

Government Notice No. 109 of 1998

THE WILDLIFE AND NATIONAL PARKS ACT 1993

Regulations made by the Minister under section 30 of the Wildlife and National Parks Act 1993

PART 1- PRELIMINARY

1. Short title

These regulations may be cited as the Wildlife Regulations 1998.

2. Interpretation

In these regulations-

" Act" means the Wildlife and National Parks Act 1993;

"cage" includes -

(a) a pen

(b) an aviary

(c) an enclosed or a structure in, or by means of, which wildlife is or may be confined;

"CITES" means the Conventional on International Trade in Endangered Species of Wild Fauna and Flora which came into force on 27 July 1975;

"export" includes re-export

"import" includes the introduction into the Territorial Sea of Mauritius;

"wildlife exhibition" means a collection of wildlife that is kept in a wildlife park, zoo, or similar place, for the purpose of public viewing or for any other purpose.

PART II- TRADING, ETC IN WILDLIFE

3. Permit issued under section 15

A permit issued under section 15 of the Act shall-

- (a) be in such form and subject to such conditions as the authorised officer may determine; and
- (b) be issued on payment of the fee specified in item 1 of the First Schedule.

4. Prescribed species of wildlife for the purpose of section 17

(1) The species of wildlife listed in the Second Schedule shall be prescribed species of wildlife for the purposes of section 17(1) of the Act.

(2) The species of wildlife listed in the Third Schedule shall be prescribed species of wildlife for purposes of section 17(2) of the Act.

5. Permits for the purposes of sections 17(1)(a) and (b)

A permit issued for a purpose set out in section 17(1)(a) and (b) of the Act shall-

- (a) be in such form and subject to such conditions as the authorised officer may determine; and
- (b) be issued on payment of the fee specified in item 2 of the First Schedule

6. Permits for the purposes of section 17(1)(c)

(1) A person who requires a permit for the purposes of section 17(1)(c) of the Act shall make an application to the authorised officer.

(2) A permit issued for the purposes of section 17(1)(c) of the Act shall-

- (a) be in such form as the authorised officer may determine;
- (b) be subject to such condition as authorised officer may determine; and
- (c) be issued on payment of the fee specified in item 3 of the First Schedule.

7. Export permit

(1) The authorised officer shall not issue an export permit, under section 17(1)(c) of the Act, in respect of prescribed species unless he is satisfied that-

(a) the export will not be detrimental to the survival of that species;

(b) the specimen was not obtained in contravention of laws in force for the protection of fauna and flora;

(c) in the case of living specimen , the specimen will be so prepared and shipped as minimise the risk of injury, damage to health or cruel treatment;

(d) in the case of species listed in -

(i) Section I of Sub-part A of part 1;

(ii) Section I of Sub-part B of part 1;

(iii) Section I of Sub-part C of part1;

(iv) Section I of Sub-part D of part1;

(v) Section I of Sub-part E of part 1;

(vi) Section I of Sub-part F of part 1;

(vii) Section I of Sub-part I of part 1;

(viii) Section I of Sub-part J of part 1;and

(ix) Section I of part 2,

of the Second Schedule, the importer, in the country of import, is in possession of an import permit; and

(e) the export is not in breach of CITES.

(2) An export permit, for the purposes of section 17(1)(c) of the Act, shall be issued in duplicate.

(3) Subject to paragraph (4), the original and duplicate of an export permit shall be stamped by a Customs Officer at the place and at the time of export.

(4) The Customs Officer shall not stamp the export permit unless the exporter has stated the quantity actually being exported.

(5)The exporter shall return the duplicate, duly stamped, to the authorised officer.

8. Import permit

The authorised officer shall not issue an import permit, under section 17(1)(c) of the Act, in respect of prescribed species unless he is satisfied that-

(a) the import will be for purposes which are not detrimental to the survival of the species involved; and

(b) in case of living specimen, the applicant is suitably equipped to house and care for the specimen and the specimen is not to be used for primary commercial purposes

9. Importation of certain species.

No person shall import the species listed in the Second Schedule unless he has an export or a re-export permit issued by the country of export or re-export.

10. Powers of the authorised officer

(1)The authorised officer may refuse an application for a permit for the purposes of section 15 or 17(1) of the Act if he has reason to believe that a document produced in support of the application is not authentic or is otherwise not in order.

(2) A permit issued under regulation 3, 5 or 6 may be cancelled by the authorised officer where he has reason to believe that-

(a) a document produced in support of the application for the permit is not authentic or is otherwise not in order;

(b) the permit has been obtained as a result of false representation.

(3) Where a permit issued under regulation 3, 5, or 6 -

(a) expires;

(b) is not required by the person to whom it was issued; or

(c) is cancelled,

the permit shall forthwith be returned to the authorised officer.

