

CHAPTER 194

WILD ANIMALS, BIRDS AND FISH PRESERVATION ACT

Arrangement of Sections

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CHAPTER 194

An Act to consolidate the law relating to the Preservation of Wild Animals, Birds and Fish.

31 of 1916,
6 of 1939,
2 of 1948.
L.N.
89 of 1963.

[31ST AUGUST, 1916.]

1. This Act may be cited as the Wild Animals, Birds and Fish Preservation Act. Short title.

2. In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings respectively assigned them hereby, that is to say Interpretation.

“ animal ” means any wild animal;

“ bird ” means any wild bird;

“ collect ” means to take or kill by any means any animals, birds or fish for scientific purposes;

“ dangerous ” means savage, vicious or likely to spread disease;

“ diseased ” means affected with disease;

“ disease ” means any infectious or contagious disease of wild or domestic animals or birds;

“ hunt ” means to chase or pursue animals or birds for the sake of food or sport, and shall include beating or driving animals for another person;

“ trophy ” means any animal, dead or alive, or anything part of or produced from any such animal when dead or the eggs, eggshells, nests or plumage of any bird dead or alive;

“ young ”, as applied to an elephant, means having a tusk weighing less than 10 lbs.

Power of
Minister to
make
regulations
limiting
destruction
of wild
animals, etc.

3. The Minister may by regulation—

- (a) prohibit the hunting, capture and killing of any animal or bird, or the young of any animal, or the female of any animal when accompanied by its young;
- (b) define districts and prescribe the number of male or female animals of specified species which may lawfully be killed or captured, during the period mentioned in such regulation, by any person in any district so defined;
- (c) prohibit the taking out of the nest, or the destroying in the nest, of the eggs of any bird mentioned in such regulation;
- (d) prohibit the hunting, capture, and killing of any fish specified in such regulation;
- (e) prohibit the capture and killing of the young of any fish specified in such regulation below the size mentioned in such regulation;
- (f) prohibit the destroying of any spawning bed or any bank or shallow in which the spawn of fish may be;
- (g) prescribe a period or periods during which it shall not be lawful to hunt, capture, or kill any animal, or male or female animal, or the young of any animal, or any bird or any fish, or immature fish specified in such regulation, or take or destroy the eggs of any bird specified in such regulation;
- (h) appoint any tract or tracts of land within which it shall not be lawful to hunt, capture, or kill any animal, bird, or fish, with the exception of those exempted by such regulation from the operation thereof;

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- (i) prohibit the use of any poison or dynamite, or any explosive, or any trap, pit, snare, net or other instrument, device or means, mentioned in the regulation, for the purpose of taking, or killing any animal, bird or fish specified in such regulation;
 - (j) permit and regulate the killing, when diseased or suspected of disease, of domestic animals, and of wild animals, notwithstanding the provisions of this Act or any regulation passed thereunder, and the payment of compensation for domestic animals so killed, and generally make such further or other provisions for preventing the transmission of disease from or to or between wild animals, as the Minister may think fit;
 - (k) prohibit or regulate the export of elephants' tusks, and provide that it shall not be lawful to deal in, buy, sell, barter or export, or attempt to deal in, buy, sell, barter or export elephants' tusks of less weight than a weight prescribed by such regulation, and provide for the confiscation of any tusks of less than the prescribed weight in respect of which an offence against such regulations shall have been committed;
 - (l) establish export duties to be charged upon the hides, skins, horns and tusks of any animal and on the skin and plumage of any bird specified in such regulation;
 - (m) regulate the destruction of any poisonous, dangerous or destructive animal, bird or insect;
 - (n) regulate the destruction of the eggs of crocodiles, poisonous snakes, and pythons, and of any other poisonous, dangerous or destructive reptile, and of any poisonous, dangerous or destructive bird, fish or insect;
 - (o) if it shall at any time appear that any animals or birds, the hunting, capture and killing of which is unlawful under this Act, are seriously injuring crops, cattle, lands or other property, permit the hunting, capture and killing of such animals or birds by such persons, upon such conditions, and by such means as are mentioned in such regulation;
 - (p) prohibit any person selling, or having in his possession, or exporting, or attempting to export any bird or part of a

bird killed, wounded or taken in The Gambia or the nest, or egg, or plumage of any bird taken in The Gambia;

- (q) prohibit, restrict or regulate the removal, transfer, sale, and purchase of trophies, and the manufacture, removal, transfer, sale, and purchase of material or things manufactured from trophies;
- (r) require and regulate the registration, identification and marking of all or any trophies, whether obtained in The Gambia or imported, and the issue of certificates of ownership in respect thereof, and the transfer and surrender of such certificates and prescribing who is to issue such certificates, and what conditions are to be fulfilled precedent to the grant thereof;
- (s) prohibit, restrict, or regulate the import or export of trophies, and material or things manufactured from trophies;
- (t) prescribe the mode of application for, the fees to be charged, for, the issue and the form of hunting and collecting licences, and the returns to be furnished by holders of such licences;
- (u) impose any penalty not exceeding twenty-five pounds or imprisonment with or without hard labour for a term not exceeding six months for every breach of such regulation;
- (v) generally make regulations, and revoke, alter, or add to any such regulations for better carrying out the provisions of this Act and for the purpose of preserving animals, birds and fish.

Minister
may give
licences for
scientific
purposes.

4. Notwithstanding anything contained in this Act or in any regulations made thereunder, the Minister may by licence under his hand permit the collection of the eggs or egg-shells of any bird or birds or the hunting, capture or killing of specimens of any animals, birds or fish for scientific purposes, and also the export of the egg or egg-shell, plumage or skin of any bird, or the skin of any animal or fish in respect of which such licence shall have been issued.

Publication
of orders,
regulations,
etc.

5. Every order or regulation made under the provisions of this Act shall be published in the Gazette, and shall upon such publication have full force and effect, and unless and until such regulation

shall be made the provisions contained in the schedule hereto shall be in force.

SCHEDULE

(The schedule is printed with the subsidiary legislation)