

THE ZAMBIA WILDLIFE ACT, 1998

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GOVERNMENT OF ZAMBIA

ACT

No. 12 of 1998

Date of Assent: 21st April, 1998

An Act to establish the Zambia Wildlife Authority and to define its functions; to provide for the establishment, control and management of National Parks and for the conservation and enhancement of wildlife eco-systems, biodiversity, and of objects of aesthetic, pre-historic, historical, geological, archaeological and scientific interest in National Parks; and for the promotion of opportunities for the equitable and sustainable use of the special qualities of National Parks; to provide for the establishment, control and management of Game Management Areas; to provide for the sustainable use of wildlife and the effective management of the wildlife habitat in Game Management Areas; to enhance the benefits of Game Management Areas both to local communities and to wildlife; to involve local communities in the management of Game Management Areas; to provide for the development and implementation of management plans; to provide for the regulation of game ranching; to provide for the licensing of hunting and control of the processing, sale, import and export of wild animals and trophies; to provide for the implementation of the Convention on International Trade in Endangered Species of Wild Flora and Fauna, the Convention on Wetlands of International Importance Especially as Water Fowl Habitat, the Convention on Biological Diversity and the Lusaka Agreement on Cooperative Enforcement

Operations Directed at Illegal Trade in Wild Fauna and Flora; to repeal the National Parks and Wildlife Act, 1991; and to provide for matters connected with or incidental to the foregoing.

[24th April, 1998

Enactment ENACTED by the Parliament of Zambia.

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Zambia Wildlife Act, 1998 and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Interpretation
Cap. 444

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

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

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

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

"appointed date" means the date appointed by the Minister under section *one*;

"apprentice professional hunter's licence" means a licence as specified in section *forty-six*;

"appropriate fee" in relation to any licence issued under Part VII, means, in the case of a licence so issued, the fee prescribed by regulations made under section *thirty-four*;

"Authority" means the Zambia Wildlife Authority established under section *four*;

"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;

"bird licence" means a licence as specified in section *thirty-eight*;

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

- " board " means a community resources board established under section *six*;
- " capture " includes the taking of eggs or nests;
- " client " means any person who is booked on a hunting tour by a licenced hunting outfitter or a photographic tour operator;
- " commercial photographic licence " means a licence specified under section *fifty-five*;
- " Council " means any city, municipal, township or rural council established under the Local Government Act; Cap. 281
- " court " means a subordinate court or High Court;
- " dangerous animal " means an elephant, a rhinoceros, a hippopotamus, a buffalo, a lion, a leopard or a crocodile;
- " Director-General " means the person appointed Director-General of the Zambia Wildlife Authority under paragraph 8 of the Schedule;
- " domestic animal " means any horse, donkey, mule, camel, cow, sheep, pig, goat, dog, cat or domestic fowl, or any other animal of whatsoever kind or species and, whether quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;
- " Environmental Council " means the Council established under section *six* of the Environmental Protection and Pollution Control Act; Cap. 204
- " game animal " means any wild animal specified under section *thirty*, other than any wild animal specified as a protected animal;
- " Game Management Area " means an area of land declared to be a Game Management Area under section *twenty-six*;
- " harvest " means non-consumptive and consumptive use of game, non-game, protected or unprotected animals;
- " honorary wildlife police officer " means any person appointed as such under paragraph 11 of the Schedule;
- " hunt " includes to kill, to capture and includes the doing of any act immediately directed at killing or capturing;
- " hunting block " means a Game Management Area or an area within a Game Management Area which has been set aside for hunting;
- " hunting concession " means authority to hunt within a specified hunting block given by the Authority for a specified period of time;

- " hunting outfitter's licence " means a licence as specified in section *fifty-three*;
- " ivory " means elephant ivory and includes any article manufactured from ivory;
- " 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 utilization of the wildlife resources in their area;
- " meat " includes fat, blood or flesh, whether fresh or dried, pickled or otherwise preserved;
- " National Park " means an area of land declared to be a National Park under section *ten*;
- " non-resident hunting licence " means a licence as specified in section *thirty-six*;
- " open area " means an area other than a National Park, Game Management Area, bird sanctuary or wildlife sanctuary 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 and includes a licensee in lawful occupation of land under a licence and any 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 of, or viewing of, wild animals or scenery;
- " photographic tour operator's licence " means a licence as specified in section *fifty-two*;
- " prescribed trophy " means any ivory or rhinoceros horn or any other trophy prescribed by regulations made under section *eighty-nine*;
- " professional guide's licence " means a licence as specified in section *forty-nine*;
- " professional hunter's licence " means a licence as specified in section *forty-three*;
- " proper officer " means—
- (i) any wildlife police officer; or
 - (ii) any Zambia police officer not below the rank of Assistant Inspector;
- " protected animal " means any wild animal specified as a protected animal under section *thirty*;

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- "public road " has the meaning assigned to it in the Roads and Road Traffic Act; Cap. 464
- " repealed Act " means the National Parks and Wildlife Act;
- " resident hunting licence " means a licence as specified in section *thirty-seven*;
- " restricted professional hunter's licence " means a licence specified under section *fifty-four*;
- " road " means any public or other way, capable of being used by vehicular traffic and to which the public has access, and includes bridges over which a road passes; Cap. 201
- " special licence " means a licence as specified in section *forty*;
- " trophy " means any horn, tooth, tusk, bone, claw, hoof, skin, hair, egg, feather or other durable part of any game animal or protected animal, whether added to or changed by work of man or not, provided that it is in such form as to be recognisable as a durable part of a game animal or protected animal 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 any article from any trophy of any game animal or protected animal lawfully hunted by him under a licence specified in paragraphs (a), (b), (c) and (d) of section *thirty-three*;
- " trophy dealer's permit " means a permit to engage in the business of a trophy dealer under section *eighty-seven*;
- " vegetation " includes any form of vegetation matter, alive or dead;
- " village scout " means a person employed by a board to enforce this Act within a Game Management Area under the jurisdiction of the board;
- " wild animal " means any animal *ferae naturae*, and includes any game or protected animal, but does not include any domestic animal;
- " wildlife " means wild animals or species of birds which are found in Zambia in a wild state and vegetation which is indigenous to Zambia and grows naturally without cultivation;
- " wildlife police officer " means any officer appointed under paragraph 11 of the Schedule; and
- " wildlife sanctuary " means an area declared as a wildlife sanctuary under section *one hundred and forty-four*.

Ownership
of wild
animals

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

Provided that—

- (i) where any wild animal, which is not a game animal or a protected animal, is captured or killed or otherwise reduced into possession by any person in accordance with this Act, the absolute ownership of that animal or of the carcass of that animal, as the case may be, is hereby transferred to and vested in such person;
 - (ii) where any game animal or protected animal is lawfully captured or killed or otherwise reduced into possession by any person in terms of a licence issued under paragraphs (a), (b), (c) and (h) of section thirty-three or under any authority granted under this Act, the absolute ownership of the game animal or protected animal or of the carcass or any trophy of those animals, is, subject to the other provisions of this Act and to the terms and conditions of the licence or authority, as the case may be, hereby transferred to, and shall vest in, the licensee under the licence or the person so authorised, as the case may be;
 - (iii) where any wild animal is found resident on any land, the right to harvest such animal shall, subject to such regulations as the Minister may, on the advice of the Authority, prescribe, vest absolutely in the owner of such land.
- (2) Notwithstanding subsection (1), the absolute ownership of any wild animal, which has been captured or reduced into possession by any person prior to the commencement of this Act, subject to any other written law in force on the date of the capture of the animal or of its reduction into possession, is hereby declared to be vested in the person, who, on the commencement of this Act, whether directly or through an agent, is in actual lawful possession of the animal.
- (3) Except as provided by subsection (1), nothing in this section shall be deemed to transfer to any person the ownership of any game animal or protected animal which is found dying or dead, or of any found carcass, part of a carcass, trophy or meat or any game animal or protected animal.
- (4) Notwithstanding any other provisions of this section, if any person hunts or reduces into possession any game animal or protected animal in contravention of this Act, the absolute ownership of that game animal or protected animal or of the carcass or any

trophy of the animal shall not be transferred, or be deemed to have been transferred, to that person or to any other person by reason of its having been so hunted or reduced into possession.

(5) The Authority may, in writing, transfer to any person the absolute ownership of any game animal or protected animal which has been hunted or reduced into possession by any other person in contravention of this Act, and such other person shall forthwith deliver up the game animal or protected animal or the carcass of the animal together with every trophy of the animal to the person to whom the ownership has been transferred in terms of this subsection.

PART II

THE ZAMBIA WILDLIFE AUTHORITY

4. (1) There is hereby established the Zambia Wildlife Authority which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions under this Act.

Establishment of Authority

(2) The provisions of the Schedule shall apply to the Authority.

5. (1) Subject to the other provisions of this Act, the functions of the Authority shall be—

Functions of Authority

- (a) to control, manage, conserve, protect and administer National Parks, bird sanctuaries, wildlife sanctuaries and Game Management Areas and coordinate activities in such areas;
- (b) in partnership with local communities, to share the responsibilities of management in Game Management Areas;
- (c) to adopt methods to ensure the sustainability, conservation and preservation in the natural state of eco-systems and bio-diversity in the National Parks, Game Management Areas, bird sanctuaries and wildlife sanctuaries;
- (d) to encourage the general development of National Parks, bird sanctuaries, wildlife sanctuaries and Game Management Areas including the development of facilities and amenities within these areas in accordance with management plans of a National Park, bird sanctuary, wildlife sanctuary or Game Management Area;

- (e) to 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;
- (f) to undertake measures that will ensure the proper balance between the sustainable use of wildlife and the management of eco-systems in National Parks, bird sanctuaries, wildlife sanctuaries and Game Management Areas;
- (g) to enhance the economic and social well-being of local communities in Game Management Areas;
- (h) to prepare and implement management plans for National Parks, Game Management Areas, bird sanctuaries and wildlife sanctuaries in consultation with local communities;
- (i) to issue licences and permits under this Act;
- (j) in partnership with local communities, to grant hunting concessions to hunting outfitters and photographic tour operators in Game Management Areas;
- (k) to assist and advise the boards registered under section six in the management of human and natural resources in Game Management Areas and open areas which fall under their jurisdiction;
- (l) to formulate and advise the Minister on the regulations for the process of preparing and implementing management plans for National Parks, bird sanctuaries, wildlife sanctuaries and Game Management Areas;
- (m) to ensure the systematic management of financial, human and natural resources for the conservation of wildlife so that the abundance and diversity of species is maintained at optimum level;
- (n) to advise the Minister on the regulations required to conserve, protect and manage wildlife in National Parks, Game Management Areas, open areas, bird sanctuaries, wildlife sanctuaries and on private game ranches;
- (o) to pay out such money into a fund established by a community resources board from revenues payable under this Act in respect of licences issued, concessions granted and services rendered from the use of wildlife resources within an area of a board as the Minister shall prescribe by regulations after consultations with the Authority; and

(p) to carry out any other activities relating to wildlife which are necessary or conducive to the performance of its functions under this Act.

(2) Notwithstanding subsection (1)—

(a) the Authority may delegate to any member of the Authority, to any committee of the Authority, to the Director-General or to any board, any of its functions under this Act; and

(b) the Director-General may delegate the functions of office to any proper officer or any board subject to the terms and conditions of the instrument of delegation from the Authority.

PART III

COMMUNITY RESOURCES BOARDS

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

Community
resources
boards

(2) The Authority 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 or open area or any part thereof which is under its jurisdiction.

(3) A board registered under subsection (2) 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 local authority in the area; and

(c) a representative of a chief in whose area a board is established to represent that chief.

(4) Notwithstanding subsection (2) a board may invite any person, whose presence is, in its opinion, desirable, to attend and to participate in the deliberations of a meeting of the board, but such a 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 Authority and the particular board, determine the allowances and honorarium which shall be payable to a chief referred to in subsection (5).

