

**UMTHEHO
WENTLOBO-NTLOBO ZENDALO
WENTSHONA KOLONI, 2021**

IPHONDO LENTSHONA KOLONI

**WES-KAPSE
WET OF BIODIVERSITEIT, 2021**

PROVINSIE WES-KAAP

**WESTERN CAPE
BIODIVERSITY ACT, 2021**

PROVINCE OF WESTERN CAPE

ASSENTED TO / BEKRAAGTIS, ...:LEWENGU
 DATE / DATUM / UMZILA
 9/12/2021
 MEMBER / INWELING
 PROVINCE OF THE WESTERN CAPE / WES-KAAP / WES-KAAP / WES-KAAP

ACT

To provide for the framework and institutions for nature conservation and the protection, management and sustainable use of biodiversity and ecosystems in the Province; and for matters incidental thereto.

PREAMBLE

WHEREAS section 24 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations through measures that promote conservation and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

AND WHEREAS environment and nature conservation to the extent set out in Part A of Schedule 4 to the Constitution of the Republic of South Africa, 1996, are functional areas of concurrent national and provincial legislative competence;

AND WHEREAS the Constitution of the Western Cape 1997 (Act 1 of 1998), requires the provincial government to adopt and implement policies on, among other things, the protection of the environment in the Western Cape, including its unique fauna and flora, for the benefit of the present and future generations;

AND WHEREAS the different organs of state must act in accordance with the principles of cooperative government and intergovernmental relations and make decisions that affect the environment in a coordinated and holistic manner;

AND RECOGNISING the unique biodiversity in the Western Cape, the Republic's international obligations, the Province's dependence on ecosystem services, the need for access and benefit sharing and the need to ensure long-term ecological resilience;

AND RECOGNISING the need for statutory revision to reform, integrate, harmonise and rationalise the existing legislative and institutional frameworks for implementing the provincial mandates for biodiversity and nature conservation;

AND RECOGNISING that it is desirable that the law develops a framework for integrating and coordinating environment and nature conservation considerations into planning and decision making by all organs of state to fulfil their obligations in terms of section 24 of the Constitution of the Republic of South Africa, 1996,

B E I T T H E R E F O R E E N A C T E D by the Provincial Parliament of the Western Cape as follows:—

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CHAPTER 1

INTERPRETATION, OBJECTIVES AND APPLICATION

Definitions

1. In this Act, unless the context indicates otherwise—
 - (a) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature through human intervention, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention;
 - (b) a species listed by the Provincial Minister in terms of section 49(2)(h);
 - (c) “aquifer” means a geological formation which has structures or textures that hold water or permit an appreciable water movement through them;
 - “authorization” means any registration, certificate, licence, permit or other written permission issued or granted in terms of this Act that authorises the person to whom it is issued or granted to do anything that would otherwise be prohibited, and includes an integrated authorisation contemplated in section 54;
 - “biodiversity” means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within and between species, within and between populations, and of ecosystems;
 - “Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
 - “biodiversity economy” means the businesses and economic activities that either directly depend on biodiversity for their business or that contribute to conservation of biodiversity through their activities;
- 30 “alien species” means—
 - (a) a species that is not an indigenous species;
 - (b) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature through human intervention, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention;
 - (c) a species listed by the Provincial Minister in terms of section 49(2)(h);
- 35 “aquifer” means a geological formation which has structures or textures that hold water or permit an appreciable water movement through them;
- 40 “authorization” means any registration, certificate, licence, permit or other written permission issued or granted in terms of this Act that authorises the person to whom it is issued or granted to do anything that would otherwise be prohibited, and includes an integrated authorisation contemplated in section 54;
- 45 “biodiversity” means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within and between species, within and between populations, and of ecosystems;
- 50 “Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
- “biodiversity economy” means the businesses and economic activities that either directly depend on biodiversity for their business or that contribute to conservation of biodiversity through their activities;

- “biodiversity offset” means measurable conservation actions designed to counterbalance the residual adverse effects of any activity, or of the implementation of any plan, on biodiversity or ecological infrastructure after every effort has been made sequentially to avoid and minimise such effects, and to rehabilitate or restore damage, and includes the outcome of such measures;
- 5 “biodiversity priority area” means an area in the landscape or seascape that is important for conserving a representative sample of ecosystems and species, maintaining ecological processes and ecological infrastructure or the provision of ecosystem services;
- 10 “Biodiversity Spatial Plan” means a plan contemplated in section 34;
- “biodiversity stewardship agreement” means an agreement entered into between the Chief Executive Officer and a landowner which sets out the obligations of the parties to secure the conservation of a biodiversity priority area; “biodiversity stewardship area” means an area of land contemplated in section 42;
- 15 “biodiversity target” means the quantitative amount of any biodiversity feature, including biodiversity patterns or ecological processes, that should be prioritised for conservation in order to ensure the long-term survival and persistence of the biodiversity feature;
- 20 “biodiversity reserve” means an area designated for inclusion in the World Network of Biosphere Reserves by the International Coordinating Council of UNESCO’s Man and the Biosphere Programme;
- “Biosphere Reserve Framework Plan” means the spatial plan compiled for a biosphere reserve as contemplated in section 45;
- 25 “Board” means the governing board of CapeNature as contemplated in section 12;
- “CapeNature” means the provincial public entity contemplated in section 9;
- “captive”, in relation to a wild animal, means the keeping within an enclosure by method in such a way that the wild animal is unable to maintain itself by natural means;
- 30 “Chairperson” means the Chairperson of the Board appointed in terms of section 16(1)(a);
- “Chief Executive Officer” means the Chief Executive Officer of CapeNature appointed in terms of section 27;
- 35 “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, D.C., United States of America, 1973;
- “climate change” means a change in climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods;
- 40 “coastal public property” has the same meaning as in the Integrated Coastal Management Act;
- “conservation”, in relation to biodiversity and nature, means the protection, care, management, rehabilitation and maintenance of ecosystems, habitats and indigenous species and populations, including the genetic variability within ecosystems and species, to safeguard the natural conditions for their long-term persistence and the ecosystem services that they may provide, and “conserve” has a corresponding meaning;
- 50 “Constitution” means the Constitution of the Republic of South Africa, 1996; “Criminal Procedure Act” means the Criminal Procedure Act, 1977 (Act 51 of 1977);
- “critically endangered species” means an indigenous species that is listed by the IUCN as a critically endangered species, and includes a species listed by the Provincial Minister in terms of section 49(2)(b);
- 55 “Department” means the provincial department responsible for environmental matters in the Province;
- “derivative”, in relation to an animal, plant or other organism, means any part, tissue or extract of the animal, plant or other organism, whether fresh, preserved or processed, and includes any genetic material or chemical compound derived from such part, tissue or extract;
- 60 “development” means any process initiated by a person to change the use, physical nature, appearance, form or function of a place, and includes —

- (a) the construction, erection, alteration, demolition, or removal of a structure or building;
- (b) any change to the existing or natural topography of the land;
- (c) the carrying out of any works on, over or under a site;
- (d) the destruction or removal of indigenous vegetation; and
- (e) a process to rezone, subdivide or consolidate land;
- “domesticated species” means any species for which no equivalent population exists in the wild, and which has been influenced by humans to meet human needs, and includes a species listed by the Provincial Minister in terms of section 49(2)(f);
- “ecological infrastructure” means the naturally functioning ecosystems, including mountain catchments, water resources, coastal dunes, wetlands and nodes and corridors of natural habitat that together form networks of interconnected structural elements in the landscape that generate or deliver valuable ecosystem services to people;
- “ecosystem” means a dynamic complex of animal, plant and microorganism communities and their non-living environment interacting as a functional unit, which may be terrestrial, coastal, inland aquatic, estuarine or marine, or a combination thereof;
- “ecosystem services” means the benefits humans derive from ecosystems, which benefits include—
- (a) provisioning services, such as the production of food and provisioning of water;
- (b) regulating services, such as the control of climate, air quality or disease and disaster risk reduction;
- (c) supporting services, such as nutrient cycling, soil formation and crop pollination; and
- (d) cultural services, such as spiritual and recreational benefits;
- “endangered species” means an indigenous species that is listed by the IUCN as an endangered species, and includes a species listed by the Provincial Minister in terms of section 49(2)(c);
- “environment” means the surroundings within which humans exist and that are made up of—
- (a) the land, water and atmosphere of the earth;
- (b) microorganisms and plant and animal life;
- (c) any part or combination of the surroundings contemplated in paragraphs (a) and (b) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the surroundings contemplated in paragraphs (a), (b) and (c) that influence human health and well-being;
- “environmental legislation” means—
- (a) the Environment Conservation Act, 1989 (Act 73 of 1989);
- (b) the National Environmental Management Act;
- (c) the National Water Act, 1998 (Act 36 of 1998);
- (d) the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);
- (e) the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);
- (f) the Protected Areas Act;
- (g) the Biodiversity Act;
- (h) the Integrated Coastal Management Act; and
- (i) the World Heritage Convention Act, 1999 (Act 49 of 1999),
- and includes any regulations or other subordinate legislation made in terms of these Acts;
- “estuary” means a body of surface water—
- (a) that is permanently or periodically open to the sea;
- (b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the body of surface water is open to the sea; or
- (c) in respect of which the salinity is higher than fresh water as a result of the influence of the sea, and where there is a salinity gradient between the tidal reach and the mouth of the body of surface water, and “estuarine” has a corresponding meaning;
- “export” means the transfer, or attempted transfer, of any species or specimen, or any part or derivative of such species or specimen, from any position or place in the

