

THE GAME CONTROL ACT

(WILDLIFE AND FLORA: ACT 37/1947)

Date of Commencement: 27th June, 1947.

An Act to make provision for the control of the numbers of game.

Short title.

1. This Act may be cited as the Game Control Act.

Interpretation.

In this Act, unless the context otherwise requires —

"holding" means and includes any farm, land concession, sub-division of a farm or concession under separate ownership, any piece of Government land and any Swazi Land Settlement Area established under section 2 of the Swazi Land Settlement Act No. 2 of 1946;

"Minister" means the Minister for Agriculture;

"owner" means and includes —

- (a) the registered owner of a holding;
- (b) the lessee or lawful occupier of a holding;
- (c) in the case of Government lands not disposed of to any person, the Government;
- (d) in the case of Government lands disposed of to some person by the Government the transfer whereof has not been registered, the purchaser of such government lands;
- (e) in the case of Swazi Land Settlement Areas as defined by section 2 of the Swazi Land Settlement Act No. 2 of 1946, the Ngwenyama.

Power to direct reduction of game.

3. (1) Notwithstanding anything contained in the Game Act No. 51 of 1953, the Minister may, if he is satisfied that any species of game exists on any holding in such numbers or in such circumstances as to constitute a danger to stock, crops, grazing or other natural resources in Swaziland, by order under his hand direct the owner of the holding to reduce such game by such numbers as he deems expedient.

(2) If an owner to whom a direction has been issued in terms of this section fails or neglects, within one month after the date of such direction, to reduce the numbers of game upon his holding in accordance with such direction, by shooting such excess numbers or causing them to be shot by persons authorised in writing by him, the Minister may take measures under section 5 to effect such reduction.

Power to inspect holdings.

4. The Minister may enter upon any holding for the purpose of determining whether the numbers of game upon such holding constitute a danger in terms of section 3. Power to enter holdings.

5. If the Minister decides to reduce the numbers of game under the powers conferred upon him by section 3 he may send such persons, animals and vehicles as he considers necessary

onto such holding to perform such reduction, and to authorise such persons to camp upon the holding and to take free of charge such water, firewood and grazing from the holding as may be reasonably necessary for the need of such persons, animals and vehicles.

Protection from legal proceedings.

6. No action shall lie against the Government, the Minister, or any official or person authorised by the Minister to perform any act or duty under sections 3, 4, and 5 in respect of injury or loss caused to any person through acts done in good faith and without negligence in the exercise of the powers conferred by this Act.

Offences.

7. A person hindering, obstructing or otherwise molesting the Minister or any person authorised by him in the execution of his duties under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand, or in default of payment thereof to imprisonment for a period not exceeding one month.

Recovery of expenses.

8. (1) The expenses incurred by the Government in the reduction of game in terms of this Act shall wherever reasonably practicable be recovered by the sale of the carcasses of game destroyed on the holding.

(2) Should the proceeds of such sale be insufficient to cover the expenses incurred, the deficiency may be recovered from the owner of the holding by action in a competent court.

Suspension of direction.

9. Notwithstanding anything contained in this Act the Minister may grant permission in writing to an owner to suspend the shooting of game on his holding during such months as the Minister may consider it to be too hot for the useful and practicable disposal of the carcasses of any game destroyed.

Close season suspended.

10. Notwithstanding anything contained in the Game Act No. 51 of 1953, or in any notice in force thereunder, there shall be no close season for game in respect of which the Minister has issued a direction under section 3 during the period in which the direction is being carried out, and on any such holding the open season shall during such period extend throughout the whole of each year.