(7) The Authority shall, in consultation with the Minister and majority of the members of the local community represented by that board—

(a) if satisfied that a board is no longer able to perform its functions under this Act, dissolve that board; or

(b) if satisfied that a board is no longer viable in the area, de-register that board.

(8) Subject to the other provisions of this Act, a board may regulate its own procedure:

Provided that the board shall cause minutes to be kept of the proceedings of every meeting of the board.

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

Functions of
community
resources
board

7. (1) The functions of a board shall be to promote and develop an integrated approach to the management of human and natural resources in a Game Management Area or an open area falling within its jurisdiction.

(2) Without prejudice to the generality of subsection (1), a board shall have power to—

(a) negotiate, in conjunction with the Authority, co-management agreements with hunting outfitters and photographic tour operators;

(b) manage the wildlife under its jurisdiction, within quotas specified by the Authority;

(c) appoint village 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 Authority, 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 Authority or Director-General may direct or delegate to it.

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

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

Secretariat
of commu-
nity
resources
board

(2) The Authority may, in consultation with a board, second officers to the board.

9. (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 *six*.

Financial
provisions

(2) In addition to the revenues referred to in paragraph (a) of subsection (1) of section *five*, there shall be paid into the fund of a board such moneys as the board may—

(a) with the approval of the Authority, accept by way of grants and donations from any source within Zambia; and

(b) with the approval of the Minister, accept by way of grants and donations from any source 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 sub-section (3) shall be open for inspection by the Authority, the Director-General 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 Authority, through the Director-General—

(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) Any person who misuses any money belonging to a board shall—

(a) be liable to a surcharge; and

(b) be guilty of an offence and be liable, upon conviction, to a fine not exceeding fifty thousand penalty units or to a term of imprisonment not exceeding twelve months or to both.

(7) A board shall submit half yearly reports to the Director-General.

(8) The accounts of a board shall be audited annually by independent auditors appointed by the board with the approval of the Authority.

PART IV
NATIONAL PARKS

Declaration
of National
Parks

10. Whenever the President is of the opinion that the conservation or protection and enhancement of wildlife, eco-systems, biodiversity and natural beauty so demands, the President may, after consultation with the Authority and the local community in the area, by statutory order, declare any area of land within the Republic to be a National Park for the purposes of this Act and may, in like manner define, alter or extend the limits of any National Park.

Effect of
orders and
acquisition
of lands

Cap. 189

11. (1) Where any person has any right in or over any land which is included in any area subject to an order made under section *ten*, that land may, for the purpose of the extinguishment of such right, be acquired by the President in accordance with the Lands Acquisition Act.

(2) For the purposes of this section, the term "right in or over any land" shall be construed as including any right of way easement, franchise, profit, claim, privilege, exemption or immunity of any person in, over or under such land, but shall not include any mining rights, or any communal fishing right enjoyed under customary law by any person or body of persons.

Continuation
of existing
National
Park

12. Notwithstanding the provisions of this Act, A National Park established under the repealed Act shall continue to exist as if established under this Act.

Grant of
mining and
other rights
in National
Park

13. (1) Nothing in this Act shall be construed as preventing or restricting the granting in respect of any land within a National Park—

(a) of any mining right, or other right, title, interest or authority necessary or convenient for the enjoyment of a mining right;

Provided that a mining right shall not be granted in a National Park or an adjoining Game Management Area without an environmental impact assessment conducted in accordance with procedures specified by the Environmental Council under the Environmental Protection and Pollution Control Act and which procedures shall take into account the need to conserve and protect—

Cap. 204

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

(ii) the features of cultural, architectural, archeological, historical or geological interest in or on the land over which the right is sought; or

(b) for any purpose not inconsistent with this Act, of any right, title, interest or authority under any written law.

(2) The exercise of any mining right in respect of any land comprised in a National Park, shall be subject to section *twenty-four*.

(3) The exercise of any right, title, interest or authority granted under paragraph (b) of subsection (1) shall be subject to any conditions which the Authority may impose.

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

Traffic on
public roads
in National
Park

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

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

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention of such regulations, of a fine not exceeding one thousand penalty units or imprisonment for a term not exceeding six months, or to both.

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

(4) Subsections (8), (9) and (10) of section *twenty-five* of the Roads and Road Traffic Act shall apply, with the necessary modifications, in respect of any traffic sign or signal placed on or near any public road under subsection (3).

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(5) The Director-General or any wildlife police officer or honorary wildlife police officer may, whenever they think it necessary so to do, cause any person or any vehicle using any public road

within or leading to, or from, any National Park to stop for search, examination or questioning for the purposes of the enforcement of this Act; and may for such purposes erect and control barriers or check points on any such public road.

(6) Any person who fails to comply with any order or direction to stop, or who fails to stop at any barrier or check point erected in terms of subsection (5), shall be guilty of an offence.

Restrictions
on entry into
or residence
in National
Park

15. (1) Any person who, except in accordance with this Act, enters into or resides in, or purports to enter into, or reside in, a National Park shall be guilty of an offence.

(2) This section shall not apply to—

(a) any member of the Authority in connection with the duties of that member under this Act;

(b) any proper officer or public officer on specified duties requiring the presence of that officer in a National Park;

(c) any honoray wildlife police officer who is entitled to be present in a National Park under the terms of the instrument appointing the officer;

(d) any person travelling through a National Park along a public road within the confines of the road reserve;

(e) any person in possession of a permit and the dependants of that person, to so enter or reside, issued by the Director-General or by any other officer duly authorised in writing by the Director-General to issue such a permit;

(f) any person who enters a National Park under section *twenty-four*;

(g) the servants of persons in paragraphs (e) and (f) above, inclusive;

(h) any person admitted under any regulation made under section *twenty-five*; and

(i) any person who enters a National Park as part of his official duties for a board registered under section *six*:

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

Prohibition
of hunting,
etc., in
National
Park

16. (1) Any person who, without a permit so to do issued under subsection (2) or (3), hunts, or disturbs any will animal or fish, or who disturbs any birds' nests in a National Park or who removes any wild animal, fish, bird's nest, stone, vegetation or other object whether animate or inanimate from a National Park shall be guilty of an offence.

(2) The Director-General, or any wildlife police officer duly authorised in writing by the Director-General, may issue a permit to any person to fish in a National Park and shall impose such conditions upon the use of the permit as the Authority may consider expedient or necessary.

(3) If the Authority is satisfied that any wild animal within a National Park should be hunted for the better preservation of other animal life, or for other good and sufficient reason, it may direct the Director-General to issue a permit to any person authorising that person, under the direction of the Director-General, to hunt the animal within the National Park.

(4) Any permit issued under subsection (3) shall specify the species and number of wild animals which may be hunted under the permit.

(5) The Director-General may with the approval of the Authority, at any time, revoke or cancel any permit issued under subsection (2) or (3).

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

Prohibition
of weapons,
etc., in
National
Park

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

(2) The Director-General, or any wildlife police officer duly authorised in writing by the Director-General, may, subject to such conditions as the Director-General considers fit, issue a permit to any person to convey into any National Park, or, within the confines of any National Park, to possess, carry or use, for any purpose expressly stated in such permit, any firearm, spear, bow, arrow or other weapon or any explosive, snare, net, trap or poison, as the case may be, and that permit shall be valid for the period expressed in it.

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

Prohibition
of introduc-
tion of wild
animals into
National
Park

18. (1) Any person who, without the consent of the Director-General or without just cause or excuse, drives, conveys or introduces any wild animal into a National Park or drives or conveys any wild animals out of a National Park, shall be guilty of an offence.

(2) If any wildlife police officer, village scout or honorary wildlife police officer finds within the confines of any National Park any wild animal which was driven, conveyed or introduced into the National Park in contravention of subsection (1), the officer or village scout may destroy the animal.

Prohibition
of domestic
animals in
National
Park

19. (1) Any person, being the owner of any domestic animal or the person in charge or control of it, who, without the consent of the Director-General or without just cause or excuse—

(a) drives, conveys or introduces the domestic animal into any National Park or causes or permits that animal to be so driven, conveyed or introduced into any National Park;

(b) permits or suffers the domestic animal to stray into or within the confines of any National Park; or

(c) permits or suffers the domestic animal to worry, harass or otherwise interfere with any wild animal within the confines of any National Park;

shall be guilty of an offence.

(2) Upon the conviction of any person for an offence under this section, the court may, at the request of the prosecution and in addition to any other penalty impose, declare the domestic animal to be forfeited or order it to be destroyed without compensation; or may both declare it to be so forfeited and order it to be so destroyed without compensation.

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

Prohibition
of introduc-
tion of
vegetation
into National
Park

20. (1) Any person who, without the consent of the Director-General, brings any vegetation or causes any vegetation to be brought into any National Park shall be guilty of an offence.

(2) If any wildlife police officer, honorary wildlife police officer or village scout finds within the confines of any National Park any vegetation which was brought into the National Park in contravention of subsection (1), the officer may destroy the vegetation, or order it to be so destroyed.

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

Prohibition of removal of wild animals or vegetation from National Park

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

Prohibition of damage or removal of object of geological, historical, etc., from National Park

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

Prohibition of killing, injuring or capturing of wild animals or birds within National Park

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

Restriction on exercise of mining rights within National Park

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

(2) Without prejudice to the generality of the powers to impose conditions under this section, the Authority may impose conditions as to the exercise of any mining rights in accordance with the measures specified under an environmental impact assessment approved by the Environmental Council including the number of persons to be employed within a National Park and the conditions to be observed by such persons.

(3) Any person to whom subsection (1) applies, who enters any National Park without first giving notice to the Director-General or who fails to comply with any condition imposed by the Authority under subsection (1), and any person who fails to comply with any condition required under subsection (2) to be observed by that person, shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding twenty-eight thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Regulations
in relation to
National
Parks

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

- (a) the conditions under which any person, vehicle, boat, aircraft or animal may enter into, travel through, reside or be kept, as the case may be, within a National Park or any part of the National Park;
- (b) the conditions under which any building, lodges, or aerodromes may be constructed within a National Park;
- (c) the conditions under which a person travelling through or within a National Park on a public road may have in that person's possession or under the control of that person any firearm or other weapon, ammunition, explosive, game meat, trophy, trap or poison;
- (d) the conditions under which any wild animal or species of wild animal may be photographed within any National Park;
- (e) the regulation or prohibition of the lighting of fires within any National Park;
- (f) the conditions under which any domestic animal may be brought into, or maintained within a National Park, or the prohibition thereof, and may prescribe fees to be charged for the bringing of any such domestic animal into a National Park;
- (g) the prohibition or control of the bringing of any wild animal into a National Park;
- (h) the prohibition or control of the introduction into, the cutting or damaging within, or the removal from, any National Park of any vegetation whether alive or dead;
- (i) the prohibition or control of destruction, damaging, defacing or removal of anything, whether animate or inanimate, within or from a National Park;
- (j) the scales of charges for entry into a National Park or any part of it and fees for any services and amenities provided by the Authority for the general public in a National Park;
- (k) the fees for fishing and the conditions under which a person may fish within a National Park;
- (l) the prohibition or control of the low flying of aircraft over a National Park;
- (m) the rules of conduct and behaviour of persons while within a National Park;

- (n) the regulation of traffic on roads other than public roads, within a National Park;
- (o) the carriage of passengers and goods within a National Park, 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 on roads other than public roads;
- (q) without prejudice to the provisions of the Trades Licensing Act, the Hotels Act, the Tourism Act and the Casino Act, the prohibition, control or regulation of any trade or business carried on within any National Park; and
- (r) generally, for the efficient control and management of a National Park.

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Cap. 153
Cap. 155
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(2) In making regulations under subsection (1), the Minister on the advice of the Authority, may deal differently within different National Parks and categories of businesses and premises.

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

PART V

GAME MANAGEMENT AREAS

26. (1) The President may, after consultation with the Authority and the local community, by statutory order, declare any 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 any such area or order any such area to cease to be a Game Management Area:

Declaration
of game
Management
Areas

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

(2) Upon application made to the Director-General in writing by the occupier of any land held under a leasehold title, the Authority may recommend to the President that such land be declared to be, or be included within, a Game Management Area under subsection (1).