- Province in any manner to another province of the Republic or to a country outside the borders of the Republic or to international waters;
- 5 “extra-territorial species” means a species contemplated in paragraph (b) of the definition of “alien species”, and includes a species listed by the Provincial Minister in terms of section 49(2)(g);
- “feral animal” means an animal of a domesticated species which has gone wild; “genetic material” means any material of animal, plant, microbial or other biological origin containing functional units of heredity;
- 10 “habitat” means a place where a species or ecological community naturally occurs;
- “Head of Department” means the head of the provincial department responsible for environmental matters in the Province;
- 15 “heritage resource” means any place or object of cultural significance; “honorary nature conservation officer” means a person designated in terms of section 56(a)(iii);
- “hunt”, in relation to a wild animal, an animal belonging to a non-indigenous species or a feral animal, means to—
- (a) search for;
- (b) pursue, follow or drive;
- (c) lie in wait for or wilfully disturb; or
- (d) shoot at or poison,
- 20 the animal by any means whatsoever for the purpose of killing, injuring or capturing or attempting to kill, injure or capture it;
- “import” means to—
- (a) land on, bring into or introduce into the Province, or attempt to land on, bring into or introduce into the Province; or
- (b) bring into the Province for re-export to a place outside the Province;
- 25 “indigenous”—
- (a) in relation to a species, means a species that occurs, or has historically occurred, naturally in a free state within the borders of the Republic, but excludes a species that has been introduced into the Republic as a result of human activity; and
- (b) in relation to a specimen, means an indigenous plant or wild animal of a species contemplated in paragraph (a);
- 35 “indigenous biological resources” means any resource consisting of—
- (a) any specimen of an indigenous species; or
- (b) any genetic material of such specimen;
- “Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008);
- 40 “invasive species” means any species whose establishment and spread outside of its natural distribution range—
- (a) threaten ecosystems, habitats, ecological infrastructure or other species or have the potential to threaten ecosystems, habitats, ecological infrastructure or other species; and
- (b) may result in economic or environmental harm or harm to human health;
- 45 “IUCN” means the International Union for the Conservation of Nature, established in Fontainebleau, France, 1948;
- “landowner” means the registered owner of land, except that if—
- (a) the land is not occupied by the registered owner, it means the person—
- (i) who lawfully occupies the land;
- (ii) who exercises general control over the land;
- (iii) who has any registered real right in the land, subject to any other law; or
- (iv) who has been authorised in writing by the registered owner to fulfil his or her rights or duties in relation to the land;
- 50 (b) the land is owned by an association of persons, whether corporate or unincorporated, it means the person designated by the association in writing as the owner;
- (c) the land is under the control or management of a municipality, it means the municipal manager;
- (d) the registered owner or the person who is defined as the owner in paragraph (a) or (b)—
- (i) is deceased;
- (ii) is insolvent;

(iii) has assigned his or her estate for the benefit of his or her creditors;

(iv) has been placed under curatorship by order of court; or

(v) is a company being wound up or under judicial management,

it means the person in whom the administration of the land is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or

(e) the land is coastal public property, it means the national department responsible for the fulfilment of the obligations of the state as public trustee of coastal public property in terms of sections 11 and 12 of the Integrated Coastal Management Act;

10 "listed species" means a species included in a list contemplated in section 49(2); "Local Government: Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"long term" means a period of 50 years or longer;

"mitigation measure" means a measure or sequence of measures aimed at avoiding, minimising, rehabilitating, restoring or remedying, including by means of biodiversity offsets, an adverse effect;

"mountain catchment area" means an area contemplated in section 40;

"Mountain Catchment Areas Act" means the Mountain Catchment Areas Act, 1970 (Act 63 of 1970);

"National Environmental Management Act" means the National Environmental Management Act, 1998 (Act 107 of 1998);

"National Minister" means the member of the National Cabinet responsible for environmental affairs;

"nature conservation officer" means a person designated in terms of section 56(a)(i);

"nature conservation ranger" means a person designated in terms of section 56(a)(ii);

"newspaper" means a monthly, weekly or daily publication containing articles on the news, features, reviews and advertisements, including such a publication communicated and received through the internet;

"Ordinance" means the Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974);

"organ of state" means —

(a) any department of state or administration in the national, provincial or local sphere of government; or

(b) any other functional or institution —

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;

"peace officer" means a person declared a peace officer under section 334(1) of the Criminal Procedure Act;

"person" means a —

(a) natural person; or

(b) juristic person, including any —

(i) body incorporated or unincorporated established in terms of any law;

(ii) partnership or trust; or

(iii) organ of state that has been established as a juristic person;

50 "poison" includes any preparation or substance that can be used to catch, immobilise, sterilise, kill or physically harm any animal, plant or other organisms; "Premier" means the Premier of the Province;

"premises" means any land, site, property, building, structure or any part of any land, site, property, building or structure, and includes any container and any vehicle, train, railway carriage, vessel, aircraft or other conveyance;

"prescribe" means prescribe by regulation;

"protected area" means a protected area contemplated in section 9 of the Protected Areas Act;

"Protected Areas Act" means the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

"protected environment" has the same meaning as in the Protected Areas Act;

- “protected species” means a species listed by the Provincial Minister in terms of section 49(2)(e);
- “Province” means the Province of the Western Cape and “provincial” has a corresponding meaning;
- “Provincial Minister” means the member of the Provincial Cabinet responsible for environmental affairs in the Province;
- “provincial protected area” means a provincial protected area as defined in the Protected Areas Act, which may include a nature reserve in the Province declared in terms of section 23(1) of the Protected Areas Act or a nature reserve in the Province regarded as having been declared in terms of section 23(5) of that Act;
- “Provincial Protected Areas Expansion Strategy” means the strategy contemplated in section 39(1)(a);
- “Public Finance Management Act” means the Public Finance Management Act, 1999 (Act 1 of 1999);
- “regulation” means a regulation made under this Act;
- “resilience”, in relation to an ecosystem or ecological infrastructure, means the ability of the ecosystem or ecological infrastructure to withstand disturbances thereto while retaining the same basic structure and functioning, the capacity for self-organisation and the capacity to adapt to stress or change;
- “restricted activity” means an activity which has been listed as a restricted activity under section 49(1) or (7);
- “restricted method” means a method which has been listed as a restricted method under section 49(1) or (7);
- “spatial development framework” means a spatial development framework as contemplated in the Spatial Planning and Land Use Management Act;
- “Spatial Planning and Land Use Management Act” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);
- “species” means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any subspecies, cultivar, variety, geographic race, strain, hybrid or geographically separate population;
- “specimen” means—
- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which—
- (i) contain a derivative of an animal, plant or other organism; or
- (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;
- “subordinate legislation” means any—
- (a) regulation made; or
- (b) notice published in the *Provincial Gazette*, by the Provincial Minister in terms of this Act;
- “sustainable” means the use of or impact on biodiversity, ecosystems or ecosystem services in a way and at a rate that—
- (a) will not lead to its long-term decline and which can be sustained indefinitely without causing adverse effects thereon;
- (b) will not compromise or disrupt its ecological integrity; and
- (c) ensures its continued persistence to meet the needs and aspirations of present and future generations of people;
- “systematic biodiversity planning” means a planning method that identifies biodiversity priority areas, taking into account biodiversity patterns and the ecological and evolutionary processes that sustain them, based on quantitative biodiversity targets and thresholds for aquatic, terrestrial, coastal and marine biodiversity features in order to conserve a representative sample of biodiversity patterns and ecological processes;
- “this Act”, except in section 4, includes subordinate legislation made or issued in terms of this Act;
- “UNESCO” means the United Nations Educational, Scientific and Cultural Organisation, and includes the International Coordinating Council of the Man and the Biosphere Programme;

2. The objectives of this Act are to—
- (a) give effect to the obligation of the state in terms of national legislation to act as trustee in relation to the environment;
 - (b) give effect to section 81(m) of the Western Cape Constitution to protect and conserve the environment in the Province, including its unique biodiversity, for the benefit of present and future generations;
 - (c) ensure the long-term ecological sustainability and resilience of biodiversity, ecosystems, ecosystem services and ecological infrastructure through implementation of the principles of ecological sustainability contemplated in section 6 and the protection of priority biodiversity and ecological infrastructure;
 - (d) ensure human well-being and the long-term resilience of society and the economy through the conservation of protected areas, biodiversity, ecosystems, ecosystem services and ecological infrastructure;
 - (e) enable reasonable and sustainable access to benefits and opportunities emanating from the conservation of protected areas, biodiversity, ecosystems, ecosystem services and ecological infrastructure;
 - (f) establish institutional structures and organisational capacity for the effective discharging of the conservation and management of biodiversity and nature in the Province;
 - (g) promote consultation, cooperation, integration, decision-making and management in support of the conservation and sustainable use of biodiversity and ecosystem services in the Province;
 - (h) promote systematic biodiversity planning and the attainment of the biodiversity targets for conservation set in the Biodiversity Spatial Plan and the Provincial Protected Areas Expansion Strategy;
 - (i) regulate certain activities to be undertaken in a manner that enhances and protects the integrity and health of the environment;
 - (j) subject to section 231 of the Constitution, implement and give effect to international agreements and best practices pertaining to the environment and conservation of biodiversity;
 - (k) enable the financial and economic sustainability of the relevant institutions responsible for the conservation and management of biodiversity and nature in the Province; and

25 **Objectives**

- “vulnerable species” means an indigenous species that is listed by the IUCN as a vulnerable species, and includes a species listed by the Provincial Minister in terms of section 49(2)(d);
- “watercourse” means—
 - (a) a river or spring;
 - (b) a natural channel in which water flows regularly or intermittently;
 - (c) a wetland, lake or dam into which, or from which, water flows; and
 - (d) any collection of water declared in terms of the National Water Act, 1998, to be a watercourse,
- and a reference to a watercourse includes, where relevant, its bed and banks;
- “water resource” includes a watercourse, surface, an estuary and an aquifer;
- “weapon” means anything whatsoever that can be used in such a way that a wild animal is killed, injured, captured or immobilised thereby;
- “well-being” means the ecological, behavioural, physical and physiological state of health of a wild animal;
- “Western Cape Constitution” means the Constitution of the Western Cape, 1997 (Act 1 of 1998);
- “Western Cape Nature Conservation Board Act” means the Western Cape Nature Conservation Board Act, 1998 (Act 15 of 1998);
- “wild animal” means an animal, excluding a domesticated species and a microorganism, whether or not the animal is alive or dead, tame, bred or kept in captivity, and includes the eggs, spawn, gametes, genetic material, or any part of such an animal.

(f) enable and develop an equitable and sustainable biodiversity economy in the Province, including the promotion and development of eco-tourism in areas under the control of CapeNature.

