in sub paragraph (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue to the transferee concerned with a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect thereof.

4. (1) On or after the appointed date, the Public Service Commission shall appoint as officers of the Department public officers who were employed on permanent and pensionable conditions of service under the Authority, to continue their service under the conditions of the Public Service Pensions Act.

Transfer of employees

Cap. 260

(2) Where an employee of the Authority is appointed to the Department, the terms and conditions of service with the Department shall not be less favorable than those the employee enjoyed with the Authority.

(3) On or after the appointed date, employees of the Authority who were employed under contract shall have their contracts terminated and be paid their gratuity and terminal benefits payable under the contract, but such employees may apply to the Government for employment.

5. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligations vests in the Government by virtue of this Act, the Government and all other persons have the same rights, powers and remedies, and in particular the same rights relating to the instituting or defending of legal proceedings or the making or resisting of applications to any Authority, for ascertaining, perfecting that right, liability or obligation as they would have had if it had all times been a right, liability or obligation of the Government.

Legal proceedings

(2) Any legal proceedings or application of any authority pending immediately before the commencement of this Act by or against the Government in respect of the Authority may be continued by or against the Government.

(3) After the commencement of this Act, proceedings in respect of any right, liability or obligations which was vested in, held, enjoyed, incurred or suffered by the Government in respect of the Authority may be instituted by or against the Government.