(3) Notwithstanding the provisions of any other written law, the terms and conditions of granting leasehold title to any person within a Game Management Area, shall be subject to the approval of the Authority.

Continuation
of existing
Game
Management
Areas

27. Notwithstanding the provisions of this Act, a Game Management Area established under the repealed Act shall continue to exist as if established under this Act.

Settlement in
Game
Management
Areas

28. Any person who settles or lives in a Game Management Area shall conform to provisions of a management plan developed by an appropriate board under paragraph (2) of section *seven*.

Restriction
on hunting
wild animals
in Game
Management
Areas

29. Except as is otherwise provided by this Act, any person who, not being the holder of a licence issued under paragraph (a), (b), (c) and (h) of section *thirty-three* relevant to such hunting, hunts any game or protected animal in any Game Management Area shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty-five thousand penalty unit or to imprisonment for a term not exceeding five years, or to both.

PART VI

GAME ANIMALS AND PROTECTED ANIMALS

Game and
protected
animals

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

(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; or
- (c) for its economic significance in a local or national economy.

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

- (a) prohibit or regulate the hunting of any protected animal either generally or during a specified period and whether throughout the Republic or in a specified area of the Republic; or
- (b) apply to all wild animals within the area specified or to any wild animal or species, class or variety of a class of wild animal specified in the order and may make different provisions for different sexes of the specified wild animal.

(4) Except as otherwise provided by this Act, any person who hunts or is found in circumstances showing that it is his intention to hunt any protected animal shall be guilty of an offence.

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

Restriction
on hunting
game or
protected
animals

32. (1) Any person who has reasonable grounds to believe that any proposed or existing government plans or activity of the Government or any other organisation or person may have an adverse effect on any wildlife species or community in a National Park, Game Management Area or open area, such person may request the Authority through the Director-General that a wildlife impact assessment be conducted.

Wildlife
impact
assessments

(2) Whenever the Authority receives such a request, it may within thirty days of receipt thereof require the Government, organisation or person to conduct the assessment in accordance with the procedures specified by the Environmental Council under the Environmental Protection and Pollution Control Act taking into account—

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(a) existing or anticipated impacts upon wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened; and

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

PART VII

LICENCES

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

Licences

(a) non-resident hunting licence;

(b) resident hunting licence;

(c) bird licence;

(d) professional hunter's licence;

(e) apprentice professional hunter's licence;

(f) professional guide's licence;

(g) apprentice professional guide's licence;

(h) special licence;

- (i) photographic tour operator's licence;
- (j) hunting outfitter's licence;
- (k) restricted professional hunter's licence; and
- (l) commercial photographic licence.

Power of
Minister to
regulate

34. (1) The Minister may, in consultation with the Authority, by statutory instrument, prescribe—

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

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

(3) For the purpose of this section, the term "prescribed qualifying conditions" means such conditions as the Minister may, on the advice of the Authority, prescribe under paragraph (a) of subsection (1).

Licences not
transferable

35. (1) Except as is otherwise provided by this Act, any licence issued under this Part shall be used solely by the licensee and shall not be transferable to any other person.

(2) Any person who transfers any licence issued to him or accepts the transfer of any licence to him shall be guilty of an offence.

Non-resident
hunting
licence

36. (1) Upon application by any person to the Director-General in the prescribed form and upon payment of the appropriate fee, the Director-General may issue to such person a non-resident hunting licence.

(2) Subject to the other provisions of this Act and the terms and conditions prescribed for a non-resident hunting licence, such a licence shall be issued to a client of a licensed hunting outfitter's and shall authorise the licensee to hunt such animal as is specified in the licence and in the numbers stated in the licence.

37. (1) Upon application by any person to the Director-General in the prescribed form and upon payment of the appropriate fee, the Director-General may issue to such person a resident hunting licence.

Resident hunting licence

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a resident hunting licence, such a licence shall be issued to any person who is not a client of a licensed hunting outfitter and shall authorise the licensee to hunt such animal as is specified in the licence and in the numbers stated in the licence.

(3) The Director-General may, by way of endorsement on any resident hunting licence issued under this section, authorise the holder of a resident hunting licence to employ for reward or otherwise, any other person to hunt or assist in hunting, on behalf of a licensee, any animal specified in the licence:

Provided that the Director-General's endorsement under this subsection shall not be unreasonably withheld.

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

38. (1) Upon application to the Director-General in the prescribed form and upon payment of the appropriate fee, the Director-General may issue to such person a bird licence.

Bird licence

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

39. Any person who applies to the Director-General for, or who obtains from the Director-General, a non-resident hunting licence, a resident hunting licence or a bird licence while holding a subsisting valid non-resident hunting licence, resident hunting licence or a bird licence, shall be guilty of an offence.

Prohibition of holding more than one non-resident hunting licence, resident hunting licence and bird licence

Special
licence

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

- (a) any person or body of persons or other such institutions, authorising that person or them, for purposes of scientific research or the collection of specimens for zoological gardens, museums or education, to hunt in any stated area or part of the Republic such game animal or protected animal as may be specified in the licence;
- (b) any person authorising the person to hunt in any stated National Park or Game Management Area such game animal or protected animal as may be specified in the licence;
- (c) any owner of a licence authorising the licensee to rear any wild animal and for such purposes to capture for rearing or hunt in any stated area or part of the republic such game animal or protected animal as may be specified in the licence; or
- (d) any 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 licence.

(2) Subject to the other provisions of this Act and to the terms and conditions as stated in a special licence including the payment of such fee as the Minister may determine, such a licence shall authorise the licensee to hunt within specified areas or parts of the Republic, game animals or protected animals, in the number stated in such licence and for such period as the Minister may determine.

Power of
Authority to
authorise
licensee
under special
licence to
employ
others to
hunt

41. (1) The Director-General may, by way of endorsement on any special licence issued under this part, authorise the holder of a special licence to employ for reward or otherwise, any other person to hunt or to assist in hunting, on behalf of the licensee, any game animal or protected animal specified in the special licence.

(2) It shall not be essential that any person employed as provided by subsection (1) be the holder of a licence under this Part.

Special
licensee or
resident
hunting
licensee
jointly liable
for offences
of employee

42. In the event of any person, employed by a licensee under a special licence or a resident hunting licence, committing, during and in the course of such employment, any offence under this Act or contravening any of the terms or conditions of the licence, the licensee under the special licence or resident hunting licence shall be guilty of the same offence as that of which the employed person shall be guilty, and the licensee may be joined as defendant with the employed person in any prosecution brought against the employed person for that offence.

43. (1) Upon application to the Director-General in the prescribed form by any person who complies with the prescribed qualifying conditions, and upon payment of the appropriate fee, the Director-General may issue to such person a professional hunter's licence.

Issue of professional hunter's licence

(2) The appropriate licence fee for a professional hunter's licence shall be payable to the Authority.

44. Subject to the other provisions of this Act and to the terms and conditions prescribed for a professional hunter's licence under this Part, such a licence shall be in the prescribed form and shall authorise the licensee to carry on business as a professional hunter and, while accompanied by a *bona fide* client, to hunt, such animals as are specified in the licences issued to such *bona fide* client and in the numbers so prescribed.

Professional hunter's licence

45. Any person, not being the licensee under a valid and subsisting professional hunter's licence who—

Prohibition of carrying on business of professional hunter without licence

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

shall be guilty of an offence.

46. (1) Upon application to the Director-general in the prescribed form by any person who complies with the prescribed qualifying conditions and on payment of the appropriate fee, the Director-General may issue to that person an apprentice professional hunter's licence.

Issue of apprentice professional hunter's licence

(2) The appropriate fee for an apprentice professional hunter's licence shall be payable to the Authority.

47. Subject to the other provisions of this Act and to the terms and conditions prescribed for an apprentice professional hunter's licence such a licence shall—

Apprentice professional hunter's licence

- (a) be in the form prescribed and shall authorise the licensee under it to carry on business as an apprentice professional hunter under the supervision and subject to the instructions of a licensee under a professional hunter's licence; and

(b) while accompanied by the client in respect of whom he is engaged, to hunt such animal as may be specified in the licence and in the numbers so prescribed.

Prohibition
of certain
acts without
apprentice
professional
hunter's
licence

48. Any person who is not a holder of a valid and subsisting apprentice professional hunter's licence who—

- (a) carries on business as an apprentice professional hunter;
- (b) holds out to general public that the person is an apprentice professional hunter;
- (c) advertises to the public by any means that the person is an apprentice professional hunter;
- (d) solicits from any person any contract or commission to act in the capacity of an apprentice professional hunter for the purpose or for any other purpose; or
- (e) except as provided by sections *thirty-seven* and *forty-one*, for gain or reward assists any other person in the hunting of any game animal in a capacity other than as a tracker or gun-bearer or beater as prescribed by section *sixty-five*;

shall be guilty of an offence.

Professional
guide's
licence

49. (1) Upon application to the Director-general in the prescribed form by any person who ordinarily resides in Zambia and who complies with the prescribed qualifying conditions, and upon payment of the appropriate fee, the Director-General may issue to that person a professional guide's licence.

(2) The appropriate fee for a professional guide's licence shall be payable to the Authority.

(3) Subject to the other provisions of this Act and to the terms and conditions prescribed for the licence, a professional guide's licence, issued under this Part shall be in the prescribed form and shall authorise the licensee under it to conduct for reward, a photographic or viewing safari or to offer to conduct for reward a photographic or viewing safari.

Apprentice
professional
guide's
licence

50. (1) Upon application to the Director-General in the prescribed form by any person who complies with qualifying conditions, and upon payment of the appropriate fee, the Director-General may issue to that person an apprentice professional guide's licence.

(2) The appropriate fee for an apprentice professional guide's licence shall be payable to the Authority.

(3) Subject to the other provisions of this Act and to the terms and conditions prescribed for an apprentice professional guide's licence such a licence shall—

- (a) be in the form prescribed and shall authorise the licensee under it to carry on business as an apprentice professional guide under the supervision and subject to the instructions of a licensee under a professional guide's licence; and

(b) while accompanied by the client in respect of whom he is engaged, to conduct for reward, subject to the terms and conditions of the licence, photographic or viewing safari.

(4) An apprentice professional guide's licence shall not authorise a licensee under it to take any client out for game drives and walks unless accompanied by the licensee under the professional safari guide's licence.

51. (1) Any person not being a licensee under a valid and subsisting professional guide's licence or an apprentice professional guide's licence who—

- (a) conducts for reward in a national 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 or an apprentice professional guide;
- (d) solicits from any person any contract or commission to act in the capacity of a professional guide or an apprentice 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 or an apprentice professional guide;

shall be guilty of an offence.

(2) Any person who employs any other person to carry out the functions of a professional guide or apprentice professional guide without the person being a licensee under a valid and subsisting professional guide's licence or apprentice professional guide's licence shall be guilty of an offence.

52. (1) Upon application to the Director-General in the prescribed form by any person holding a tourism enterprise licence issued under the Tourism Act and upon payment of the prescribed fee, the Director-General may issue to that person a photographic tour operators licence.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for the licence, a photographic tour operators licence shall be in the prescribed form and shall authorise the licensee under it to carry on business as a photographic tour operator.

Prohibition
of carrying
on business
of profes-
sional guide
or apprentice
professional
guide
without
licence

Photographic
tour
operator's
licence
Cap. 155

Hunting
outfitter's
licence
Cap. 155

53. (1) Subject to subsection (2), on application by any person holding a tourism enterprise licence issued under the Tourism Act to the Director-General in the prescribed form and upon payment of the prescribed fee, the Director-General may issue to such person a hunting outfitter's licence.

(2) The hunting outfitter's licence shall be issued to a person ordinarily resident in Zambia and who holds a hunting concession over a Game Management Area or part thereof on such terms and conditions as the Director-General may determine.

Restricted
professional
hunter's
licence

54. (1) Upon application to the Director-General in the prescribed form by any person and upon payment of the prescribed fee, the Director-General may issue to such person a restricted professional hunter's licence.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a restricted professional hunter's licence, such a licence shall authorise the licensee to carry on business as a professional hunter in respect of non-dangerous animals.