Application

3. This Act binds the state and all persons.

5

Conflicts with other legislation

4. (1) If there is a conflict between a provision of this Act and—

- (a) national legislation, the conflict must be resolved in terms of section 146 of the Constitution;
- (b) another provincial Act, the provision of this Act prevails to the extent that the conflict concerns provisions governing the conservation of biodiversity;
- (c) municipal legislation, the provision of this Act prevails to the extent that the conflict concerns provisions governing—
 - (i) matters contemplated in either Part A of Schedule 4 or Part A of Schedule 5 to the Constitution; or
 - (ii) matters contemplated in Part B of Schedule 4 or Part B of Schedule 5 to the Constitution and the provision is a legitimate exercise or performance of the powers and duties of the Province under section 155(6)(a) and (7) of the Constitution.

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(2) If there is a conflict between subordinate legislation made in terms of this Act and—

- (a) national legislation, the conflict must be resolved in terms of section 146 of the Constitution;
- (b) a provincial Act, that Act prevails;
- (c) other subordinate provincial legislation, the subordinate legislation made in terms of this Act prevails to the extent that the conflict concerns provisions governing the conservation of biodiversity;
- (d) municipal legislation, the subordinate legislation made in terms of this Act prevails to the extent that the conflict concerns the matters specified in subsection (1)(c).

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**CHAPTER 2
DUTIES AND PRINCIPLES**

Duty of state

5. Every organ of state that is empowered or required by or in terms of any law to exercise a power or perform a duty that may have an adverse effect on the environment, must in exercising or performing that power or duty in respect of the Province—

- (a) take a long-term perspective of the likely effects of each action or decision on the environment;
- (b) apply the principles of ecological sustainability contemplated in section 6; and
- (c) apply the environmental management principles contemplated in section 2 of the National Environmental Management Act.

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Principles of ecological sustainability

6. Every organ of state whose decisions or actions may affect biodiversity or the environment in the Province must apply the principles of ecological sustainability, which are to—

- (a) take account of the benefits and intrinsic and use value of natural resources and ecosystems;
- (b) ensure that biodiversity and ecosystems are protected, maintained and rehabilitated in a manner that enables the attainment of biodiversity targets for conservation set by the Province;
- (c) promote the resilience of biodiversity, ecosystems and ecological infrastructure; and
- (d) ensure that development does not undermine the long-term persistence and resilience of biodiversity, ecosystems and ecological infrastructure;

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- (e) ensure that the conservation and resilience of biodiversity for the benefit of present and future generations are given priority over the interests of any member or members of any community;
- (f) avoid or, where they cannot altogether be avoided, minimise and remedy the disturbance of ecosystems and loss of biological diversity;
- (g) ensure that indigenous biological resources are used in a manner that is ecologically sustainable, and takes into account the well-being of any faunal biological resource involved; and
- (h) ensure that a risk-averse and cautious approach is applied, so that where there is insufficient evidence that an activity will not cause a long-term adverse effect, it should be avoided.

CHAPTER 3

ADMINISTRATION

Functions of Provincial Minister

- 15 7. (1) The Provincial Minister must—
- (a) exercise oversight over the Head of Department, CapeNature and the Board in the performance of their functions;
 - (b) develop and implement provincial policy on biodiversity and related matters; adopt a Biodiversity Spatial Plan and a Provincial Protected Areas Expansion Strategy for the Province as contemplated in sections 34 and 39, respectively;
 - (c) when approving, reviewing or commenting on a statutory or policy plan, ensure that the plan is aligned with the Biodiversity Spatial Plan; and
 - (e) periodically evaluate the effectiveness of the implementation and enforcement of this Act.
- 25 (2) The Provincial Minister may—
- (a) make subordinate legislation as provided for in this Act;
 - (b) establish, with the concurrence of the Provincial Minister responsible for finance, provincial government business enterprises as contemplated in the Public Finance Management Act to achieve the objectives of this Act;
 - (c) issue directives to the Board to ensure it functions efficiently and effectively in the discharge of its mandate;
 - (d) appoint a board of inquiry to consider the conduct of a Board member or the Board and take appropriate measures as contemplated in section 21 or 32, respectively; and
 - (e) perform any other function assigned to the Provincial Minister by or under this Act.

Duties of Head of Department

- 40 8. The Head of Department must, subject to section 7(1)(a) and (b)—
- (a) advise the Provincial Minister, when requested by the Provincial Minister to do so and after consultation with CapeNature, on matters of law, subordinate legislation and provincial policy regarding nature conservation, biodiversity and coastal and estuarine management;
 - (b) after consultation with CapeNature, coordinate provincial strategies and programmes as approved by the Provincial Minister for nature conservation, biodiversity, coastal and estuarine management and the promotion and development of the biodiversity economy;
 - (c) in accordance with the Public Finance Management Act, exercise the powers of accounting officer responsible for the funds transferred to CapeNature and other entities for the implementation of this Act;
 - (d) establish a system for—
 - (i) the alignment of strategic and annual plans and associated programme budgets for nature conservation, biodiversity, and coastal and estuarine management, and the promotion and development of the biodiversity economy in the Province; and
 - (ii) the monitoring and reporting on the effectiveness of the use of funds transferred as contemplated in paragraph (c) and as planned for in accordance with subparagraph (i);

- (e) consider and comment on statutory and policy plans prepared in terms of this Act;
- (f) when the Head of Department is responsible for preparing, reviewing or commenting on a statutory or policy plan, ensure that the plan is aligned with the Biodiversity Spatial Plan;
- (g) support CapeNature in the implementation of the Provincial Protected Areas Expansion Strategy; and
- (h) make recommendations to the Provincial Minister on how to improve the effectiveness of the implementation and enforcement of this Act.

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**CHAPTER 4
CAPENATURE**

Part I

Establishment and functions of CapeNature

Establishment

9. The Western Cape Nature Conservation Board as established by the Western Cape Nature Conservation Board Act continues in existence as a juristic person and a provincial public entity responsible for the conservation of biodiversity in the Province, and is known as CapeNature.

Duties of CapeNature

10. (1) In relation to the conservation of biodiversity, and subject to section 7(1)(a), 20 CapeNature must—

- (a) recommend to the Provincial Minister, areas to be declared as provincial protected areas, protected environments, mountain catchment areas and biodiversity stewardship areas according to the Provincial Protected Areas Expansion Strategy;
- (b) manage provincial protected areas and other areas where it is designated as the management authority;
- (c) promote and enable biodiversity stewardship;
- (d) maintain a register of provincial protected areas, protected environments, mountain catchment areas and biodiversity stewardship areas;
- (e) after undertaking an assessment and verification, make recommendations or comments to the Provincial Minister on written representations or objections received in terms of section 33 of the Protected Areas Act on the declaration or the withdrawal of the declaration of a protected area;
- (f) after consultation with the Head of Department, advise the Provincial Minister on—
- (i) subordinate legislation and policy to be made by the Provincial Minister in respect of biodiversity related matters; and
- (ii) the exercise of the Provincial Minister's powers in terms of section 7(1)(b), (c), (d) and (e);
- (g) establish a system for monitoring and reporting on—
- (i) the status of biodiversity in the Province;
- (ii) the status of invasive species;
- (iii) the sustainable use of indigenous biological resources;
- (iv) the management of provincial protected areas, protected environments, world heritage sites, mountain catchment areas and biodiversity stewardship areas; and
- (v) compliance with authorisations issued under this Act,

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- (aa) enable the timely detection and mitigation of adverse effects; and
- (bb) facilitate the evaluation of the effectiveness of this Act;
- (h) prepare biodiversity management plans as contemplated in section 43 of the Biodiversity Act, when requested to do so by the Provincial Minister;
- (i) provide advice to landowners to improve biodiversity or the conservation of the environment on their land or how to manage the interface between humans and indigenous biological resources;

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- (f) advise the Provincial Minister on the export of indigenous biological resources for research;
- (k) make recommendations to the Provincial Minister on matters that require research;
- (l) report to the Provincial Minister on the state of biodiversity in the Province within two years of this Act coming into effect and at intervals of not more than four years thereafter, as required by the Provincial Minister;
- (m) on land managed by CapeNature, manage, conserve and promote natural and related cultural heritage resources through best practice, access and benefit sharing, and sustainable use practices;
- (n) review and comment on the consistency of spatial development frameworks and applications for environmental, water, agricultural and mining authorisations with the objectives of the Biodiversity Spatial Plan;
- (o) in areas under its control, take measures that are necessary or desirable for the conservation of biodiversity or the management of adverse effects thereon;
- (p) inspect and investigate non-compliance and offences in terms of this Act; and
- (q) in areas under its control, take measures that are necessary for the safety of visitors.
- (2) CapeNature must—
- (a) manage the development and promotion of eco-tourism activities and facilities on land managed by CapeNature;
- (b) facilitate research, monitoring and training on biodiversity conservation; and
- (c) in relation to land under its control, promote—
- (i) community-based conservation of biodiversity;
- (ii) conservation- and ecotourism-related work generation, local economic development opportunities and the biodiversity economy;
- (iii) access to protected areas for recreational, educational, research, cultural, spiritual and traditional purposes; and
- (iv) environmental awareness, education and youth development.
- 30 **Powers of CapeNature**
11. (1) CapeNature may, subject to the Public Finance Management Act, generate income by any lawful means, including through—
- (a) entrance fees, authorisations, concessions and leases;
- (b) nature-based eco-tourism facilities, events and services;
- (c) activities in the biodiversity economy;
- (d) maintenance of ecosystem services;
- (e) fees resulting from intellectual property rights; and
- (f) conservation and other services.
- (2) CapeNature may for the purpose of performing its functions and to achieve the objectives of this Act—
- (a) subject to section 27(1), appoint its own staff;
- (b) subject to any provincial policy contemplated in section 7(1)(b), enter into any written agreement with any person;
- (c) subject to the approval of the Provincial Minister and the Provincial Minister responsible for finance, lease, purchase or otherwise acquire immovable property or any real right or mineral right in immovable property;
- (d) acquire, dispose of, hire or let any right in or to movable property;
- (e) conduct experiments, undertake research, make surveys, and conduct investigations;
- (f) negotiate and cooperate with educational institutions regarding the training of persons for careers in nature conservation;
- (g) display or otherwise disseminate information relating to conservation which may serve to further the achievement of the objectives of this Act;
- (h) market and advertise its objectives, activities, services and facilities;
- (i) maintain, construct, erect, demolish or remove infrastructure, works or amenities on areas under its control;
- (j) allow commercial and community activities to take place in any area under its control provided that those activities do not have an adverse effect on biodiversity or the ecological infrastructure in that area;