11. Pre-Convention Certificate

1. Where a person -

(a) is in possession of a prescribed species of wildlife or products thereof; and

(b) can provide evidence acceptable to the authorised officer that the prescribed species of wildlife or products thereof were obtained lawfully by him-

(i) in the case of wildlife or wildlife products originating within Mauritius, before 27 July 1975;

(ii) in the case of wildlife or wildlife products originating outside Mauritius, before 27 July 1975 or the date on which the species concerned became subject to CITES in the country of origin;

(iii) after 27 July 1975 but before the date on which the species concerned became subject of CITIES

the authorised officer may issue to that person a Pre-Convention Certificate in relation to the wildlife of products thereof.

2. A certificate issue under paragraph (1) shall be deemed to be a permit issued for the purposes of section 17 (1) of the Act.

12. Fees for permits in relation to wildlife

(1) Notwithstanding these regulations, the authorised officer may issue a permit free of charge where he is satisfied that the purpose for which the permit is required is a bona fide conversation or scientific one and that no commercial purpose is involved.

(2) The fee paid for the permit under these regulations shall not be refunded where the permit is subsequently cancelled or where it expires without having been used for the purpose for which it was issued.

13. Prescribed game for the purpose of section 19 (1) (b) of the Act

For the period specified in the third column of the Forth Schedule, the birds and mammals set out in the first column of the Schedule are prescribed for the purposes of section 19 (1)(b) of the Act.

14. Prescribed fees for a game Licence issued under section 20

(1) The fee set out in item 1 of the Fifth Schedule shall be the prescribed fee for the purposes of section 20(2)(b) of the Act.

(2) The fee set out in item 2 of the Fifth Schedule shall be the prescribed fee for the purposes of subsection 20(3) of the Act.

(3) The fee set out in item 3 of the Fifth schedule shall be the prescribed fee for the purpose of subsection 20(4)(b) of the Act.

15. Permits for the purposes of section 23

(1) A permit under section 23(1) of the Act shall be issued on payment of the fee specified in item 4 of the First Schedule.

(2) The authorised officer may refuse an application for a permit if he has reason to believe that a document produced in support of the application is not authentic or is otherwise not in order.

16. Possession of carcass during close season

(1) No person shall without lawful excuse or reasonable justification, have in his possession the carcass or meat of any game during a close season.

(2) A person who holds an authorisation, licence or permit issued under the Act or these regulations shall comply with every condition of the authorisation, licence or permit.

PART III - REGULATION OF WILDLIFE EXHIBITIONS

17. Licensing of wildlife exhibitions

(1) No person shall hold a wildlife exhibition unless he has been issued under this regulation.

(2) A person who wishes to obtain a wildlife exhibition licence shall make an application in writing to the authorised officer.

(3) Subject to paragraph (4), on receipt of an application under paragraph (2) the authorised officer may, on payment of the fee specified in item 1 of the Sixth Schedule, issue to the applicant a wildlife exhibition licence, which shall be valid for a period not exceeding 12 months.

(4) The authorised officer shall not issue a wildlife exhibition licence unless he is satisfied that-

(a) the place where the exhibition is to be held is suitable;

(b) the facilities and services for the care and treatment of the wildlife to be kept in that place are satisfactory;

(c) the nature and construction of any buildings and cages erected for the confinement of the wildlife are suitable for that purpose both in terms of well-being of the wildlife and its security ;

(d) the applicant is a fit and proper person to hold a wildlife exhibition and is of good character.

18. Obligations of a holder of a wildlife exhibition licence

The holder of a wildlife exhibition licence shall comply with such directions as may be given by the authorised officer in relation to-

- (a) erect, or cause or permit to be erected, in the place to which the licence relates, a building or cage for the confinement or any wildlife;
- (b) alter, or cause or permit to be altered, a building or cage for the confinement of wildlife in that place;
- (c) keep any wildlife or cause or permit any wildlife to be kept, in that place;
- (d) release any wildlife, or cause or permit any wildlife to be released, from that place;
- (e) sell or otherwise dispose of, or cause or permit to be sold or otherwise disposed of, any wildlife kept in that place;
- (f) cause or permit any wildlife to escape from that place.

19. Direction of the authorised officer

The holder of a wildlife exhibition licence shall comply with such directions as may be given by the authorised officer in relation to-

- (a) the provision of food and water for the wildlife kept pursuant to the licence;
- (b) the amount of spaces and the kind of shelter to be provided for each species of wildlife so kept, or the individual members of any species;
- (c) such other matters affecting the way in which, or the conditions under which, the wildlife is kept as the authorised officer may specify.

20. Records

(1) The holder of a wildlife exhibition licence shall maintain complete and accurate records, in such form as be approved by the authorised officer, in respect of-

- (a) the wildlife kept pursuant to any licence including the date and origin of any new wildlife received or born, and any new means of its individual identification, including distinctive marks, deformities, bands or tags;
- (b) any wildlife kept under the licence which dies and the known or suspected cause of death; and
- (c) any wildlife kept under the licence which escapes, is held or is otherwise disposed of.

(2) The records referred to in paragraph (1) shall be available at all times for inspection by the authorised officer.

