

# PROCLAMATION 33 OF 1951

## GAME PRESERVATION

33 of 1951.

*To amend the laws dealing with the preservation of game, and to provide for the preservation of other types of wild life in Basutoland.*

[8th June, 1951]

1. In this Proclamation, unless the context otherwise requires—

Interpretation.

“game” means all animals or birds, not being domesticated, named in the Second Schedule to this Proclamation as amended from time to time in terms of section *nine*;

“hunt” includes shooting at, pursuing, taking, killing or wilfully disturbing game, and the taking or destruction of the eggs of birds;

“royal game” means all animals or birds, not being domesticated, named in the First Schedule to this Proclamation as amended from time to time in terms of section *nine*;

“wild life sanctuary” means any area declared as such by Notice in the *Gazette* in terms of sub-section (1) of section *eight*.

2. The period from the first day of September in each year to the last day of February in the succeeding year, both days inclusive, shall be a close season within which it shall be unlawful to hunt game.

Close season for game.

Licences to hunt game during open season.

3. It shall be lawful for the Resident Commissioner, or any officer authorised thereto by him, to issue licences, subject to such conditions as the Resident Commissioner may in his discretion see fit to impose, to any persons authorising such persons to hunt game during the open season. No such licence shall be transferable, and the fee chargeable for any such licence shall be one rand for every month or part of a month during which such licence is available. It shall be in the discretion of the Resident Commissioner or officer authorised by him to issue such licences, to grant or refuse any application for such a licence.

Penalty for hunting game during the close season or without a licence during the open season.

4. Any person who hunts game during the close season, and, subject to the provisions of sections *ten* and *eleven* any person hunting game at any time without having in his possession a valid licence issued in terms of section *three* or in contravention of any condition imposed by the Resident Commissioner and endorsed thereon, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rands or, in default of payment, to imprisonment for a period not exceeding six months.

Permit necessary in addition to licence for hunting royal game.

5. Subject to the provisions of section *eleven* it shall be necessary for any person desiring to hunt royal game to obtain a special permit from the Resident Commissioner in addition to obtaining a licence in terms of section *three*. Such permit shall not be granted by the Resident Commissioner without the concurrence of the Paramount Chief, and it shall be in the discretion of the Resident Commissioner to refuse any such application or to determine the conditions subject to which such a permit may be granted.

Prohibition of hunting royal game without permit.

6. No person shall at any time hunt royal game unless he is in possession of a valid permit issued under the provisions of section *five* or *eleven* or otherwise than according to the conditions set out in such permit. Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred rands or, in default of payment, to imprisonment for a period not exceeding twelve months.

Penalty for failure to produce licence or permit on lawful demand.

7. It shall be lawful for the Resident Commissioner or for any District Officer within the limits of his jurisdiction or for any member of the Basutoland Mounted Police, or for any other person duly authorised thereto by the Resident Commissioner or by any District Officer within the limits of his jurisdiction, at any time to demand the production of his licence or permit by any person engaged in hunting

game, or royal game or, in a wild life sanctuary, any animal or bird, and any person failing to produce such licence or permit on such demand, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rands or, in default of payment, to imprisonment for a period not exceeding four months.

8. (1) The Resident Commissioner may, after consultation with the Paramount Chief, declare by Notice in the *Gazette* any specified area within the Territory to be a wild life sanctuary.

Wild life sanctuaries.

(2) No person shall within any wild life sanctuary hunt any animal or bird whether or not such animal or bird is named in either of the Schedules to this Proclamation, and whether or not such animal or bird has been declared to be protected fauna in terms of section *three* of the Natural and Historical Monuments, Relics, Antiques, Fauna and Flora Proclamation<sup>(1)</sup> unless he is in possession of a special permit for this purpose issued by the Resident Commissioner in terms of section *eleven*.

(3) Any person who contravenes the provisions of sub-section (2) of this section or, having obtained a special licence from the Resident Commissioner in terms of that sub-section fails to observe any of the conditions under which such permit has been granted, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rands or, in default of payment, to imprisonment not exceeding six months.

9. It shall be lawful for the High Commissioner in Council by Notice in the *Gazette* to amend the Schedules to this Proclamation.

High Commissioner may amend Schedules.

10. Notwithstanding anything to the contrary contained in this Proclamation it shall not be necessary for any African to take out a licence such as is mentioned in section *three*, and none of the provisions of this Proclamation relating to such licences shall apply to any African.

Provisions relating to licences do not apply to Africans.

11. (1) The Resident Commissioner may issue a permit without charge to any person to hunt, kill or capture any animal or bird at any time (notwithstanding the provisions of section *two*) for the following purposes:

Free permits for scientific, administrative or complimentary purposes.

(a) for scientific, administrative or complimentary reasons to hunt, kill or capture game or royal game;

(1) Proc. 40 of 1938—Title XI.

(b) to hunt, kill or capture any animal or bird in a wild life sanctuary—

(i) for scientific or administrative reasons, or

(ii) when the presence of that animal or bird is detrimental to the purposes of the wild life sactuary.

Such a permit shall not be granted by the Resident Commissioner without the concurrence of the Paramount Chief, and it shall be in the discretion of the Resident Commissioner to refuse any application for such a permit or to determine the conditions on which such a permit may be granted.

(2) It shall be lawful for any person to whom a permit has been issued in terms of this section to act in terms of such permit notwithstanding anything to the contrary contained in this Proclamation.

Short title.

This Proclamation may be cited as the Game Preservation Proclamation.

#### FIRST SCHEDULE

#### ROYAL GAME

<i>English Name</i>	<i>Sesuto Name</i>
Bald-headed Ibis.	Mokhotlo.
Sacred Ibis.	Lehalanyane.
White Stork.	Mokotatsie.
Owl.	Sephooko.
Vulture.	Lenong.
Knorhaan.	Tla laoe.
Secretary Bird.	Mamolangoane.
Vaal Rhebuck.	Letsa.
Rooi Rhebuck.	Lebele.
Klipspringer.	Sekome.
Reedbuck.	Motlapasi.

#### SECOND SCHEDULE

#### GAME

<i>English Name</i>	<i>Sesuto Name</i>
Guinea Fowl.	Khaka.
Partridge.	Khoale.

*English Name*

*Sesuto Name*

Quail.

Koekoe.

Duck—all kinds.

Letata—mefuta eohle.

Geese—all kinds.

Lefaloa—mefuta eohle.

Plover.

Letsikhoi.

Hares.

Mebutlanyana.