5	(k) erect, re-erect, maintain and repair on any land or in any watercourse the beacons, buoys, notices, notice boards, signs or other marks that are necessary or desirable for the implementation of any provision of this Act;
5	(l) establish one or more advisory committees to assist it with fulfilling any of its functions in terms of this Act;
5	(m) open its own bank accounts, but only with an institution registered as a bank in terms of the Banks Act, 1990 (Act 94 of 1990);
10	(n) invest funds, subject to Part 5 of this Chapter;
10	(o) subject to the Public Finance Management Act, insure itself against any loss, damage or risk;
10	(p) perform any act in accordance with its powers and duties; and
15	(q) institute or defend any legal action.
15	(3) If CapeNature is satisfied on reasonable grounds that it is appropriate and necessary for it to take action for the conservation of biodiversity, an official or person designated by CapeNature may enter onto private land—
15	(a) with the consent of the landowner; or
15	(b) in a situation posing imminent risk to human life or biodiversity, without such consent.
20	(4) CapeNature may at any time, in relation to any specimen of any species, undertake or authorise any action, including a restricted activity or restricted method, if the specimen—
20	(a) poses an imminent threat of injury or death to humans or any domesticated species;
25	(b) is wounded, diseased or injured;
25	(c) is causing damage to crops or plants on cultivated land or other property;
25	(d) has or may have an adverse effect on indigenous species, ecosystems or the environment; or
30	(e) should be captured or killed in the interests of conservation.
30	(5) If a wild animal is captured or injured during a hunt, CapeNature may, if it is not able to establish the identity of the owner, kill the animal and destroy the carcass.
30	(6) Before exercising any power in terms of this section on land not under its control, CapeNature must, if reasonably possible—
35	(a) consult with the landowner; and
35	(b) give reasonable notice to the landowner of the time when, the place where and the manner in which CapeNature proposes to exercise that power.
Part 2	
Governing Board of CapeNature	
Functions of Board	
40	12. (1) CapeNature is governed by a Board, which is its accounting authority and must comply with the requirements of the Public Finance Management Act.
40	(2) The Board must—
45	(a) maintain effective governance of CapeNature;
45	(b) ensure that CapeNature properly performs its functions in terms of this Act;
45	(c) approve and monitor compliance with the policies and strategies of CapeNature;
45	(d) provide strategic direction to CapeNature;
45	(e) develop a board charter to provide for a code of conduct for Board members and for meeting procedures, and to regulate matters further relating to corporate governance;
50	(f) identify and regularly monitor risk areas and performance in respect of CapeNature; and
50	(g) advocate for the sufficient resourcing of CapeNature to perform its functions.
55	(3) The Board must perform its functions subject to any directives issued by the Provincial Minister.
Composition	
55	13. (1) The Board consists of—
55	(a) at least seven and not more than nine non-executive members, appointed in terms of section 15; and

16. (1) The Provincial Minister, after consultation with the Board members—
 (a) must appoint or reappoint a non-executive Board member as the Chairperson
 and another non-executive Board member as Vice-Chairperson;
 (b) may, on good cause shown, withdraw any such appointment.
 (2) The Chairperson and Vice-Chairperson are appointed for a period determined by
 the Provincial Minister, which may not extend beyond the term as a member
 contemplated in section 17.

Chairperson of Board

(4) No decision taken by the Board or action taken on the authority of the Board is
 invalid merely because a vacancy existed on the Board or because a person who was not
 entitled to sit as a Board member sat on the Board at the time when the decision was
 taken or the action authorised, if the decision was taken or the action authorised by a
 majority of the Board members who were then present and entitled to sit as members.
 (a) ensure that the person appointed is a fit and proper person for such ap-
 pointment;
 (b) ensure that the person appointed has appropriate qualifications, knowledge
 and experience, as may be determined by the Provincial Minister; and
 (c) have regard to the need to appoint persons—
 (i) who are broadly representative of the demographics of the Province;
 and
 (ii) from appropriate community-based or representative organisations in
 the Province.
 (3) When making an appointment to the Board in terms of subsection (1), the
 Provincial Minister must—
 (a) ensure that the person appointed is a fit and proper person for such ap-
 pointment;
 (b) ensure that the person appointed has appropriate qualifications, knowledge
 and experience, as may be determined by the Provincial Minister; and
 (c) have regard to the need to appoint persons—
 (i) who are broadly representative of the demographics of the Province;
 and
 (ii) from appropriate community-based or representative organisations in
 the Province.
 (4) No decision taken by the Board or action taken on the authority of the Board is
 invalid merely because a vacancy existed on the Board or because a person who was not
 entitled to sit as a Board member sat on the Board at the time when the decision was
 taken or the action authorised, if the decision was taken or the action authorised by a
 majority of the Board members who were then present and entitled to sit as members.

Appointment to Board

15. (1) The Provincial Minister must appoint the non-executive Board members
 contemplated in section 13(1)(a).
 (2) When the Provincial Minister appoints a non-executive Board member, the
 Provincial Minister must—
 (a) by means of a notice in the *Provincial Gazette* and notices in two newspapers
 circulating in the Province, at least one of which must be in print form, in the
 official languages of the Province, call for nominations from the public of
 suitable persons to be appointed; and
 (b) consider all nominations received and, after consultation with the Head of
 Department and the Chief Executive Officer, appoint the required number of
 persons to the Board.
 (3) When making an appointment to the Board in terms of subsection (1), the
 Provincial Minister must—
 (a) ensure that the person appointed is a fit and proper person for such ap-
 pointment;
 (b) ensure that the person appointed has appropriate qualifications, knowledge
 and experience, as may be determined by the Provincial Minister; and
 (c) have regard to the need to appoint persons—
 (i) who are broadly representative of the demographics of the Province;
 and
 (ii) from appropriate community-based or representative organisations in
 the Province.
 (4) No decision taken by the Board or action taken on the authority of the Board is
 invalid merely because a vacancy existed on the Board or because a person who was not
 entitled to sit as a Board member sat on the Board at the time when the decision was
 taken or the action authorised, if the decision was taken or the action authorised by a
 majority of the Board members who were then present and entitled to sit as members.

Disqualification as Board member

14. A person may not be appointed to the Board if he or she—
 (a) is a member of the national Parliament, a provincial legislature or a municipal
 council;
 (b) is an employee—
 (i) of CapeNature;
 (ii) of a municipality; or
 (iii) in terms of the Public Service Act, 1994 (Proclamation 103 of 1994),
 excluding a person contemplated in section 13(1)(b) of this Act;
 (c) has been convicted of a criminal offence involving dishonesty;
 (d) is an unrehabilitated insolvent; or
 (e) has been declared to be of unsound mind by a competent court.
 (2) The Provincial Minister—
 (i) the Chief Executive Officer.
 and
 (ii) an official of the Department, designated by the Provincial Minister;
 (b) as executive members—
 (i) an official of the Department, designated by the Provincial Minister;
 and
 (ii) the Chief Executive Officer.
 (3) Only non-executive members may vote in terms of section 25.
 (4) The Provincial Minister may alter the number of members to be appointed in terms of subsec-
 tion (1)(a); and
 (b) may alter the number determined in terms of paragraph (a), but may reduce
 the number only when a vacancy in the Board occurs.
 (3) Only non-executive members may vote in terms of section 25.

(3) The Provincial Minister may appoint any Board member as Acting Chairperson of the Board—
 (a) if there is a vacancy in the office of Chairperson and Vice-Chairperson, until a Chairperson or Vice-Chairperson is appointed; or
 (b) if the Chairperson and Vice-Chairperson are absent from two or more consecutive meetings of the Board.
 (4) If the Chairperson is for any reason unable to perform his or her functions, the Vice-Chairperson, and failing him or her, the Acting Chairperson, must perform the functions of the Chairperson.

Term of office of non-executive members of Board

17. (1) A non-executive Board member—
 (a) is appointed for a term of three years, subject to section 22(2);
 (b) on completion of the term contemplated in paragraph (a), is eligible for reappointment by the Provincial Minister, after consultation with the Head of Department and the Chief Executive Officer, for one additional term of three years.
 (2) The Provincial Minister may extend the period of appointment of a non-executive member contemplated in subsection (1)(a) or (b) for a period not exceeding one year.

Conditions of appointment and remuneration

18. (1) The Provincial Minister, with the concurrence of the Provincial Minister responsible for finance, must determine the terms and conditions of appointment of non-executive members of the Board, including payment of remuneration and allowances as may be determined by the National Treasury in terms of the Public Finance Management Act.
 (2) CapeNature is responsible for the payment of remuneration and allowances to non-executive Board members.

Conduct of members

19. (1) A Board member—
 (a) must perform the functions of his or her office in good faith and without fear, favour or prejudice;
 (b) must adhere to the code of conduct contemplated in section 12(2)(e);
 (c) must disclose to the Board any financial or personal business interests that the member or his or her life partner, spouse or immediate family member may have in any matter before the Board, and must withdraw from the proceedings of the Board when that matter is considered;
 (d) may not use confidential information obtained as a Board member or the position or privileges as a Board member for private gain or to benefit another person; and
 (e) may not act in any other way that compromises the credibility, impartiality, independence or integrity of CapeNature or the Board.
 (2) A Board member who contravenes or fails to comply with subsection (1) is guilty of misconduct.

Termination of membership

20. A non-executive member ceases to be a Board member if—
 (a) the term of office of the non-executive member expires; or
 (b) the non-executive member—
 (i) is no longer eligible in terms of section 14(a) to (e) to be a member;
 (ii) tenders his or her written resignation at least three calendar months before the date on which the member wishes to vacate office, unless the Provincial Minister allows a shorter period in a specific case; or
 (iii) is removed from office in terms of section 21.

Removal and suspension

21. (1) The Provincial Minister may remove a Board member from office on any of the following grounds:

- (a) misconduct, incapacity or incompetence;
- (b) the member being absent from two consecutive meetings of the Board without the prior permission of the Chairperson, unless good cause can be shown for failure to obtain prior permission;
- (c) insolvency; or
- (d) conviction of a criminal offence involving dishonesty.

(2) The Provincial Minister—

- (a) must remove the Board member from office as contemplated in subsection (1)(a) after a finding to that effect has been made by a board of inquiry appointed by the Provincial Minister as contemplated in section 7(2)(d); and
- (b) may suspend a Board member who is the subject of an inquiry contemplated in paragraph (a).