Commercial
photographic
licence

55. (1) Upon application to the Director-General in the prescribed form by any person, and upon payment of the prescribed fee, the Director-General may issue to that person a commercial photographic licence.

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

Refusal to
issue licence

56. (1) The Director-General may refuse to issue a licence under this Part if—

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

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(2) The Director-General shall notify the applicant in writing of the refusal under this section to issue a licence and shall state the reasons for the refusal.

57. (1) Where the Director-General refuses to issue a licence, the applicant may, not later than one month after the receipt by the applicant of the notice given under subsection (2) of section *fifty-six*, appeal in writing to the authority against such refusal.

Appeal
against issue
of licence

(2) In determining any appeal, the Authority may uphold the decision of the Director-General or may instruct the Director-General to issue the licence as applied for.

(3) The decision of the Authority on any appeal under this section shall be subject to appeal to the High Court.

58. (1) The Director-General may revoke any licence if satisfied that the licensee has failed to comply with any of the conditions relating to the licence.

Revocation
of Licences

(2) In the event of the revocation of a licence by the Director-General under subsection (1), the Director-General shall, as soon as practicable after ordering the revocation, notify the licensee, in writing, of the revocation and shall state reasons for the revocation.

59. (1) The licensee under any licence which has been revoked by the Director-General under subsection (1) of section *fifty-eight* may, not later than one month after the receipt by the licensee of the notice given under subsection (2) of that section, appeal in writing to the Authority against the revocation.

Appeal
against
revocation

(2) In determining any such appeal, the Authority may consult with the Director-General and may uphold the decision of the Director-General or may instruct the Director-General to withdraw the revocation of the licence.

(3) The decision of the Authority on any appeal under this section shall be subject to appeal to the High Court.

60. (1) The Director-General may suspend, for any period, or cancel any game licence issued under paragraphs (a), (b), (c), (d) and (h) of subsection (1) of section *thirty-three* if in the opinion of the Director-General the interests of good game management so requires the suspension or cancellation, as the case may be.

Suspension,
cancellation
or loss of
licences

(2) Upon the suspension of any licence under subsection (1), the Director-General shall notify the licensee, in writing, of the period of the suspension and, during that period, the licence so suspended shall be of no legal force or effect and shall be surrendered to the Director-General if so required.

(3) Upon the cancellation of any licence under subsection (1), the Director-General shall notify the licensee in writing of such cancellation and, from the date of the notice, the licence so cancelled shall no longer be of any legal force or effect and shall forthwith be surrendered to the Director-General.

(4) Upon the suspension or cancellation of any licence under subsection (1), the licensee may be entitled to a refund of such proportion of the fee paid for the licence as the Director-General may determine.

(5) Where any person loses a licence issued under this Part, the person shall inform the proper officer within fourteen days of the loss and shall after a further period of fourteen days apply to the Director-General for the issuance of a duplicate licence.

(6) On application under subsection (5), the Director-General—

(a) may issue a duplicate licence on such terms and conditions as the Director-General may determine; or

(b) reject the application and notify the licensee in writing and gives reasons for the refusal.

(7) The licensee under any licence which has been suspended or cancelled under subsection (1) or who the Director-General has refused to issue a duplicate licence under subsection (6) may, not later than one month after the receipt of the notice given under subsection (2) or (3), or the notice of refusal to issue a duplicate licence under subsection (5), as the case may be, appeal in writing to the Authority against the suspension, cancellation or refusal.

(8) In determining any appeal under subsection (7), the Authority may consult with the Director-General and may uphold the decision of the Director-General or may instruct the Director-General to rescind the suspension, or set aside the cancellation, as the case may be.

(9) The decision of the Authority on any appeal under this section shall be subject to appeal to the High Court.

PART VIII

HUNTING OF WILD ANIMALS

Duties of
licensees and
permit
holders

61. (1) Every licensee issued with a licence under paragraph (a), (b), (c) and (h) of subsection (1) of section *thirty-three* and every holder of a permit under subsection (3) of section *sixteen* shall—

(a) have the licence or permit in actual possession at all times while hunting any game animal or protected animal under the licence;

(b) produce the licence or permit for inspection and give the full name and address, in writing, to any proper officer, village scout or any honorary wildlife police officer upon request;

(c) be accompanied by a wildlife police officer or village scout while hunting; and

(d) keep, in the form prescribed, a true record of all game animals or protected animals, other than birds, hunted by him during the validity of the licence.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

62. Every licensee under a professional hunter's licence issued under section *forty-three* shall—

Duties of licensee under professional hunter's licence

(a) have the licence in actual possession at all times while engaged in hunting game animal or protected animal as a professional hunter;

(b) produce for inspection the licence, and give the full name and address in writing to any proper officer or honorary wildlife police officer upon request;

(c) keep, in the form prescribed, a record of each licence issued to each client whereby he accepted engagement by such client as a professional hunter, together with a true record of the game animal or protected animal, other than birds, hunted by, or on behalf of, such client under the licence;

(d) be accompanied by a wildlife police officer or village scout; and

(e) immediately after each hunt ensure that any client in relation to whose licence 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 by the client.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

63. (1) Every licensee under an apprentice professional hunter's licence shall—

Duties of licensee under apprentice professional hunter's licence

(a) have the licence in actual possession at all times while engaged in hunting game animals or protected animals as an apprentice professional hunter; or

(b) produce the licence for inspection and give full name and address of the licensee in writing to any proper officer or honorary wildlife police officer upon request.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

Counting of
hunted game
animals or
protected
animals

64. (1) For the purpose of—

(a) computing the numbers of game animals or protected animals authorised to be hunted under any licence issued under Part VII;

(b) computing the numbers of game animals or protected animals permitted to be hunted in any National Park, Game Management Area or open area under any permit granted under subsection (3) of section *sixteen*; or

(c) recording the numbers of hunted animals or protected animals in any record required to be kept under section *sixty-one* or *sixty-two*;

only such game animals or protected animals as are killed, wounded or captured shall be counted.

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

Provided that if any person accompanying or assisting a licensee or holder of a permit is himself in possession of a licence or permit entitling 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 so accompanying or assisting.

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

Limitations
upon persons
assisting in
hunting
game or
protected
animals

65. (1) Subject to the other provisions of this section and of section *forty-one* any person, not being the holder of a licence under paragraphs (a), (b), (c), (d) and (h) of subsection (1) of section *thirty-three* or a permit issued under this Act may assist, for gain or reward or otherwise, any licensee under a game or professional hunter's licence or any permit holder under the permit, to hunt any game animal or protected animal solely in the capacity of a tracker, gun bearer or beater.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

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

Prohibition of employment of another person to hunt

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

- (a) is a licensed professional hunter employed to hunt game animals on behalf of a licensee under a non-resident hunting licence while the licensed professional hunter is accompanied by the licensee; or
- (b) is employed by a licensee under a special licence or resident hunting licence to so hunt any game animal or protected animal in accordance with an authorisation to that effect endorsed on the special licence as provided by sections *thirty-seven* and *forty-one*.

67. Except as otherwise provided by this Act, any person who not being a holder of a licence or permit under this Act, hunts any game animal or protected animal in any open area shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding three years or to both:

Prohibition of hunting in open areas

Provided that this section shall not apply to any person who within such an open area—

- (a) hunts any animal which is not a game animal or protected animal;
- (b) is the owner of such land and is in possession of a valid licence, authorising the licensee to hunt such game animal or protected animal;
- (c) has previously sought and obtained the permission of the owner so to do and is in possession of a valid licence authorising that person to hunt such game animal or protected animal; or
- (d) is a proper officer or honorary wildlife police officer while acting under instructions in performance of that officer's duties in the exercise of powers under this Act.

68: (1) Except as may be authorised under a special licence or permitted under section *seventy-nine* any person who hunts—

Prohibition of hunting young game animals and of females with young

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

shall be guilty of an offence.

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

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

69. (1) Except as provided by subsection (2), any person who—

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

(b) discharges any firearm or other weapon at any animal, or protected animal, other than birds, from any motor vehicle, aircraft, boat or other conveyance, or discharges such firearm or other weapon from a point within two hundred and fifty metres' distance of any such motor vehicle, aircraft, boat or other conveyance;

shall be guilty of an offence.

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

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

Restrictions
on use of
dogs while
hunting

70. (1) Except as provided by subsection (2), any person who, without the written permission of the Director-General, which the Director-General may grant or may refuse without assigning any reason for the refusal, uses dogs for the purpose of hunting any game animal or protected animal, shall be guilty of an offence.

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

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

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

Prohibition of use of fire in hunting

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

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

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

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

74. (1) The Minister may, on the advice of the Authority by regulations, prohibit the hunting of any wild animal, generally, or in any specified area, by means of any game pit, pitfall, trench or similar excavation, fence or enclosure or other device fixed to the ground or other specified method, means, instrument, weapon, missile or explosive, or may, impose in such regulations such conditions or restrictions as the Authority considers fit in respect of the use of any game pit, pitfall, trench or similar excavation, fence or enclosure or other device fixed to the ground or other specified method, means, instrument, weapon, missile or explosive.

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

(2) The Minister may, on the advice of the Authority, revoke, amend or alter any regulation made under subsection (1), or the Minister may, suspend, in any area defined in the regulation for any time therein stated, any regulation when it appears reasonably necessary so to do in the interests of good game management, or for the protection of life or property, or for the protection of the health of human beings, animals or plants.

(3) Any person who—

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

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

shall be guilty of an offence.

Prohibition
of driving
certain game
animal or
protected
animal into
water

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

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

(2) Any person who prevents any animal or bird to have access to water or introduces poisonous substances into water shall be guilty of an offence.

Prohibition
of hunting
during hours
of darkness

76. (1) Except with the written permission of the Director-General, any person who, during the hours of darkness—

(a) hunts any wild animal; or

(b) for the purpose of or in the connection with hunting, or assisting in hunting any wild animal, uses any torch, flare, lamp of the type known as a "bulala lamp" or any other artificial light;

shall be guilty of an offence.

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

Game drives

77. Except with the written permission of the Director-General, any person who uses any motor vehicle to drive or stampede any game animal, other than a drive of birds, shall be guilty of an offence:

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

PART IX

KILLING, WOUNDING OR MOLESTING WILD ANIMALS

Self-defence

78. (1) Notwithstanding anything to the contrary in this Act, a person may kill any wild animal in defence of himself or in defence of any other person if it is necessary:

Provided that nothing in this subsection shall exonerate any person who, at the time of killing any wild animal in self-defence or in defence of any other person, was committing an offence under this Act.

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

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

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence.

79. (1) Notwithstanding any provision to the contrary in this Act—

Defence of
property

(a) any owner or employee of the owner whenever it may be necessary for—

(i) the protection of the owner's land or of any building on it;

(ii) the protection of any 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 his land, whether fenced or otherwise enclosed or not, which for the time being is in use for the grazing or heading of domestic stock;

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

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

may kill any game animal, non-game animal, protected or non-protected animal which is identified as causing or has caused material damage to that land, building, crops or livestock, as the case may be and a report shall be made to the nearest proper officer, village scout or honorary wildlife police officer.

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

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

Provided that the proper office may grant that person 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.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence.

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

Game or
protected
animals
killed
through
accident or
error

80. (1) If any person kills any game animal or protected animal through accident or error, the person shall, within a period of fourteen days, make a report of the facts to the nearest proper officer, village scout or honorary wildlife police officer and shall hand over to the proper officer, honorary wildlife police officer or village scout the carcas. or any trophy or meat of the animal as the officer or village scout may direct.

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

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

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

(3) The provisions of section *sixty-four* shall apply to any game animal or protected animal killed by accident or error.

(4) Any person who fails to comply with subsection (1) shall be guilty of an offence.

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

Wounding of
game animal
or protected
animal

Provided that it shall not be lawful to follow any wounded game animal or protected animal into a National Park, or into a Game Management Area in which the hunting of the animal is prohibited or on to any land held by any person under a leasehold title.

