



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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WINDHOEK — 31 December 1990

No. 133

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 100

1990

**PROMULGATION OF ACT OF
THE NATIONAL ASSEMBLY**

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 31 of 1990: Nature Conservation General Amendment Act, 1990.

Act No. 31, 1990

**NATURE CONSERVATION GENERAL
AMENDMENT ACT, 1990**
EXPLANATORY NOTE:

————— Words underlined with solid line indicate insertions proposed.

[] Words in bold type in square brackets indicate omissions proposed.

ACT

To amend the Nature Conservation Ordinance, 1975, and the Controlled Game Products Proclamation, 1980, so as to increase certain penalties which may be imposed under the said laws for contraventions thereof; and to provide for incidental matters.

(Signed by the President on 12 December 1990)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 20 of Ordinance 4 of 1975, as amended by section 6 of Act 27 of 1986.

1. Section 20 of the Nature Conservation Ordinance, 1975, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes or fails to comply with any provision of subsection (1) or any condition, requirement or restriction of any permission granted thereunder, shall be guilty of an offence and liable on conviction -

(a) to a fine not exceeding R200 000 or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment if such offence relates to the hunting of any elephant or rhinoceros; or

[(a)] (b) to a fine not exceeding [R6 000] R20 000 or to imprisonment for a period not exceeding [six] five years or to both such fine and such imprisonment if such offence relates to the hunting of any other specially protected game; or

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AMENDMENT ACT, 1990**

[(b)] (c) to a fine not exceeding [**R4 000**] R16 000 or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment if such offence relates to the hunting of any other animal.”.

Amendment of section 26 of Ordinance 4 of 1975, as amended by section 8 of Act 27 of 1986.

2. Section 26 of the Nature Conservation Ordinance, 1975, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any person who contravenes or fails to comply with any provision of subsection (1) or any condition, requirement or restriction of a permit granted in terms of this section, shall be guilty of an offence and liable on conviction -

(a) to a fine not exceeding R200 000 or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment if such offence relates to the hunting of any elephant or rhinoceros; or

(b) to a fine not exceeding [**R6 000**] R20 000 or to imprisonment for a period not exceeding [**six**] five years or to both such fine and such imprisonment if such offence relates to the hunting of any other specially protected game.”.

Substitution of Schedule 3 to Ordinance 4 of 1975, as amended by Government Notice 115 of 1978 and Government Notice 75 of 1987.

3. The following Schedule is hereby substituted for Schedule 3 to the Nature Conservation Ordinance, 1975:

“SCHEDULE 3.

SPECIALLY PROTECTED GAME

Mountain Zebra (*Equus zebra hartmannae*)
Giraffe (*Giraffa camelopardalis*)
Klipspringer (*Oreotragus oreotragus*)
Elephant (*Loxodonta africana*)
Rhinoceros: (*Diceros bicornis*)
(*Ceratotherium simum*)
Impala (*Aepyceros melampus*)
Hippopotamus (*Hippopotamus amphibius*)
Black-faced Impala (*Aepyceros petersi*)
Sebra (*Equus burchelli* species)”.

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AMENDMENT ACT, 1990**

Amendment of section 1
of Proclamation AG. 42
of 1980.

4. Section 1 of the Controlled Game Products Proclamation, 1980, is hereby amended -

(a) by the deletion of the definition of "territory";
and

(b) by the addition of the following definition:

"Minister' means the Minister of Wildlife, Conservation and Tourism."

Amendment of section 2
of Proclamation AG. 42
of 1980.

5. Section 2 of the Controlled Game Products Proclamation, 1980, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) Subject to the provisions of paragraph (b), any person who [after the commencement of this Proclamation] imports into [the territory] Namibia, exports from [the territory] Namibia, possesses or deals in any controlled game product otherwise than under and in accordance with a permit issued or deemed to be issued to [him] such person by the [Administrator-General] Minister under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding [six thousand rand] R200 000 or to imprisonment for a period not exceeding [six] twenty years or to both such fine and such imprisonment."

Substitution of certain
expressions in Proclamation
AG. 42 of 1980.

6. The Controlled Game Products Proclamation, 1980, is hereby amended -

(a) by the substitution for the expression "the territory", wherever it occurs, of the expression "Namibia"; and

(b) by the substitution for the expression "Administrator-General", wherever it occurs, of the expression "Minister".

Short title.

7. This Act shall be called the Nature Conservation General Amendment Act, 1990.