Filling of vacancies

22. (1) A vacancy on the Board is filled—

- (a) in the case of the Chairperson or Vice-Chairperson, by appointing another Board member as the Chairperson or Vice-Chairperson, as the case may be, as contemplated in section 16(1)(a); and
- (b) in the case of a non-executive Board member, by following the procedure contemplated in section 15.

(2) A person appointed to fill a vacancy holds office for the unexpired portion of the term of office of his or her predecessor.

Part 3

Operating procedures of Board

Meetings

23. (1) The Board must meet at least four times during the financial year of CapeNature, and the Chairperson may, and at the request of a majority of the Board members must, convene a special meeting.

(2) The Chairperson must convene and preside at meetings of the Board, but if the Chairperson is absent from a meeting, the Vice-Chairperson must preside.

(3) If both the Chairperson and Vice-Chairperson are absent from a meeting, the members present must elect another member to preside at the meeting, subject to section 16(3).

Procedures

24. (1) The Board must determine its own procedure for conducting meetings, subject to section 12(2)(e).

(2) The Board must keep a record of proceedings at meetings and of all decisions taken at meetings.

(3) The Board may invite any member of the public to attend any meeting of the Board.

Quorum and decisions

25. (1) A majority of the non-executive Board members constitutes a quorum for a meeting of the Board.

(2) A matter before the Board is decided by the votes of a majority of the non-executive Board members present at the meeting.

(3) If on any matter before the Board there is an equality of votes, the Board member presiding at the meeting must exercise a casting vote in addition to his or her deliberative vote as a member.

Committees

26. (1) The Board may establish committees, including an audit committee, to assist it in fulfilling its functions, comprising one or more of the following:
- (a) Board members;
 - (b) employees of CapeNature;
 - (c) other persons who in the Board's opinion have relevant expertise or expertise.
- (2) The Board—
- (a) must determine the functions of each committee established in terms of subsection (1);
 - (b) must appoint the committee chairperson and other members of each committee;
 - (c) may remove a member of a committee from the committee at any time; and
 - (d) must determine the procedures for each committee.
- (3) A committee may only recommend decisions for approval to the Board.
- (4) The Board may at any time dissolve a committee, except the audit committee.
- (5) Sections 18 and 19 apply, with the necessary changes, to committee members.

Part 4
Administration of CapeNature

Chief Executive Officer

27. (1) The Board, acting with the concurrence of the Provincial Minister, must appoint a person with appropriate qualifications and experience as the Chief Executive Officer of CapeNature.
- (2) The Chief Executive Officer—
- (a) is appointed for a term of five years; and
 - (b) may be reappointed by the Board with the concurrence of the Provincial Minister for a further term not exceeding five years.
- (3) The Chief Executive Officer is employed subject to terms and conditions of employment which the Board must determine with the concurrence of the Provincial Minister.
- (4) The Chief Executive Officer is responsible for the administrative and financial management of CapeNature and must—
- (a) assist the Board to fulfil its function as accounting authority of CapeNature and to comply with the Public Finance Management Act by ensuring that there are systems in place to provide the information and reports required by the Board;
 - (b) perform the duties and exercise the powers assigned or delegated to him or her by the Board;
 - (c) report to the Board on aspects of management, the performance of duties and the exercise of powers at the times and in the manner determined by the Board;
 - (d) prepare draft versions of the plans, reports and statements contemplated in section 28;
 - (e) appoint an appropriately qualified Chief Financial Officer;
 - (f) appoint members of staff, within the financial limits set by the Board and in accordance with an employment policy determined by the Board;
 - (g) manage the members of staff;
 - (h) ensure that CapeNature complies with the provisions of this Act, the Public Finance Management Act and any other applicable legislation; and
 - (i) in general, direct the affairs of CapeNature in order to achieve the objectives of this Act.
- (5) The Board, acting with the concurrence of the Provincial Minister, may appoint an employee of CapeNature as Acting Chief Executive Officer for a period not exceeding six months at a time when—
- (a) the Chief Executive Officer is for any reason absent or unable to perform his or her functions; or
 - (b) there is a vacancy in the office of the Chief Executive Officer.
- (6) An Acting Chief Executive Officer—
- (a) has the powers and duties of the Chief Executive Officer; and

(b) must be appointed subject to the same terms and conditions contemplated in subsection (3).

Part 5

Financial matters

Financial accountability and reporting

28. The Board must ensure that strategic and annual performance plans, budgets, annual reports and audited financial statements are prepared, approved and submitted in accordance with the Public Finance Management Act.

Funds

29. (1) The funds of CapeNature consist of—

(a) income derived from the performance of its functions as contemplated in section 11(1);

(b) funds appropriated to it by the Provincial Parliament;

(c) grants and funds received from any person;

(d) voluntary contributions, donations and bequests;

(e) income derived from investments;

(f) fines received or recovered in respect of offences under this Act; and

(g) money derived from any other source, with approval of the Provincial Minister and the Board, subject to the Public Finance Management Act.

(2) CapeNature must use its funds to perform its functions contemplated in sections 10 and 11 and to—

(a) cover its and the Board's operational, administrative and managerial costs; and

(b) contribute to the funding of its capital and maintenance costs.

(3) The Chief Executive Officer must ensure that all funds received in terms of subsection (1) are deposited in CapeNature's bank account.

Reserve funds

30. (1) The Board may, subject to the Public Finance Management Act and with the concurrence of the Provincial Minister responsible for finance, create financial reserves from the funds received in terms of section 29(1) in order to perform its functions.

Investments

31. The Board may invest any of the funds of CapeNature that are not immediately required, subject to any investment policy prescribed in terms of section 7(4) of the Public Finance Management Act and with the concurrence of the Provincial Minister responsible for finance.

Part 6

Dissolution of Board or CapeNature

Dissolution of Board

32. (1) If the Provincial Minister suspects on reasonable grounds that the Board is not fulfilling its functions in terms of section 12, he or she must issue a directive contemplated in section 7(2)(c).

(2) If the Provincial Minister is not satisfied that the Board has complied with the directive contemplated in subsection (1), the Provincial Minister may dissolve the Board by notice in the *Provincial Gazette*.

(3) The Provincial Minister may perform the functions of the Board from the date of publication of the notice contemplated in subsection (2) until the appointment of a new Board contemplated in subsection (4).

(4) The Provincial Minister must within a reasonable time frame after the dissolution of the Board appoint members to the Board as contemplated in section 15.

Dissolution of CapeNature

33. (1) CapeNature may not be wound up or dissolved except by an Act of the Provincial Parliament.
- (2) Upon its winding up or dissolution CapeNature must transfer its remaining assets and the proceeds of those assets to the Department or to an equivalent provincial public entity as defined in the Public Finance Management Act, as determined by the Provincial Minister.

CHAPTER 5

BIODIVERSITY PLANNING AND MONITORING

Biodiversity Spatial Plan

34. (1) CapeNature, after consultation with the Head of Department, must prepare a draft Biodiversity Spatial Plan within one year of the commencement of this Act and submit it to the Provincial Minister for adoption.
- (2) Before adopting the Biodiversity Spatial Plan, the Provincial Minister must—

- (a) in the official languages of the Province, publish the reference to where the draft Biodiversity Spatial Plan may be accessed by the public—

- (i) by notice in the *Provincial Gazette*; and
- (ii) in two newspapers circulating in the Province, at least one of which must be in print format;

- (b) make the draft Biodiversity Spatial Plan available and accessible to the public in a reasonable manner at the place specified in terms of paragraph (a); and

- (c) allow a commenting period of at least 60 days from the date of publication of the notice in the *Provincial Gazette*.

- (3) The Provincial Minister must—

- (a) consider all comments received;

- (b) consult with the National Minister on the final Biodiversity Spatial Plan; and

- (c) within 150 days of the expiry of the commenting period contemplated in subsection (2)(c), adopt the final Biodiversity Spatial Plan and publish it by notice in the *Provincial Gazette*.

Purpose of Biodiversity Spatial Plan

35. The purpose of a Biodiversity Spatial Plan is to—

- (a) set biodiversity targets;

- (b) spatially identify one or more categories of biodiversity priority areas that will ensure the continued existence and functioning of biodiversity and ecosystems; and

- (c) provide guidelines that set out the desired management objectives for land and resource use in each category of biodiversity priority area;

- (d) provide spatial planning and land use decision-making guidelines to ensure environmentally sustainable development and resource use and ecological and spatial resilience in the Province; and

- (e) ensure that the ecological infrastructure in the Province is maintained, ecosystem fragmentation and loss are avoided, and the resilience of ecosystems and human communities to the impacts of climate change is strengthened.

Contents of Biodiversity Spatial Plan

36. A Biodiversity Spatial Plan must—

- (a) be developed using the principles and methods of systematic biodiversity planning and must be based on the best available science and data;

- (b) set biodiversity targets that must inform the categories of biodiversity priority areas;

- (c) identify biodiversity priority areas according to the categories and targets contemplated in paragraph (b);

- (d) include a spatial representation and spatial data of biodiversity priority areas; and

- (e) include guidelines for desired management objectives for each category of biodiversity priority area identified in terms of paragraph (c).