(2) Any person who has, or who believes that he has wounded any game animal or protected animal, which, in such wounded condition, has entered a National Park or a Game Management Area in which the hunting of the animal is prohibited, shall, within a period of forty-eight hours make a report of the facts and circumstances to the nearest proper officer.

(3) Any person who has, or who believes that he has wounded any game animal or protected animal, which, in such wounded condition, has entered land held by any person under a leasehold title and upon which land such person has no permission to enter, shall, within a period of forty-eight hours, make a report of the facts and circumstances to the occupier of the land and to the proper officer, village scout or honorary wildlife police officer.

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

Wounding of
dangerous
animals

(2) Every report made under subsection (1) shall specify the species of dangerous animal wounded, the date, time and place of the wounding, the type of wound, if known, the weapon by which the wound was inflicted, the efforts made to kill the animal after it was wounded, the time and place at which the animal was lost or escaped and any other information which might be of use in locating or identifying the animal.

(3) If the dangerous animal wounded but not killed is an elephant or rhinoceros, the report made under subsection (1) shall in addition be made to the Director-General.

(4) Where any dangerous animal is found dead, and the Director-General is satisfied that it is an animal which was wounded but not killed by the holder of a licence or permit issued under this Act, which licence or permit entitled the holder to hunt the animal, and that licence or permit holder—

(a) made the requisite report; and

(b) after wounding the animal, used every possible endeavour to kill it;

the Director-General may direct that any trophy of the animal be delivered to the licensee or permit holder.

(5) Every report required to be made under subsection (1) or (3) shall whenever possible be made in person by the person who wounded the dangerous animal or on his instructions, by a person accompanying or assisting him at the time when the wounding took place.

(6) Any 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, shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding one month, or to both; and, if such dangerous animal has been wounded by the holder of a licence or permit issued under this Act entitling him to hunt the animal, the absolute ownership of the animal shall not be deemed to pass under the provisions of this Act to the licensee or permit holder as the case may be.

Cruelty to
wild animals

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

Possession
of maimed
wild animals

84. (1) Subject to subsection (2), any person who, without the permission of the Director-General, is in possession of, or who has in control or keeping any live wild animal which has been orphaned, maimed, mutilated or incapacitated shall be guilty of an offence.

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

Molesting or
provoking
game animal
or protected
animal

85. Except as provided for or for the purposes of section *seventy-eight, seventy-nine, eighty-one* and *eighty-two*, any person who willfully and without just cause or excuse—

(a) molests or provokes any game animal or protected animal in any manner which results in the destruction of the game animal or protected animal; or

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

shall be guilty of an offence.

PART X

TROPHIES

86. Any person who, in the course of trade, buys, sells or processes or otherwise deals in any trophy, or manufactures any article from any readily recognisable part of it, except in accordance with a permit so to do, issued under this Act shall be guilty of an offence:

Prohibited
dealings in
trophies

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

87. (1) Upon application to the Director-General in the prescribed form by any person, and upon payment of the appropriate fee, the Director-General may, on such terms and conditions as the permit shall specify including the period of validity, issue to the person a trophy dealer's permit in the form prescribed which shall authorise the person to buy, sell, deal in, process, or manufacture articles from trophies by way of trade or business.

Trophy
dealer's
permit

(2) The appropriate fee for a trophy dealer's permit shall be the fee prescribed by the Minister, after consultation with the Authority and shall be payable to the Authority.

(3) The Director-General may at any time grant or refuse to grant, suspend for any period of time, revoke or cancel any trophy dealer's permit, or may make the granting of it subject to any condition which the Director-General considers fit to impose, or may limit such permit to, or exclude from it, any specific trophy or class of trophies.

(4) Where the Director-General refuses to grant, suspend, revoke or cancel any trophy dealer's permit, or makes the granting of it subject to any condition, or limits the permit to, or excludes from it any specific trophy or class of trophy, the Director-General shall notify the applicant, or the party aggrieved by such decision, as the case may be, of his decision, in writing.

(5) The applicant, or the party aggrieved, as the case may be, may, within one month after receipt of the notice given under subsection (6), appeal in writing to the Authority against the decision of the Director-General.

(6) In determining any appeal the Authority may consult with the Director-General and may uphold the decision of the Director-General or may instruct the Director-General to reverse the decision or to amend or alter the decision as instructed by the Authority.

(7) The decision of the Authority on any appeal shall be subject to appeal to the High Court.

Trophy dealers to keep records and make returns

88. (1) Every trophy dealer shall keep and maintain such records, and make such returns of the trophy dealer's trading in trophies, as the Minister may, after consultation with the Authority, by Statutory Instrument, prescribe.

(2) Any trophy dealer who fails to keep or maintain any record or make any return prescribed under subsection (1) shall be guilty of an offence.

Prescribed trophies

89. (1) Subject to the provisions of subsection (2), the Minister may, on the advice of the Authority, by statutory instrument, prescribe any trophy or class of trophy as being "prescribed trophy" for the purposes of controlling, prohibiting or limiting any dealings in such trophy or class of trophy, except in accordance with the provisions of this Act in that regard.

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

Certificate of ownership of trophies

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

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

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence.

Possession of prescribed trophies

91. Any person who has in his possession any prescribed trophy, without a certificate of ownership issued in respect of it under section *ninety*, shall be guilty of an offence.

Transfer of ownership of prescribed trophies

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

(2) Subject to section *ninety-six*, upon the transfer or purported transfer by any person of the ownership of any prescribed trophy to any other person, the transferor shall, at the time of transfer or purported transfer of ownership, endorse on the certificate of

ownership issued in respect of the prescribed trophy the signature of the transferor, the date of such transfer, or purported transfer, together with the name of the transferee or purported transferee and shall deliver to the transferee the certificate of ownership so endorsed.

(3) Subject to section *ninety-six*, any person who, by way of gift, purchase or otherwise, obtains, or purports to obtain, from any other person, the ownership of any prescribed trophy, shall, at the time such ownership is, or is purported to be, transferred to that person, obtain from the transferor the certificate of ownership issued in respect of such prescribed trophy endorsed as prescribed by subsection (2).

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

93. (1) Any person who, under any circumstances, kills any elephant or rhinoceros shall, within forty-eight hours after the date of the killing, produce the ivory or rhinoceros horn of the animal to a wildlife police officer, or to such other person as may be nominated in writing in that regard by the Director-General, for the purpose of weighing and registering the ivory and rhinoceros horn.

Duty to produce ivory or horn of killed elephant or rhinoceros

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

94. (1) Subject to any regulations made under subsection (1) of section *eighty-nine*, any person who imports ivory or rhinoceros horn into the Republic shall, within forty-eight hours after the date of importation, produce such ivory or rhinoceros horn to a wildlife police officer, or to such other person as may be nominated in writing in that regard by the Director-General, for the purpose of weighing and registering the ivory or rhinoceros horn.

Duty to produce imported ivory or rhinoceros horn

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

95. (1) If, after such inquiry as the wildlife police officer may consider necessary, the wildlife police officer or other person to whom ivory or rhinoceros horn is produced under section *ninety-three* or *ninety-four*, 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-nine*, been lawfully imported by, the person who produced the same, as the case may be, the wildlife police officer shall cause it to be weighed, marked and registered in the manner prescribed and shall then return it to the person who produced it for such purpose and shall issue to the person a certificate of ownership in the prescribed form, in respect of it.

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-three* or *ninety-four* is not satisfied that the ivory or rhinoceros horn is the lawful property of the person who produced it, or that it was lawfully imported, as the case may be, he may retain the ivory or rhinoceros horn pending, and for the purposes of, any proceedings which may be instituted in respect of it under this Act:

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

(3) No person shall be entitled to compensation of any kind in respect of the retention of any ivory or rhinoceros horn under subsection (2).

Transfer of
ivory or
rhinoceros
horn before
registration
prohibited

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

Transfer of
ownership of
ivory or
rhinoceros
horn

97. (1) The provisions of section *ninety-two* shall apply to any transfer of ownership of ivory, or rhinoceros horn, and in lieu of the endorsement required under subsection (2) of that section, both the transferor and the transferee shall endorse upon the certificate of ownership in respect of the ivory or rhinoceros horn, as the case may be, 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) Any person who fails to comply with subsection (1) shall be guilty of an offence.

Government
trophies

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

Possession
of Govern-
ment trophy
to be
reported

99. (1) Any person who obtains possession of any 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 as may be nominated in writing in that regard by the Director-General, 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, as the case may be.

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(2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

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

Unlawful possession of, or dealing in, Government trophies

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

PART XI

SALE AND TRANSFER OF WILDLIFE ANIMALS AND OF MEAT OF WILDLIFE ANIMALS

101. Except with the written permission of the Director-General or as is otherwise provided by this Act, any person who possesses, buys or sells any live game or protected animal or meat thereof, or who is found in circumstances showing that it is that person's intention to buy or sell, any live wild game or protected animal or meat shall be guilty of an offence.

Prohibited dealings in live wild animals

102. (1) The Director-General may, in the form prescribed, issue to any person who is in lawful possession of any game animal or protected animal or who intends to sell any meat of a game animal or protected animal a certificate of ownership of the game animal or protected animal, or of the meat, as the case may be.

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

(2) Where the Director-General is satisfied that a certificate of ownership issued under subsection (1) has been issued through error or through the misrepresentation or fraud of any person, the Director-General may revoke the certificate.

(3) Upon the revocation of a certificate under subsection (2), the Director-General shall notify the licensee in writing of the revocation and the person to whom that certificate of ownership was issued shall cause the certificate to be returned to the Director-General for cancellation.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence.

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

(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;

(b) prohibit, limit, control or make subject to any condition, the movement of the meat of any game animal or protected animal from any specified area for any period of time expressed in the order, or may by like order

Power of Minister to regulate trade or movement of meat of game or protected animals

exclude, in respect of any specified area, the meat of any game animal or protected animal, specified in the order, from the provisions of this Part or of any provision of the order.

(2) Any condition imposed by the Minister under subsection (1) may be applicable generally throughout the Republic or may be applicable to the meat of all game animals or protected animals or to all persons, or it may be limited to such specified areas, or to the meat of such specified game animal or protected animal or to such specified classes of persons, as the Minister may on the advice of the Authority determine.

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

Sale of game
animal or
protected
animal or of
meat thereof

104. (1) Any person who sells any game animal or protected animal or any meat of a game animal or protected animal shall, at the time of the sale, be in actual possession of a certificate of ownership issued in respect of the game or protected animal or of the meat of a game animal or protected animal as the case may be.

(2) Except as may be otherwise prescribed, every seller shall, upon the sale of any game animal or protected animal or of any meat of a game animal or protected animal, endorse upon the certificate of ownership issued in respect of the game animal or protected animal, or of the meat of a game animal or protected animal, such details of the authority to sell the animal as may be prescribed, and 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 any game animal or protected animal or of any meat of a game animal or protected animal, as the case may be, or the prescribed note of such certificate and endorsement as required under subsection (2), the buyer shall, at the time of delivery of the game animal or protected animal or the meat of a game animal or protected animal, under the sale, obtain from the seller the duly endorsed certificate of ownership or other prescribed note of such certificate and endorsement:

Provided that this subsection shall not apply to a buyer from authorised commercial outlets.

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

PART XII

IMPORT AND EXPORT OF WILD ANIMALS, MEAT AND TROPHIES

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

Importation of wild animals, etc., without permit prohibited

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

Permits to import wild animals, meat or trophies

(2) The Director-General may, with the approval of the Authority, issue to any person a permit, in the form prescribed, to import any ivory or rhinoceros horn, which permit may be subject to any conditions which the Authority may impose and shall be valid for such time as is specified in the permit.

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

107. (1) Any person who imports or who attempts to import any wild animal or meat of any wild animal or any trophy except—

- (a) through a customs port of entry;
- (b) where the person produced to the customs officer satisfactory evidence that such wild animal, meat or trophy has been lawfully exported from the country of origin; and
- (c) where the person produced to the customs officer a valid permit to import the same issued under section *one hundred and six*;

Restriction on import of wild animals, meat or trophies

shall be guilty of an offence.