21. Renewal of a wildlife exhibition licence

(1) The holder of a wildlife exhibition licence may, within a period of 2 months before the expiry of his licence, apply to the authorised officer for renewal of the licence.

(2) An application for the renewal of a wildlife exhibition licence shall be in writing and be accompanied by the fee specified in item 2 of the Sixth Schedule.

(3) The authorised officer shall not renew a licence unless he is satisfied that-

(a) the place where the exhibition is to be held is suitable;

(b) the facilities and services for the care and treatment of the wildlife to be kept in that place are satisfactory;

(c) the nature and construction of any buildings and cages erected for the confinement of the wildlife are suitable for the purpose both in terms of the well-being of the wildlife and its security;

(d) the applicant is a fit and proper person to keep a wildlife exhibition and is of good character.

(e) the applicant has complied with the conditions of the existing licence and such directions as may have been given under regulation 19.

(4) Subject to paragraph (3), the authorised officer may renew a licence-

(a) for a period not exceeding 12 months; and

(b) subject of terms and conditions as he thinks fit.

(5) Where the authorised officer refuses to renew a wildlife exhibition licence, the applicant shall be informed accordingly and any application fee shall be refunded.

22. Notification by holders of wildlife exhibition licences

(1) The holder of a wildlife exhibition licence, who knows, or has reason to suspect, that any of the wildlife kept pursuant to the licence is infected with a disease which is communicable to humans beings or livestock, shall immediately give notification of that fact to the authorised officer.

(2) A holder of a wildlife exhibition licence who gives a notification under paragraph (1) which is inaccurate, misleading or false in any particular, shall commit an offence.

23. Cancellation of wildlife exhibition licences

(1) Where the holder of a wildlife exhibition licence-

- (a) commit a breach of a condition of the licence;
- (b) contravenes a provision of these regulations or;
- (c) is convicted of an offence under the Act or of any offence involving wildlife

the authorised officer may, subject to paragraph(2) and regulation 24, cancel the licence.

(2) The authorised officer shall not cancel a licence under paragraph (1) unless the holder has been served with a notice-

- (a) stating the reason why it is proposed to cancel the licence;
- (b) requiring the holder to state in writing, within 7 days of receipt of the notice, why the licence should not be cancelled; and

(3) Where a wildlife exhibition licence is cancelled, the authorised officer shall inform the holder of the licence, in writing, accordingly.

(4) Upon receipt of a notice of cancellation under paragraph(2), the holder shall-

- (a) surrender his licence to the authorised officer within 24 hours of receipt of the notice of cancellation;
- (b) dispose of the wildlife, to which the licence relates, in accordance with regulation 25.

(5) Where the holder of a licence fails to comply with paragraph (4)(b), the authorised officer may seize the wildlife.

24. Suspension of wildlife exhibition licences

Notwithstanding regulation 23(1), the authorised officer may, instead of cancelling a licence, suspend the licence -

(a) for such period as he thinks fit; or

(b) until the holder satisfies such conditions as may be imposed by the authorised officer.

25. Disposal of wildlife where wildlife exhibition licence is cancelled or renewal refused

(1) Where a wildlife exhibition licence is cancelled or is not renewed, the holder of the licence shall not -

(a) dispose of the wildlife kept under the licence;

(b) release the wildlife; or

(c) allow the wildlife to be disposed of;

unless he has obtained the approval of the authorised officer.

(2) The authorised officer may, when giving his approval under paragraph(1) give such directions as he thinks fit regarding the disposal of the wildlife.

26. Offences in relation to wildlife exhibitions

(1) No person, other than the holder of a wildlife exhibition licence shall -

(a) cause, allow or permit any wildlife to escape from the place which the licence relates;

(b) release, cause or permit to be released any wildlife from that place unless authorised by the authorised officer.

(2) No person shall interfere with a fence, gate, cage, building or other structure or with any equipment so as to cause, allow or permit any wildlife to escape from a place where it is kept pursuant to a wildlife exhibition licence.

27. First Schedule to the Act Amended

The First Schedule to the Act is amended by deleting the third column.

28. New Second Schedule to the Act

The Second Schedule to the Act is repeated and replaced by the Seventh Schedule to these regulations.

29. Transitional provision

A person who is responsible for a wildlife exhibition which is required to be licence under these regulations shall, notwithstanding an existing authority, licence or permit issued under any other enactment, apply for a wildlife exhibition licence within three months of the commencement of these regulations.

30. Commencement

These regulation shall come into operation on 27.6.1998.

Made by the Minister on 25.6.1998.

FIRST SCHEDULE

(regulations 3, 5, 6(2) and 15)

FEES FOR PERMITS

Permit issued under section 15 of the Act: Rs 50

Permit issued under section 17(1)(a) and (b) of the Act: Rs 50

Permit issued under section 17(1)(c) of the Act: Rs 100

Permit issued under section 23(1) of the Act: Rs 50