Use and application of Biodiversity Spatial Plan

37. (1) The Biodiversity Spatial Plan is a provincial plan as contemplated in—
 (a) sections 25(1)(e), 26(d), 27(2)(a) and 29(1)(c) of the Local Government: Municipal Systems Act;
 (b) sections 12(4), 15(3)(b) and 16(c) of the Spatial Planning and Land Use Management Act; and
 (c) section 4(3)(c)(ii) and (iii) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014),
 that establishes the priorities, objectives and strategies for biodiversity, ecological resources and related climate change adaptation.
 (2) The Biodiversity Spatial Plan must inform—
 (a) the Provincial Protected Area Expansion Strategy and biodiversity stewardship;
 (b) the identification of ecosystems and ecological infrastructure and the listing of species in terms of this Act and other environmental legislation;
 (c) land use planning and decision-making;
 (d) policies and guidelines developed in terms of environmental legislation;
 (e) any decision-support system, environmental management instrument or strategic environmental assessment developed or used in terms of environmental legislation;
 (f) decisions and actions by any organ of state whose policies and decisions have an impact on biodiversity in the Province; and
 (g) biodiversity offsets.
 (3) When a municipality adopts or amends its spatial development framework in terms of the Local Government: Municipal Systems Act in respect of land use matters in areas identified in the Biodiversity Spatial Plan as biodiversity priority areas, it must indicate how the land use planning categories in the spatial development framework have taken into account the desired management objectives in the guidelines contemplated in section 36(e).
 (4) For the purposes of any requirement for authorisation for an activity specified in terms of environmental legislation due to the impact of such activity on biodiversity within a specific area, the Biodiversity Spatial Plan identifies the biodiversity priority areas which trigger such requirement.
Review of Biodiversity Spatial Plan
 38. (1) CapeNature, after consultation with the Head of Department, must review the Biodiversity Spatial Plan at least every five years or when directed to do so by the Provincial Minister.
 (2) Section 34 applies, with the necessary changes, to the review and amendment of the Biodiversity Spatial Plan.
 (3) The Provincial Minister must at least every five years assess the Biodiversity Spatial Plan to determine whether and the extent to which the objectives and targets of the plan have been met.
CHAPTER 6
PROTECTED AREAS, MOUNTAIN CATCHMENT AREAS, BIODIVERSITY
STEWARDSHIP AND BIOSPHERE RESERVES
Part I
Expansion of protected areas
Provincial Protected Areas Expansion Strategy
 39. (1) In order to fulfil the objectives contemplated in section 2(g)—
 (a) the Provincial Minister must take any appropriate measure, including—
 (i) adopting a provincial strategy for the expansion of the provincial protected area network, which sets quantitative targets and recommends mechanisms for such expansion; and
 (ii) declaring protected areas in terms of the Protected Areas Act; and

- (b) the Chief Executive Officer may apply any appropriate biodiversity stewardship category contemplated in section 42(1)(a).
- (2) CapeNature must, after consultation with the Head of Department, prepare a draft Provincial Protected Areas Expansion Strategy within two years of the commencement of this Act and submit it to the Provincial Minister for adoption.
- (3) Before adopting the Provincial Protected Areas Expansion Strategy, the Provincial Minister must—
- (a) in the official languages of the Province, publish the reference to where the draft Provincial Protected Areas Expansion Strategy may be accessed by the public—
- (i) by notice in the *Provincial Gazette*; and
- (ii) in two newspapers circulating in the Province, at least one of which must be in print format;
- (b) make the draft Provincial Protected Areas Expansion Strategy available and accessible to the public in a reasonable manner at the place specified in terms of paragraph (a); and
- (c) allow a commenting period of at least 60 days from the date of publication of the notice in the *Provincial Gazette*.
- (4) The Provincial Minister must—
- (a) consider all comments received; and
- (b) within 90 days of the expiry of the commenting period contemplated in subsection (3)(c), adopt the final Provincial Protected Areas Expansion Strategy, and publish it by notice in the *Provincial Gazette*.

Part 2

Mountain catchment areas

40. (1) The Provincial Minister may by notice in the *Provincial Gazette*—
- (a) declare an area to be—
- (i) a mountain catchment area; or
- (ii) part of an existing mountain catchment area; and
- (b) assign a name to that mountain catchment area.
- (2) The Provincial Minister may make a declaration in terms of subsection (1)(a) if the control and management of activities and resources in the area concerned are required to—
- (a) maintain the biodiversity and ecosystems in the area;
- (b) sustain the ecological infrastructure and provision of ecosystem services, particularly water provisioning;
- (c) ensure that the use of biodiversity and ecosystems in the area is sustainable.
- (3) The Provincial Minister may make a declaration in terms of subsection (1) in respect of any land, including privately owned land.
- (4) If the Provincial Minister is satisfied on reasonable grounds that a mountain catchment area, or any part thereof, is no longer required as such, the Provincial Minister may, by notice in the *Provincial Gazette*, as the case may be—
- (a) withdraw the declaration of that mountain catchment area; or
- (b) alter the boundaries of that mountain catchment area to exclude any part of it.
- (5) Before issuing a notice contemplated in subsection (1)(a), (3) or (4), the Provincial Minister must, in the prescribed manner, notify the landowners concerned of the intended notice and the consequences of the notice and afford them a reasonable opportunity to comment.
- (6) An area which, at the commencement of this Act, is a mountain catchment area by virtue of a declaration under section 2 of the Mountain Catchment Areas Act is regarded to have been declared a mountain catchment area under subsection (1).
- (7) An area ceases to be a mountain catchment area if that area is declared as, or included into, a special nature reserve, national park or nature reserve or part thereof, in terms of section 18, 20 or 23 of the Protected Areas Act.

Management of mountain catchment areas

41. The Provincial Minister may prescribe—
 (a) specific requirements for the management of mountain catchment areas; or
 (b) specific activities that are prohibited in mountain catchment areas, having regard to the requirements of section 40(2).

Part 3

Biodiversity stewardship

Biodiversity stewardship

42. (1) In order to implement the Provincial Protected Areas Expansion Strategy, the Provincial Minister may prescribe—

- (a) different categories of biodiversity stewardship areas;
- (b) criteria and conditions that apply to each category of biodiversity stewardship area;
- (c) an application process for the registration, amendment of the boundary of, or withdrawal of the registration of a biodiversity stewardship area;
- (d) the rights, duties and powers of landowners regarding biodiversity stewardship areas;
- (e) the criteria and objectives for the management plans of biodiversity stewardship areas; and
- (f) any other matter necessary for the proper management of biodiversity stewardship areas.

(2) The Chief Executive Officer may enter into a biodiversity stewardship agreement with any landowner.
 (3) CapeNature must monitor the status of biodiversity stewardship agreements and biodiversity stewardship areas and report annually to the Provincial Minister thereon.
 (4) If a landowner who is party to a biodiversity stewardship agreement breaches that agreement, the Provincial Minister may impose an administrative penalty in terms of section 71.

(5) The imposition of an administrative penalty as contemplated in subsection (4) does not affect any person's common-law rights.

Part 4

Biosphere reserves

Application for UNESCO designation as biosphere reserve

43. (1) Any person or organ of state may request the Provincial Minister's approval to proceed with an application for UNESCO designation of a biosphere reserve.

- (2) A request contemplated in subsection (1) must—
 - (a) be preceded by the prescribed public participation process;
 - (b) be in accordance with the prescribed format; and
 - (c) include the proposed composition of a biosphere reserve interim committee which is broadly representative of all interested persons, institutions and communities.
- (3) The Provincial Minister may approve the request contemplated in subsection (2), with or without conditions, or refuse it.

(4) If the Provincial Minister approves the request, the biosphere reserve interim committee must—

- (a) be established in the prescribed manner;
- (b) prepare the application for UNESCO designation of the biosphere reserve in the format as determined by the UNESCO Man and the Biosphere Programme;
- (c) submit the application to the Provincial Minister within the prescribed period or any extended period determined by the Provincial Minister; and
- (d) if the Provincial Minister so requests, amend the application in accordance with the Provincial Minister's instructions.

- (5) If the Provincial Minister is satisfied that the application—
 (a) complies with the relevant UNESCO Man and the Biosphere Programme criteria;
 (b) is consistent with the objectives of this Act; and
 (c) if applicable, includes the amendments contemplated in subsection (4)(d),
 5 the Provincial Minister may approve the application for UNESCO designation for forwarding to the National Minister for consideration before submitting it to UNESCO.
 (6) If UNESCO designates the biosphere reserve, the Provincial Minister must publish a notice of the designation in the *Provincial Gazette* within 90 days of UNESCO's making the designation.
 10 (7) The Provincial Minister must at least every 10 years, with effect from the designation of a biosphere reserve, review the status, functioning, effectiveness and framework plan of the biosphere reserve according to the relevant objectives, strategies and guidelines of the UNESCO Man and the Biosphere Programme.
 15 (8) If the Provincial Minister is of the opinion, after consultation with the management committee contemplated in section 44 and interested and affected parties, that a biosphere reserve no longer complies with the core functions of the UNESCO Man and the Biosphere Programme, and does not have the prospect of so complying, the Provincial Minister may recommend to the National Minister to submit a request for the withdrawal of the designation of that biosphere reserve to UNESCO.
 20 (9) A biosphere reserve established in the Province before the commencement of this Act is regarded as having been established in accordance with this Act.
- Management of biosphere reserves**
44. (1) After the publication of the designation of a biosphere reserve in the *Provincial Gazette*, the biosphere reserve interim committee must establish a management committee in the prescribed manner, after which the biosphere reserve interim committee dissolves.
 25 (2) The management committee must—
 (a) ensure that the biosphere reserve fulfils its conservation, sustainable development and operational functions;
 30 (b) prepare a Biosphere Reserve Framework Plan as contemplated in section 45; and
 (c) report to the Provincial Minister annually, or at the shorter intervals determined by the Provincial Minister, on the achievement of the objectives and the operations of the biosphere reserve.
 35
- Biosphere Reserve Framework Plan**
45. (1) A Biosphere Reserve Framework Plan must categorise all land within the biosphere reserve as core, buffer or transition areas, and may identify land uses that are appropriate within each category.
 40 (2) A Biosphere Reserve Framework Plan must be consistent with—
 (a) the UNESCO Man and the Biosphere Programme;
 (b) the management plans for protected areas within the biosphere reserve in terms of the Protected Areas Act;
 (c) the Biodiversity Spatial Plan;
 (d) the Provincial Protected Areas Expansion Strategy;
 45 (e) the objectives of this Act; and
 (f) any other prescribed matter.
 (3) The Provincial Minister may prescribe the contents of a Biosphere Reserve Framework Plan and the period within which the plan must be reviewed by the management committee of a biosphere reserve.
 50
- Funding of biosphere reserves**
46. (1) The Provincial Minister may, in accordance with an appropriation by the Provincial Parliament, provide financial or other assistance in respect of the establishment, operation, management or extension of, or in respect of conservation within, a biosphere reserve.
 55 (2) The assistance contemplated in subsection (1) may be made subject to conditions determined by the Provincial Minister.