(2) Any person who imports through a customs port of entry any wild animal, meat of any such animal, or any trophy, but who, at the time of such import, is unable to adduce the evidence required under paragraph (b) of subsection (1) or has not in his possession the

import permit required to be produced under paragraph (c) of subsection (1) shall be given three months during which to produce the evidence of the permit, as the case may be, during which time the customs officer shall detain the wild animal, meat, or trophy, as the case may be:

Provided that the expenditure incurred on account of the detention of the animal, meat or trophy shall be borne by the person importing the animal, meat or trophy and shall be recoverable from such person as a civil debt to the Authority.

(3) If the country from which any wild animal, meat of any animal or trophy is exported is not the country of origin, it shall be sufficient for the purposes of paragraph (b) of subsection (1) if there is produced to the customs officer documentary evidence that the animal, meat or trophy was lawfully exported from the country of export.

(4) Upon conviction, of any person of an offence under this section, the court may, at the request of the prosecution and in addition to any other penalty imposed, declare any wild animal, meat or trophy so imported, or so attempted to be imported, to be forfeited or order it to be destroyed, without compensation, or may both declare it to be forfeited and order it to be so destroyed, without compensation.

(5) Any wild animal, meat, or trophy declared to be forfeited under subsection (4), but not ordered to be destroyed, may be disposed of as the Director-General may direct.

Certificates
of ownership
of imported
prescribed
trophies

108. Subject to the provisions of sections *ninety-three* and *ninety-four* in respect of the import and registration, respectively, of ivory and rhinoceros horn, any person who imports any prescribed trophy shall, within one month after the date of the import of the prescribed trophy, apply to the Director-General for a certificate of ownership in respect of the prescribed trophy under section *ninety*.

Export of
wild
animals, etc.,
without
permit
prohibited

109. Any person who exports any wild animal or any meat of such animal or any trophy except in accordance with a valid export permit issued under section *one hundred and ten* shall be guilty of an offence.

Permits to
export wild
animals,
meat or
trophies

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

(2) The Authority may, with the approval of the Minister, issue to any person a permit, in the prescribed form, to export any ivory or rhinoceros horn or any game protected animal, which permit may be subject to any conditions which the Authority may impose and shall be valid for such time as is specified in the permit.

(3) The Director-General may, with the approval of the Authority, issue to any person a permit in the prescribed form to export any wild animal other than a protected animal, which permit may be subject to any conditions which the Director-General may impose and shall be valid for such period as specified in the permit.

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

111. (1) Any person who exports or attempts to export any wild animal, meat of any wild animal or any trophy, ivory or rhinoceros horn except—

(a) through a customs port of entry; and

(b) under and in accordance with the conditions of an export permit issued in respect of the animal, bird, meat or trophy, ivory or rhinoceros horn under section *one hundred and ten*;

shall be guilty of an offence.

(2) Any person who exports or attempts to export any wild animal, meat of any wild animal, or any trophy, ivory or rhinoceros horn, shall produce to the customs officer for inspection the export permit issued in respect thereof under section *one hundred and ten*:

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

(3) The expenditure incurred on account of the detention of the wild animal, meat, trophy, ivory or rhinoceros horn, shall be borne by the person exporting the wild animal, meat, trophy, ivory or rhinoceros horn and shall be recoverable from such person as a civil debt to the Authority.

Restriction
on export of
wild
animals,
meat or
trophy

Wild
animals,
meat and
trophies in
transit

112. (1) This Part shall not apply to any wild animal or meat of any wild animal, trophy, ivory or rhinoceros horn—

(a) in transit through Zambia, if the wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn is accompanied by the necessary transit customs documents issued in the country of origin or of export of the wild animal, meat, trophy, ivory or rhinoceros horn and is entered through a customs port of entry; or

(b) accompanied by any person who is in possession of, and surrenders to a customs officer, a certificate, issued by the country of origin or of export of the wild animal, meat of any wild animal, trophy, ivory or rhinoceros horn, stating that the person is lawfully authorised to export the wild animal meat, trophy, ivory or rhinoceros horn and the person satisfies the customs officer—

(i) that the certificate was issued to that person; and

(ii) that the person is exporting the wild animal meat, trophy, ivory or rhinoceros horn, as the case may be, from the country of origin or export.

(2) Any person who contravenes or fails to comply with paragraphs (a) or (b) of subsection (1) shall be guilty of an offence.

Implementa-
tion of
international
treaties

113. Notwithstanding the other provisions of this Act, the Minister may on the advice of the Authority 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 such regulations may incorporate the requirements of the Convention on International Trade on Endangered Species and the Lusaka Agreement on Cooperative Enforcement Directed at Illegal Trade in Wild Fauna and Flora.

PART XIII

ENFORCEMENT PROVISIONS

Right to
enter land

114. (1) Any proper officer, village scout or any honorary wildlife police officer duly authorised in writing by the Director-General to act under this section, may with a warrant, enter upon any land, building, tent, vehicle, aircraft, boat or other conveyance for the purposes of carrying out the provisions of this Act, or for the purpose of preventing or detecting any offence under this Act:

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

(2) In this part " warrant " has the meaning assigned to it in the Criminal Procedure Code. Cap. 88

115. (1) If any proper officer, village scout or honorary wildlife police officer duly authorised in writing by the Director-General has reasonable grounds for believing that any person has committed or is committing or is about to commit an offence under this Act, or thinks it necessary for the purpose of verifying any licence or permit purported to have been issued to any person under this Act, or under the Firearms Act, the officer may, with a warrant, inspect and search any person or any building, tent or any baggage, package, wagon, caravan, vehicle, boat or aircraft in the possession or under the control of that person. Right to search
Cap. 111

(2) If the proper officer or honorary wildlife police officer in accordance with subsection (1) finds any game animal or protected animal, meat of any game animal or protected animal, trophy, vegetation, firearm, spear, bow, arrow or other weapon or any explosive, net, snare, trap or poison, which appears to have been used, or about to be used, in contravention of this Act, or if the officer finds any other article which appears to have been used, or about to be used in contravention of this Act, such game animal or protected animal, trophy, meat, vegetation, firearm, spear, bow, arrow, or other weapon, or such other article, may be seized and detained by the officer or honorary wildlife police officer on behalf of the Director-General.

(3) Any proper officer or honorary wildlife police officer who seizes and detains anything, weapon or article under subsection (2) shall give to the person from whom such thing, weapon or article was seized a receipt in the prescribed form signed by the proper officer or honorary wildlife police officer, as the case may be.

(4) In the event of—

(a) the Director-General being advised in writing by the Director of Public Prosecutions that no prosecution consequent upon any search and seizure made under subsections (1) and (2), respectively, should be instituted; or

(b) any prosecution having been finally concluded;

then, in either event, anything, weapon or article so seized and detained under subsection (2) shall be returned to the owner or to the person from whose custody it was taken, and shall be so returned within ten days from the date of the receipt by the Director-General of the advice that no prosecution should be instituted or from the date any prosecution has been finally concluded, as the case may be:

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

Power to
arrest

116. (1) When any person is found committing any offence or is reasonably suspected of having committed an offence under this Act, any proper officer, village scout or honorary wildlife police officer may demand the person's name and address, and if that person refuses to furnish such information, or fails to furnish such information to the satisfaction of the proper officer, village scout or honorary wildlife police officer or if the proper officer, village scout or honorary wildlife police officer has reasonable grounds for believing that unless arrested the person will escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, that officer may arrest such person without warrant and keep that person in custody.

(2) Subject to subsection (3) any person arrested under subsection (1) shall be taken as soon as practicable before a court, and shall not be detained for longer than is reasonably necessary for that purpose.

(3) Where any person is arrested under subsection (1), a wildlife police officer-in-charge of a wildlife police outpost to which the person is brought may, in any case, and shall, if it does not appear practicable to bring that person before a court within twenty-four hours after he was so taken into custody, inquire into the case, and, unless the offence appears to the officer to be of a serious nature, release the person, on his executing a bond, with or without sureties, for a reasonable amount, to appear before a competent court at a time and place to be named in the bond; but, where any person is retained in custody, he shall be brought before a court as soon as practicable.

(4) Notwithstanding anything contained in this section an officer-in-charge of a wildlife police outpost may release a person arrested under subsection (1) when, after the wildlife police inquiries under subsection (3), insufficient evidence is, in the opinion of the officer-in-charge, disclosed on which to proceed with the charge.

General
powers and
duties of
wildlife
police
officers

117. (1) Every wildlife police officer, village scout or honorary wildlife police officer shall exercise such powers and perform such duties as may be conferred or imposed upon a wildlife police officer, village scout or honorary wildlife police officer under this Act, and shall obey all lawful directions in respect of the execution of the office which the officer may from time to time receive from a wildlife police officer superior in rank to that officer.

(2) Every wildlife police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Zambia.

(3) It shall be the duty of every wildlife police officer, village scout or honorary wildlife police officer promptly to obey and execute all orders and warrants lawfully issued by an officer superior to that officer, to collect and communicate intelligence affecting the conservation of wildlife, to prevent the commission of offences under this Act, to detect and bring offenders to justice, and to apprehend all persons whom the officer or village scout is legally authorised to apprehend and for whose apprehension reasonable grounds exist.

118. A proper officer, village scout or honorary wildlife police officer shall not be held liable for damages or otherwise for any act done or omitted to be done in good faith in the exercise of the duties and powers of the officer or village scout under this Act.

Immunity of proper officer, village scout and honorary wildlife police officers

119. (1) Any 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 any person in lawful custody.

Power to take photographs, measurements, fingerprints, etc.

(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 directions 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 any person taken into custody under section *one hundred and sixteen*.

120. (1) Notwithstanding the provisions of any other law, if any wildlife police officer of or above the rank of Senior Wildlife Ranger or equivalent rank considers it necessary so to do for the prevention and detection of an offence relating to wildlife, the officer may—

Traffic barriers and cordons

- (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 that purpose it shall be lawful for the wildlife police officer forming the cordon, without the consent of any person, to enter any property and do any act or thing necessary for the effective formation of the cordon.

(2) Where a barrier has been erected or placed or a cordon formed under subsection (1) any wildlife police officer may take all reasonable steps to prevent any person passing or any vehicle being driven past the barrier or cordon.

(3) The driver of any vehicle who fails to comply with any reasonable signal of a wildlife police officer requiring such driver to stop the vehicle before reaching any barrier erected or placed or cordon formed under subsection (1), shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand penalty units, or to imprisonment for a period not exceeding twelve months, or to both.

(4) Any person who breaks through or attempts to break through any barrier erected or placed or cordon formed, under subsection (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

Power to use
firearms

121. (1) A wildlife police officer, honorary wildlife police officer or village scout may subject to subsections (2) and (3), use any firearm which has been issued to the officer against any person-

- (a) in lawful custody charged with or convicted of an offence under this Act when that person is escaping or attempting to escape;
- (b) who by force rescues or attempts to rescue any other person from lawful custody; or
- (c) who by force prevents or attempts to prevent the lawful arrest of the person or of any other person:

Provided that a wildlife police officer, honorary wildlife police officer or village scout shall not use a firearm—

- (i) as authorised under paragraph (a) unless the wildlife police officer, honorary wildlife police officer or village scout has reasonable grounds to believe that the officer or village scout cannot otherwise prevent the escape and unless he shall give a warning to the person that he is about to use a firearm against the person and the warning is unheeded;
- (ii) as authorised under paragraph (b) or (c) unless the wildlife police officer or village scout has reasonable ground to believe that, the officer or village scout or any other person is in danger of grievous bodily harm and that the officer or village scout cannot otherwise effect the arrest or prevent the rescue.

(2) A wildlife police officer, honorary wildlife police officer or village scout shall not, in the presence of a superior officer, use a firearm against any person except under the orders of that superior officer.

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

(4) The authority vested in a wildlife police officer by subsection (1) shall be in addition to and not in substitution for any authority to use firearms vested in a wildlife police officer by any other written law.