**PROTECTION OF ECOSYSTEMS, ECOLOGICAL INFRASTRUCTURE
AND SPECIES**

CHAPTER 7

Ecossystems or ecological infrastructure in need of special protection

- 5 47. (1) The Provincial Minister, with the concurrence of the National Minister, may by notice in the *Provincial Gazette* identify an ecosystem or part thereof or an area of ecological infrastructure as in need of special protection to ensure the maintenance of their ecological integrity or the delivery of ecosystem services.
- 10 (2) A notice contemplated in subsection (1) may provide for—
 (a) the prohibition or restriction of any activity; and
 (b) the establishment of management requirements for any landowner, within the identified ecosystem or ecological infrastructure, permanently or for a specified period.
- 15 (3) Before issuing a notice contemplated in subsection (1), the Provincial Minister must, in the prescribed manner, notify the landowners concerned of the intended notice and the consequences of the notice and afford them a reasonable opportunity to comment.
- 20 (4) The Provincial Minister, with the concurrence of the National Minister, may by notice in the *Provincial Gazette* amend or withdraw a notice contemplated in subsection (1), or any part of the notice, if the circumstances which caused the Provincial Minister to exercise his or her powers in terms of subsection (1) have changed.
- 25 48. The Provincial Minister may prescribe requirements and publish guidelines for biodiversity offsets or other mitigation measures in the Province in order to attain the biodiversity targets set in the Biodiversity Spatial Plan and remedy residual adverse effects on biodiversity as a result of development.
- 30 **Species in need of protection or posing threat to environment**
- 35 49. (1) The Provincial Minister may, by notice in the *Provincial Gazette*, publish a list of restricted activities or restricted methods in respect of any species or any category of species listed in terms of subsection (2).
- 40 (2) The Provincial Minister may, by notice in the *Provincial Gazette*, publish lists of the following species or categories of species:
 (a) species which are extinct in the wild;
 (b) critically endangered species;
 (c) endangered species;
 (d) vulnerable species;
 (e) species that require protection and are not listed in terms of paragraph (a), (b), (c) or (d), including species listed—
 (i) by the IUCN as Near Threatened, Data Deficient or Not Evaluated; or
 (ii) in appendices I, II and III of CITES;
- 45 (3) The Provincial Minister must at least every five years review the lists contemplated in subsections (1), (2) and (7).
- 50 (4) The Provincial Minister must prescribe the special management measures required for species listed in terms of subsection (2)(i).
- 55 (5) No person may carry out a restricted activity or restricted method involving a species listed in terms of subsection (2), unless authorised to do so in terms of section 51(1)(a).
- (6) Subsection (5) does not apply to a listed species conveyed from outside the Province in transit through the Province to a destination outside the Province, provided that the transit through the Province takes place in terms of an applicable authorisation in terms of any law.

- (7) The Provincial Minister may, by notice in the *Provincial Gazette*, publish—
- (a) a list of species; and
- (b) the list of restricted activities or restricted methods contemplated in subsection (1) involving a species contemplated in paragraph (a),
- in respect of which an authorisation may not be issued in terms of this Act.
- (8) No person may carry out a restricted activity or restricted method involving a species listed in terms of subsection (7).

APPLICATION FOR AUTHORISATION

50. An application for an authorisation that is required in terms of any provision of this Act must be made in writing to the Chief Executive Officer in the prescribed manner.

Decision on application for authorisation

51. (1) The Chief Executive Officer may, subject to section 79—
- (a) approve an application for authorisation with or without conditions; or
- (b) refuse an application for authorisation.
- (2) The Chief Executive Officer may request further information, including an independent risk assessment or expert evidence contemplated in section 52, before making the decision contemplated in subsection (1).
- (3) The Chief Executive Officer must refuse an application if it is inconsistent with—
- (a) the principles of ecological sustainability contemplated in section 6 or any other provision of this Act;
- (b) any relevant strategies or plans adopted or approved in terms of this Act;
- (c) the Biodiversity Act; or
- (d) subject to section 231 of the Constitution, any applicable international agreement.

Risk assessments and expert evidence

52. Before making a decision on an application for authorisation, the Chief Executive Officer may require the applicant to furnish, at the applicant's expense, the independent risk assessment or expert evidence that—
- (a) is determined by the Chief Executive Officer as necessary in order to make a decision regarding the application; or
- (b) is prescribed.

Proof of legal possession

53. No person may be in possession of a specimen unless also in possession of the prescribed documentation indicating proof of legal possession for the specimen.

Integrated authorisation

54. (1) If the Chief Executive Officer is empowered under another law to issue an authorisation in terms of that other law for an activity which also requires authorisation under this Act, the Chief Executive Officer may issue a single, integrated authorisation.
- (2) An integrated authorisation may be issued only if the application concerned complies with the relevant provisions of this Act and the other law.

Review, suspension, withdrawal and amendment of authorisation

55. (1) The Chief Executive Officer may review an authorisation or any part thereof granted by him or her and may in the prescribed manner amend or withdraw the authorisation at any time if—
- (a) he or she is satisfied on reasonable grounds that the activity or activities authorised by the authorisation are causing an adverse effect, or may cause a significant negative impact on the environment, not foreseen at the time of authorisation;

(b) the holder of the authorisation—
 (i) has submitted inaccurate, incorrect or misleading information in connection with any matter required to be submitted in terms of this Act and that would have materially affected the decision or action taken by the Chief Executive Officer;
 (ii) fails to comply with any condition of the authorisation;
 (iii) fails to comply with any provision of this Act or is under investigation for failure to comply with any other legislation governing or related to the authorised activity; or
 (iv) has been convicted of an offence in terms of this Act or any other provincial or national legislation that relates to the authorised activity.
 (2) The Chief Executive Officer may in the prescribed manner suspend the authorisation or a part thereof before taking measures as contemplated in subsection (1).
 (3) An authorisation or part thereof that has been suspended remains suspended until the Chief Executive Officer—
 (a) lifts the suspension;
 (b) amends the authorisation; or
 (c) withdraws the authorisation.
 (4) The Chief Executive Officer may—
 (a) take any reasonable measures to remedy the situation that may arise as a result of the suspension or withdrawal of an authorisation or a part thereof due to non-compliance by the holder of the authorisation with the relevant legislation; and
 (b) recover from the holder of the authorisation any reasonable costs incurred and necessitated by taking the measures contemplated in paragraph (a).

CHAPTER 9

COMPLIANCE AND ENFORCEMENT

Part 1

Compliance and enforcement officials and judicial matters

30 Designation of nature conservation officers, nature conservation rangers and honorary nature conservation officers

56. The Chief Executive Officer—
 (a) may designate—
 (i) a suitably qualified person employed by CapeNature as a nature conservation officer;
 (ii) by agreement with the relevant employer, a suitably qualified person employed by a municipality or an organ of state as a nature conservation ranger; or
 (iii) a suitably qualified person as an honorary nature conservation officer;
 (b) must, when designating a person in terms of paragraph (a), specify the provisions of this Act or any other law which that person is designated to enforce; (c) may at any time withdraw a designation contemplated in paragraph (a).

Declaration of nature conservation officers and nature conservation rangers as peace officers

57. The Chief Executive Officer may request the National Minister responsible for justice to declare nature conservation officers and nature conservation rangers to be peace officers in terms of section 334 of the Criminal Procedure Act for the performance of their functions in terms of this Act and in respect of powers delegated or duties assigned to CapeNature under any other legislation.

50 Mandate of nature conservation officers and nature conservation rangers

58. A nature conservation officer or nature conservation ranger is mandated to enforce, within his or her area of jurisdiction, compliance with—
 (a) this Act and authorisations issued in terms of this Act; and

(b) any other law for which that nature conservation officer or nature conservation ranger has been designated to enforce.

Honorary nature conservation officers

59. (1) An honorary nature conservation officer may exercise only the powers set out in subsections (2) and (3) and only within a geographical area specified in the designation contemplated in section 56(a)(iii).
(2) An honorary nature conservation officer may request any person performing, or whom he or she reasonably suspects of having performed, any act for the performance of which an authorisation, exemption or order, or the written permission of a landowner or of any other person is necessary under any provision of this Act to—
(a) present such authorisation, exemption, order or permission; and
(b) provide his or her name and address.
(3) An honorary nature conservation officer may assist CapeNature in—
(a) the detection and reporting of offences in terms of this Act; and
(b) the performance of any conservation-related activity, as instructed by a nature conservation officer.

Functions of nature conservation officers and nature conservation rangers

60. A nature conservation officer or nature conservation ranger, subject to section 58—
(a) must monitor and enforce compliance with the law for which he or she has been designated;
(b) may investigate any act or omission that may constitute—
(i) an offence in terms of such a law;
(ii) a breach of such a law; or
(iii) a breach of a term or condition of an authorisation or other document issued or required in terms of this Act;
(c) must perform his or her functions—
(i) in accordance with instructions issued by the Chief Executive Officer; and
(ii) subject to any limitations and in accordance with any procedures that may be prescribed; and
(d) may be accompanied by an interpreter or any other person whose assistance may reasonably be required.

Identity card and letter of designation

61. (1) The Chief Executive Officer must issue an identity card and a letter of designation to every person designated in terms of section 56.
(2) When exercising any power or performing any duty in terms of this Act, a person designated in terms of section 56 must produce the identity card when requested to do so by a member of the public.
(3) The Chief Executive Officer must indicate in the identity card and letter of designation the mandate and powers of the nature conservation officer, nature conservation ranger or honorary nature conservation officer concerned and any limitations in respect of that mandate or those powers.
(4) A designation in terms of section 56 terminates when—
(a) in the case of a nature conservation officer, the officer leaves the employ of CapeNature;
(b) in the case of a nature conservation ranger, the officer leaves the employ of the municipality or other organ of state which employed him or her at the time of designation in terms of section 56(a)(ii);
(c) the designation is withdrawn as contemplated in section 56(c); or
(d) the validity period specified in the identity card or letter of designation has expired.