122. (1) Any licence, permit, authority, certificate or other document issued under this Act shall upon request be produced by the holder for inspection by any proper officer, village scout or honorary wildlife police officer or any other person duly authorised, in writing, by the Director-General.

Documents
to be
produced on
request

(2) Any person who fails to comply with any request made under subsection (1) shall be guilty of an offence.

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

Compliance
with
Firearms Act
Cap. 110

124. (1) The Director of Public Prosecutions may, at the request of the Authority or Director-General, in writing, appoint by name or rank any officer or class of officer of the Authority to undertake and prosecute criminal proceedings in respect of any offence alleged to have been committed by any person in contravention of this Act, and may at any time, without assigning any reason, cancel any such appointment.

Prosecutions
by officers
of Authority

(2) In undertaking or prosecuting any proceedings under subsection (1), the officer of the Authority shall act in accordance with the general or special instructions of the Director of Public Prosecutions, and shall for the purpose of any such prosecution have the powers of a public prosecutor appointed under any law for the time being in force.

PART XIV

OFFENCES, PENALTIES AND FORFEITURES

125. Any person, other than a person authorised in writing by the Director-General, who causes any bush or grass fire within the confines of any National Park, Game Management Area, bird sanctuary or wildlife sanctuary shall be guilty of an offence.

Prohibition
of bush or
grass fires in
National
Parks, Game
Management
Areas and
sanctuaries

Prohibitions

126. (1) Any person who—

- (a) obstructs any proper officer, village scout or any honorary wildlife police officer or any duly appointed person in the lawful exercise of any powers conferred by or under this Act;
- (b) refuses to furnish to any proper officer, village scout or honorary wildlife police officer or any duly appointed person, on request, any particulars or information to which the proper officer, village scout, honorary wildlife police officer or duly appointed person is entitled by or under this Act; or
- (c) wilfully or recklessly gives to any proper officer, village scout, honorary wildlife police officer or duly appointed person, any false or misleading particulars to which the proper officer, honorary wildlife police officer or duly appointed person is entitled by or under this Act;

shall be guilty of an offence.

(2) For the purposes of this section, the expression "duly appointed person" means any person to whom duties in connection with the administration of this Act have been delegated by the Authority or Director-General, as the case may be, under this Act.

Failure to keep registers or to furnish returns, an offence

127. (1) Any person, being a person required by or under this Act to keep any register or to furnish any return or information to the Director-General, who—

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

shall be guilty of an offence.

(2) Any person required to surrender a licence or permit under this Act to the Director-General, who fails to surrender such licence or permit shall be guilty of an offence.

Prohibition of alteration, defacement or removal of official records

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

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

(b) any entry appearing in any such register, index or other official record;

shall be guilty of an offence.

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

Prohibition of alteration or defacement of prescribed documents or records

130. Any person who—

Secrecy

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

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

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

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

General penalty

(a) for a first offence, to a fine of not less than five thousand penalty units but not exceeding fifty thousand penalty units or a term of imprisonment not exceeding seven years, or to both;

(b) for a second or subsequent offence, to a fine of not less than ten thousand penalty units or to a term of imprisonment not exceeding ten years, or to both.

132. (1) Where in respect of an offence under this Act—

Payment of fine without appearing in court

(a) any person has been arrested by a proper officer or honorary wildlife police officer, or informed by a proper officer or honorary wildlife police officer that there is intention to institute criminal proceedings against that person's for a particular offence; and

(b) a proper officer or honorary wildlife police officer has reasonable grounds to believe that the court which shall

try the person referred to in paragraph (a) for the offence shall, on conviction, impose a fine not exceeding three hundred penalty units;

that person may sign and submit to the proper officer or honorary wildlife police officer a document admitting his guilt for the offence and pay to that officer such amount as that officer may determine but not exceeding three hundred penalty units.

(2) The document referred to in subsection (1) when signed and submitted under that subsection, shall forthwith be transferred to the clerk of the court before which such person would otherwise have been charged and tried and shall be entered into the records of the court.

(3) Any proper officer or honorary police officer who fails to remit the admission of guilt fines to the court, shall be guilty of an offence and shall be liable, upon conviction, to imprisonment for a term of not less than six months but not exceeding three years without the option of a fine.

Penalty for
offence
involving
elephant and
rhinoceros

133. (1) Any person who is convicted of hunting, wounding, molesting or reducing into possession any elephant or rhinoceros in contravention of any provision of this Act shall be liable upon conviction—

(a) for a first offence, to a term of imprisonment 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 seven years but not exceeding twenty-five years without the option of a fine.

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

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

Penalty for
unlawful
hunting in
National
Park

134. Except as otherwise expressly provided in this Act, any person who is involved hunting within a National Park contrary to this Act, shall be liable upon conviction—

(a) for a first offence to imprisonment, without the option of a fine, for a term of not less than one year but not exceeding ten years without the option of a fine;

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

135. Except as provided by section *one hundred and thirty-six*, any person who is in possession of, or is selling, buying, importing or exporting or is attempting to sell, buy, import or export, any meat of a wild animal or any trophy in contravention of this Act shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding seventy thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

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

136. (1) Except as otherwise provided in subsection (2) any person who is in possession of, or is selling, buying, importing or exporting, any protected animal or the meat or any trophy of a protected animal, in contravention of this Act, shall be guilty of an offence and shall be liable, upon conviction, to imprisonment without the option of a fine for a term not exceeding seven years.

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

(2) Any person who is in possession of, or is selling, buying, importing or exporting any prescribed trophy in contravention of this Act shall be guilty of an offence and shall be liable upon conviction—

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

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

Penalty for unlawful hunting or wounding, etc

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

Destruction of game pits, etc., on conviction

Forfeiture
provisions
on conviction

139. (1) Upon the conviction of any person of an offence under this Act, the court shall, at the request of the prosecution, in addition to any other penalty imposed, declare any wild animal, meat or any trophy, firearm or other weapon or any trap, net, poison, material or article, or, subject to subsection (2) to (8) inclusive, any vehicle, aircraft, boat 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 without compensation and shall order the same to be disposed of as the Authority considers fit:

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

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

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

(4) If under any written law requiring the registration of the vehicle, aircraft, boat or other conveyance referred to in subsections (1) and (2), the vehicle, aircraft, boat or other conveyance is registered in Zambia in the name of any person other than the person convicted, the Director-General shall, within seven days after publication of the notice in the *Gazette* cause a copy to be sent by registered post in a sealed envelope addressed to the person at the address appearing on the register, and the certificate of registration of the letter shall be conclusive evidence of service of the notice upon such person.

X

(5) Any person who claims any right of ownership in any vehicle, aircraft, boat or other conveyance may, within three months after the making of the conditional order referred to in subsection (2), serve upon the Director-General and lodge with the clerk of the court an application in writing for the discharge of the conditional order setting out the claim of ownership in the vehicle, aircraft, boat or other conveyance as the case may be; whereupon the clerk of the court shall fix a date, not less than one month after the lodgement of the application for a hearing and shall, within seven days after the lodgement, cause notice of the hearing of the application to be served upon the Director-General.

(6) In any proceedings brought under subsection (5), the onus of proof shall be on the applicant and no order discharging the conditional order shall be made unless the applicant has adduced evidence and proved to the satisfaction of the court that the applicant was not in any way privy to the offence and that the vehicle, aircraft, boat 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 any application made under subsection (5), the court is satisfied that the vehicle, aircraft, boat or other conveyance, as the case may be, is owned jointly by the claimant and the convicted party, or is the subject-matter of a hire-purchase agreement between the claimant and the convicted, and the claimant has discharged the onus of proof prescribed by subsection (6), the court shall declare forfeited all of the estate or interest of the convicted person in and to the vehicle, aircraft, boat or other conveyance, as the case may be, or all of the rights therein accrued to him 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 Authority may consider fit.

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

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Disposal of
animals and
goods seized

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

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

(2) If any 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 after the date of publication, lodge with the clerk of the court a notice of claim of ownership and serve a copy of the notice upon the Director-General, and the provisions of subsection (4) to (8) of section *one hundred and thirty-nine* shall apply, with the necessary modifications, to the claim of ownership.

(3) If any wild animal or meat of any wild animal is seized under this Act, or of any other written law, in relation to or in connection with the commission of any offence under this Act, or such other written law, the Director-General may apply to the court by way of original application, *ex parte*, for an order for the immediate disposal by sale or otherwise of the animal or meat, and the court may order the sale and in the event of a sale of the animal or meat the proceeds shall be held by the Director-General pending the determination of any proceedings brought in respect of the offence and shall be dealt with by the Director-General 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.

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

Surrender of licence, permit, or authority to Director-General on conviction

142. Upon the payment of a fine imposed under this Act for any offence under this Act, there shall be paid into the general fund of a community resources board within whose area the offence was committed such portion of such fine as the Minister may on the advice of the Authority and after consultation with the Minister responsible for finance, by regulation prescribe.

Portion of fine for offence payable to board

PART XV

FORMS AND REGULATIONS

143. The Minister may, on the advice of the Authority, by statutory instrument, prescribe forms to be used for the purposes of this Act.

Prescribed forms

144. (1) The Minister may, after consultation with the Authority, by regulation, prescribe anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified, and may in like manner make regulations for the better carrying out of this Act.

Regulations

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

- (a) returns to be furnished to the Authority or to the Director-General by holders of professional hunter's licences, professional guide's licences, apprentice professional guide's licences, hunting outfitters licences, photographic tour operators' licences or hunting permits issued under this Act or trophy dealer's permits and by any persons who import or export any wild animals or meat of such animals, or any trophies;
- (b) fees payable upon application for authorities or permits where no other provision with respect to such fees is made under this Act;

-
- (c) the terms and conditions under which game or protected animals may be hunted under any licence issued under Part VII, the numbers and sex of each species which may be so hunted, the times of the year in which any species of game or protected animal may be hunted either generally or in any specified area, the type of weapons prohibited or permitted and such other matters in respect of hunting as he considers fit;
 - (d) the hearing and determination of appeals to the Authority and the fees payable upon any appeal;
 - (e) the control of entry into, passage through, and the regulation of the activities of persons within, any Game Management Area;
 - (f) the control or prohibition of the settlement or residence of persons in any Game Management Area;
 - (g) the permitting, controlling or prohibiting the burning, cutting, felling or removal of vegetation from a Game Management Area;
 - (h) the controlling or prohibiting the hunting of game and protected animals or any species or variety or sex of game or protected animals in any Game Management Area or open area;
 - (i) the terms and conditions under which game or protected animals may be hunted in any National Park, Game Management Area or open area under a permit issued in accordance with this Act;
 - (j) the control, regulation or prohibition of land development or of mining within any National Park, Game Management Area; and the imposition of terms and conditions under which land development or mining may be undertaken in such areas;
 - (k) the control of the sale or movement of any game or protected animal, meat of any game or protected animal, or of any trophy, from any National Park, Game Management Area, wildlife sanctuary or bird sanctuary;
 - (l) the payment, in whole or in part, of any fees payable under this Act, to any board;
 - (m) the fees to be paid for anything to be done under this Act;
 - (n) the remission in special cases of any fees payable under this Act;

- (o) the prohibition, regulation or control of hunting of wild animals in or near any municipality, township, residence, farm buildings, villages or lodges, factory, quarry or mine or upon, over or near, any road specified in the regulations;
- (p) the fees to be paid upon the import or export of any prescribed trophy;
- (q) the terms and conditions under which any professional hunter's licence or apprentice professional guide's licence or any permit or authority may be issued under this Act including the manner in which the holder of any such licence, permit or authority is to receive payment for any services rendered by the licensee under the licence, permit or authority;
- (r) the terms and conditions under which game ranching may be conducted including the fees payable for licences and permits relating thereto and the terms and conditions of the disposal or sale of meat, trophies and live animals from private game ranching;
- (s) the sealing of firearms in areas where the hunting of animals is prohibited or controlled;
- (t) the declaration of bird sanctuaries and for the control of entry into, and regulation of activities of any persons within, any such bird sanctuary;
- (u) the furtherance of knowledge as regards wildlife by means of literature, lectures, courses or instruction, films, radio and television programmes, approved tours or such other means as may appear appropriate in the circumstances;
- (w) the terms and conditions under which wild animals lawfully owned may be kept on private game farms, zoos, snake parks or other forms of captivity including specifications as to the size and design of enclosures for such wild animals;
- (x) the process of preparing management plans for National Parks and Game Management Areas;
- (y) the payment of rewards to finders of trophies;
- (z) the terms and conditions under which any export permit may be issued under this Act;
- (aa) the functions of a chief as patron of a community resources board and the conduct of business of community resources boards including the tenure of such boards;
- (bb) the terms and conditions under which an honorary wildlife ranger may exercise the functions of a wildlife police officer; and

(cc) the implementation of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the Lusaka Agreement on Co-operative Enforcement Directed at Illegal Trade in Wild Flora and Fauna and the Convention on Biological Diversity.

(2) The Minister may, on the advice of the Authority, in any regulation made under this section, prescribe in respect of the contravention of any provision of the regulations-

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

Repeal of
National
Parks and
Wildlife Act,
International
Game Park
and Wildlife
Act and
Plumage
Birds
Protection
Act Caps.
201, 202 and
203

145. The National Parks and Wildlife Act, the International Game Park and Wildlife Act and the Plumage Birds Protection Act, are hereby repealed.

SCHEDULE (Section 4)

PART I

ADMINISTRATION OF AUTHORITY

Composition
of Authority

1. (1) The Authority shall consist of members appointed by the Minister as follows:

- (a) a member of the Environmental Council of Zambia;
- (b) a representative of the Wildlife and Environmental Conservation Society of Zambia;
- (c) a member of the Zambia National Tourist Board;
- (d) a representative of the Ministry responsible for fisheries;
- (e) the Inspector-General of Zambia Police;
- (f) the Commissioner of Lands;

- (g) a member with wide business and commercial experience in the private sector;
- (h) a representative of the Tourism Council of Zambia;
- (i) a representative of the Ministry responsible for finance;
- (j) a representative of the Ministry responsible for legal affairs;
- (k) two representatives of community resources boards;
- (l) two patrons of community resources boards;
- (m) a representative of the National Heritage Conservation Commission;
- (n) a representative of the Ministry responsible for tourism; and
- (o) two other persons.

(2) The Minister shall appoint the Chairperson of the Authority.

(3) The Vice-Chairperson shall be elected by the members from amongst themselves.

Seal of Authority

2. (1) The seal of the Authority shall be such device as may be determined by the Authority and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Authority.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Secretary by the Secretary or any other person generally or specifically authorised by the Authority in that behalf.

(4) Any document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

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

Tenure of office of member and vacancies

(2) The office of a member shall become vacant if—

- (a) without reasonable excuse that member has been absent from three consecutive meetings of the Authority of which the member has had notice;
- (b) upon the member's death;
- (c) the member is adjudged bankrupt;

- (d) the member becomes mentally or physically incapable of performing the duties of a member of the Authority;
- (e) the member is convicted of an offence under this Act; or
- (f) the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term exceeding six months.

Proceedings
of Authority

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

(2) The Authority shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Authority may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) The quorum at any meeting of the Authority shall be two thirds of the members.

(5) There shall preside at any meeting of the Authority—

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

(6) A decision of the Authority on any question shall be by a majority 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 deliberative vote.

(7) Where a member is for any reasonable cause unable to attend any meeting of the Authority, the member may, in writing, nominate another person from the same organisation to attend such meeting in that member's stead and such person shall be deemed to be a member for the purpose of such meeting.

(8) The Authority may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the Authority but such person shall have no vote.

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

(10) The Authority shall cause minutes to be kept of the proceedings of every meeting of the Authority and every meeting of any committee established by the Authority.

5. (1) The Authority may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

Committees
of Authority

(2) The Authority may appoint as members of a committee constituted under sub-paragraph (1), persons who are or are not members of the Authority and such persons shall hold office for such period as the Authority may determine:

Provided that at least half of the members of a committee shall be members of the Authority.

6. There shall be paid to members of the Authority or any committee of the Authority such remuneration and allowances as the Authority may, with the approval of the Minister, determine.

Remuneration
and
allowances
of members

7. (1) If a member is present at a meeting of the Authority or any committee of the Authority at which any matter in which the member or the member's spouse is directly or indirectly interested in a private capacity, is the subject of consideration, and the member shall, as soon as practicable after the commencement of the meeting, disclose such interest, and shall not unless the Authority or the committee otherwise directs take part in any consideration or discussion of or vote on any question relating to that matter.

Disclosure
of interest

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

8. (1) The Authority shall, with the approval of the Minister, appoint a Director-General of the Authority who shall be the chief executive officer of the Authority and who, subject to the general or special direction of the Authority, shall be responsible for the carrying out of the provisions of this Act, and shall be responsible for the administration of the Authority.

Director-
General of
Authority

(2) The terms and conditions of service of the Director-General shall be determined by the Authority with the approval of the Minister.

(3) The Director-General shall attend meetings of the Authority and may attend meetings of any committee of the Authority and may address such meetings, but shall not vote on any matter.

9. (1) There shall be a Secretary to the Authority who shall be appointed on such terms and conditions as the Authority may with the approval of the Minister determine.

Secretary
and other
staff

(2) The Secretary shall be responsible for the day to day administration of the Authority under the general supervision of the Director-General.

(3) The Authority may appoint, on such terms and conditions as it may with the approval of the Minister determine, such other staff as it considers necessary for the performance of its functions under this Act.

Wildlife
Police
Officers

10. (1) The Authority shall appoint, on such terms and conditions as it may with the approval of the Minister determine, wildlife police officers to perform the functions specified under this Act.

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

Honorary
wildlife
police
officer

11. (1) The Authority may, by *Gazette* notice, appoint any person to be an honorary wildlife police officer for a period not exceeding three year, and may renew such appointment for a further three years.

(2) The Authority may, at any time, by *Gazette* notice revoke or renew any appointment made under sub-paragraph (1).

(3) The appointment of any 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 including National Parks, wildlife sanctuary, bird sanctuary and Game Management Areas as may be specified in the instrument of appointment; or

(b) limited, so that the honorary wildlife police officer is empowered to act in any part of the Republic or and National Park, wildlife sanctuary, bird sanctuary or Game Management Areas as may be specified in the instrument of appointment.

(4) Subject to the other provisions of this Act and to the terms of the instrument of appointment, an honorary wildlife police officer shall, within the terms of appointment, exercise the functions and perform the duties of a wildlife police officer.

Attestation

12. A wildlife police officer joining the Authority shall be attested to serve the Authority for such period and on such conditions as may be prescribed.

Signing of
attestation

13. (1) A person, on joining the Authority, shall make and sign an attestation before a superior wildlife police officer in such manner as that person may declare to be most binding on the conscience in the form set out in the Second Schedule.

(2) A person, on joining the Authority, shall before making attestation required in sub-paragraph (1) answer truly any questions which may be put to the person as to any previous services in any public or private organisation and as to whether the person has at any time been convicted of any crime in Zambia or elsewhere.

(3) Any person who makes a false statement in reply to a question under sub-paragraph (2), shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units.

14. (1) Subject to the other provisions of this Act, a wildlife police officer who completes the period of service shall be released by the Authority unless at the date of completion of service the officer has been charged with a disciplinary offence under this Act, in which case the service of the officer shall be prolonged and the officer's release from service deferred until the officer has undergone trial or any other punishment imposed on the officer.

Release on completion of service

(2) Subject to the provisions of this Act, a wildlife police officer shall, until in receipt of a certificate of service, remain with the Authority.

15. (1) A person who ceases to be a member of staff of the Authority shall deliver to the Director-General or the officer in charge all arms, ammunition, uniforms and other apparatus which were supplied to the officer and which are the property of the Authority.

Arms, uniforms, etc., to be delivered on ceasing to be staff of Authority

(2) A person referred to in sub-paragraph (1), who fails to deliver any arms, ammunition, uniform or other apparatus in possession of that person, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding six months or to both and the court which convicts that person may issue a warrant to search for, or seize such arms, ammunition, uniform and other apparatus not so delivered.

16. The Authority may, after approval of the Minister, issue standing orders relating to the discipline of staff of the Authority.

Discipline

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

Prohibition of publication of, or disclosure of information to unauthorised persons

(2) Any person who contravenes the provisions of sub-paragraph (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person, 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 any such information to any other person, the person shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding three years or to both.

Vesting of
assets of
Department
of National
Parks and
Wildlife
Service

18. (1) On or after the appointed date, there shall be transferred to, and vest in, or subsist against, the Authority by virtue of this Act and without further assurance-

- (a) the affairs of the Department of National Parks and Wildlife Service; and
- (b) subject to this Act, all property, rights and obligations which immediately before the appointed date were the property, rights and obligations of the Department of National parks and Wildlife Service.

(2) Except as provided in this Act, every deed, bond and agreement (other than an agreement for personal service) to which the Government was a party immediately before the commencement of this Act in respect of the Department of National Parks and Wildlife Service, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof, as if—

- (a) the Authority had been a party thereto;
- (b) for any reference to the Government there were substituted, as respects anything falling to be done on or after the appointed date, a reference to the Authority; and
- (c) for any reference to any officer of the Department not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after commencement of this Act, or reference to such officer of the Authority as the Authority shall designate.

(3) Subject to the provisions of sub-paragraph (2), documents, other than those referred to therein, which refer specifically or generally to the Department shall be construed in accordance with sub-paragraph (2) as far as applicable.

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

Registration of property to be transferred by Government

(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, stamp duty or other duties shall be payable in respect of thereof.

20. (1) On or after the appointed date, the Authority shall on such terms and conditions as it may determine, appoint as officers of the Authority such number of public officers from the Department of National Parks and Wildlife Service as may be necessary for the performance of the functions of the Authority.

Transfer of employees

(2) Where an employee of the Department of National Parks and Wildlife Service is appointed to the service of the Authority—

(a) the terms and conditions of service with the Authority shall not be less favourable than those the employee enjoyed in the Department of National Parks and Wildlife Service; and

(b) the employee shall be deemed to have been retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35 of 1996

(3) On or after the appointed date employees of the Department of National Parks and Wildlife Service who are not engaged by the Authority under sub-paragraph (2) shall be retained by the Government and shall be—

(a) redeployed in the service of the Government; or

(b) retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35 of 1996

21. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligations vests in the Authority by virtue of this Act, the Authority and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending 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 at all times been a right, liability or obligation of the Authority.

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 Department of National Parks and Wildlife Service may be continued by or against the Authority.

(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 Department of National Parks and Wildlife Service may be instituted by or against the Authority.

PART II

FINANCIAL PROVISIONS

Funds of
Authority

22. (1) The funds of the Authority shall consist of such moneys as may—

- (a) be appropriated by Parliament for the purpose of the Authority;
- (b) be paid to the Authority by way of fees, levy, grants or donations; and
- (c) vest in or accrue to the Authority.

(2) The Authority may—

- (a) accept moneys by way of grants or donations from any source in Zambia and subject to the approval of the Minister, from any source outside Zambia;
- (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and
- (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Authority.

(3) There shall be paid from the funds of the Authority—

- (a) such monies as may be necessary for the performance of its functions under the Act;
- (b) salaries, allowances and loans of the staff of the Authority;
- (c) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Authority when engaged in the business of the Authority, at such rates as the Minister may determine; and
- (d) any other expenses incurred by the Authority in the performance of its functions.

(4) The Authority may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

23. The financial year of the Authority shall be the period of twelve months ending on 31st of December, in each year.

Financial year

24. The Authority shall cause to be kept proper books of accounts and others records relating to its accounts.

Accounts

25. (1) As soon as practicable, but not later six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during financial year.

Annual report

(2) The report referred to in sub-paragraph (1) shall include information on the financial affairs of the Authority and there shall be appended thereto—

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

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-paragraph (1), lay it before the National Assembly.