General powers of nature conservation officers and nature conservation rangers

62. A nature conservation officer or nature conservation ranger, subject to sections 58, 60, 63, 64 and 65 and the terms of their designation under section 56, for the purpose of performing their functions, may—

- (a) examine any document, book or record or any written or electronic information which may be relevant for the purposes of an investigation in terms of section 60(b);
- (b) copy, or make extracts from, any document, book or record or any written or electronic information contemplated in paragraph (a), or remove such document, book, record or written or electronic information in order to make copies or extracts;
- (c) require a person to produce or deliver any document, book or record or any written or electronic information contemplated in paragraph (a) to a place for inspection;
- (d) demand from any person whom he or she reasonably suspects—
 - (i) of having performed a restricted activity for which an authorisation or documentation as prescribed under section 53 is required in terms of this Act or any other law which he or she is designated to enforce;
 - (ii) of having committed an offence under this Act or any other law which he or she is designated to enforce; or
 - (iii) will be able to furnish evidence in connection with an offence committed or alleged to have been committed under this Act or any other law which he or she is designated to enforce,
 the name and address and any other information necessary for the identification of that person;
- (e) request from any person any information relevant to the commission of an offence or suspected offence, including, the name and address of a person suspected of committing such an offence;
- (f) examine and, if necessary, seize and remove any specimen, substance or other item which he or she reasonably suspects may have been used in committing an offence in terms of the law for which he or she has been designated;
- (g) take photographs or make audio-visual recordings by any means of anything or any person that is relevant for the purposes of an investigation or for an inspection;
- (h) subject to other relevant legislation, use a remote piloted aircraft for taking photographs or making audio-visual recordings that are relevant for the purposes of an investigation or for an inspection;
- (i) dig or bore into the soil;
- (j) take samples of any specimen or thing;
- (k) seize and remove any waste or other matter deposited or discharged in contravention of the law for which he or she has been designated;
- (l) instruct any person to assist him or her in the execution of an investigation or inspection;
- (m) seize and remove any trap, holding pen, poison or other device which is reasonably suspected to be used to hunt or capture a wild animal unlawfully or, if it cannot be seized and removed, destroy it or render it harmless;
- (n) seize and remove any livestock or other animal trespassing on land under the control of CapeNature;
- (o) instruct any person to cease with immediate effect any activity, action or process related to a contravention of the law for which he or she has been designated;
- (p) carry out any other action that is necessary for the purposes of enforcement of the law for which he or she has been designated.

Routine inspections

63. (1) A nature conservation officer, subject to section 58, may at any reasonable time conduct a routine inspection and, without a warrant, enter and inspect any premises or inspect any bag, box or other item for the purposes of ascertaining compliance with—

- (a) the legislation for which that nature conservation officer was designated in terms of section 58; or
- (b) this Act and a term or condition of an authorisation issued in terms of this Act.

(2) When carrying out a routine inspection, a nature conservation officer may, if he or she on reasonable grounds suspects that an offence has been committed in terms of the law for which he or she has been designated—

(a) seize and remove any specimen or item that may be used as evidence in the prosecution of any person for that offence;

(b) if he or she is a peace officer, arrest any person reasonably suspected of committing that offence.

Warrants

64. (1) A nature conservation officer or nature conservation ranger—

- (a) must, before exercising any power in terms of section 62 to enter or search any premises or to seize anything, apply to a magistrate for a warrant, setting out premises or to seize anything, apply to a magistrate for a warrant, setting out under oath or affirmation why it is necessary to enter and search the specified premises or to seize the specified item; and
- (b) may execute such warrant.

(2) Sections 20 and 21 of the Criminal Procedure Act apply, with the necessary changes, in respect of any application or warrant contemplated in subsection (1).

(3) If a nature conservation officer or nature conservation ranger has reasonable grounds to suspect that an offence is being committed on or by means of any premises in contravention of the law for which he or she has been designated, he or she may enter and search those premises, without a warrant, but only if—

- (a) he or she explains the purpose of the investigation and the person in control of the premises consents to the entry and search, after being informed that there is no obligation to admit the officer or ranger in the absence of a warrant; or
- (b) there are reasonable grounds to believe that a warrant would on application be issued, but that the delay that may be caused by applying for a warrant would defeat the object of obtaining the warrant.

(4) If a nature conservation officer or nature conservation ranger has reasonable grounds to suspect that an item—

- (a) is concerned in the commission or suspected commission of an offence in contravention of the law for which he or she has been designated;
- (b) may afford evidence of the commission or suspected commission of such an offence; or
- (c) is intended to be used in the commission of such an offence,

he or she may seize that item without a warrant authorising him or her to do so, but only if—

- (i) he or she explains the purpose of the seizure and the person in control of the item consents to the seizure, after being informed that there is no obligation to permit the seizure in the absence of a warrant; or
- (ii) there are reasonable grounds to believe that such a warrant would on application be issued, but that the delay that may be caused by applying for a warrant would defeat the object of obtaining the warrant.

Powers to stop, enter and search vehicles, vessels, aircraft and other conveyance

65. (1) If a nature conservation officer has reasonable grounds to suspect that a

- (a) vehicle, vessel, aircraft or other conveyance—
- (i) is being or has been used, or contains or conveys anything which is being or has been used, to commit—
- (ii) an offence in terms of the law for which he or she has been designated;

or

(b) a breach of a term or condition of an authorisation or document issued or required in terms of this Act;

may afford evidence of the commission or suspected commission of such an offence;

(c) transports persons who may be able to furnish information about the commission or suspected commission of such an offence;

(d) is intended to be used or is on reasonable grounds believed to be intended to be used in the commission of such an offence;

(e) is being used in a manner that is likely to cause an adverse effect on the environment; or

- (f) contains or conveys a thing which may serve as evidence of such an offence or breach,
- he or she may—
- (i) instruct the on-board operator of the vehicle, vessel or other conveyance to stop, or the captain of the vessel to dock or the pilot of the aircraft to land; and
- (ii) if necessary and possible, force the vehicle, vessel, aircraft or other conveyance to stop or dock or land, as the case may be.
- (2) Section 64 applies, with the necessary changes, in respect of the entry and search of a vehicle, vessel, aircraft or other conveyance contemplated in subsection (1) and the seizure of any such vehicle, vessel, aircraft or other conveyance or anything contained in or on it.
- Duty to produce documents**
66. A person to whom an authorisation or any other document has been issued in terms of this Act, or who is required to be in possession of such an authorisation or document, must produce that authorisation or document at the request of a nature conservation officer, nature conservation ranger or honorary nature conservation officer.
- Treatment of seized specimen or item**
67. (1) When a nature conservation officer or nature conservation ranger seizes and removes a specimen or item, including a record or written or electronic information, in terms of this Act, he or she—
- (a) must provide a receipt for the specimen or item to the person who was in control of that specimen or item when so seized;
- (b) may—
- (i) deliver the specimen or item to a member of the South African Police Service;
- (ii) retain the specimen or item; or
- (iii) instruct the person who was in control of the specimen or item when so seized to take it to a place specified by the nature conservation officer or nature conservation ranger.
- (2) If no criminal proceedings are instituted in connection with a specimen or item contemplated in subsection (1), section 31 of the Criminal Procedure Act applies, with the necessary changes.
- (3) In order to safeguard a vehicle, vessel, aircraft or other conveyance that has been seized, a nature conservation officer or nature conservation ranger may immobilise it by removing any part thereof.
- (4) An item seized and removed in terms of this Act, including a part of a vehicle, vessel, aircraft or other conveyance contemplated in subsection (3), must be kept in such a way that it is as far as possible secured against damage.
- Security for release of vehicles, vessels, aircraft or other conveyance**
68. (1) If a vehicle, vessel, aircraft or other conveyance is seized in terms of this Act and is kept for the purposes of criminal prosecution, the owner or agent of the owner may at any time apply to a court for its release.
- (2) The court may order the release of the vehicle, vessel, aircraft or other conveyance on the provision of security determined by the court.
- (3) The amount of the security must at least be equal to the sum of—
- (a) the market value of the vehicle, vessel, aircraft or conveyance;
- (b) the maximum fine that a court may impose in terms of this Act for the alleged offence; and
- (c) costs and expenses incurred or reasonably foreseen to be incurred by the State in connection with prosecuting the offence and recoverable in terms of section 55(4)(b) and 70(b).
- (4) If the court is satisfied that there are circumstances that warrant a lesser amount of security, it may order the release of the vehicle, vessel, aircraft or conveyance subject to the provision of security for such lesser amount.

Administrative enforcement mechanisms and penalties

Administrative enforcement

5 69. (1) If the Provincial Minister is satisfied on reasonable grounds that any person is undertaking an activity in contravention of this Act, undertaking an activity causing an adverse effect on biodiversity or ecological infrastructure, or failing to comply with any instrument or authorisation issued in terms of this Act, the Provincial Minister may, after having afforded the person concerned a reasonable opportunity to comment, issue a directive to that person to—

- 10 (a) cease the activity;
- (b) take specific mitigation measures to remedy such adverse effect within a specific time frame;
- (c) comply with the relevant instrument or authorisation within a specific time frame.

15 (2) In the circumstances contemplated in subsection (1), if urgent action is required for the protection of an area identified in terms of section 47(1), the Provincial Minister may issue the directive without affording the person issued with the directive the opportunity to comment and provide an opportunity to comment as soon as is reasonably possible after the directive has been issued.

20 (3) If a directive issued to a person in terms of subsection (1) or (2) relates to something occurring or that may occur on land of which that person is not the owner, the Provincial Minister may also issue a directive to the landowner, in which case subsections (1) and (2) apply, with the necessary changes.

Failure to comply with directive

25 70. If a person fails to comply with a directive contemplated in section 69, the Provincial Minister may—

- (a) where applicable, cancel or vary the relevant authorisation or other instrument which is the subject of the directive; and
- (b) take any measures specified in the directive and any other necessary measures to remedy adverse effects on biodiversity and ecological infrastructure arising from the failure to comply with the directive, and recover the costs of doing so from the person who failed to comply.

Administrative penalties

35 71. (1) The Provincial Minister may—

- (a) impose administrative penalties for—
 - (i) contravention of or non-compliance with this Act;
 - (ii) a breach of a biodiversity stewardship agreement contemplated in section 42(4);
 - (iii) non-compliance with a directive issued in terms of section 69(1);
 - (iv) an offence listed in section 72; and
- (b) prescribe categories of administrative penalties and the procedure for imposing such penalties.

45 (2) Before imposing a penalty, the Provincial Minister must in writing—

- (a) inform the person on whom the penalty is intended to be imposed of the envisaged penalty;
- (b) specify the particulars of the alleged contravention, non-compliance or offence and the reasons for the penalty intended to be imposed;
- (c) specify the amount of the penalty intended to be imposed; and
- (d) provide an opportunity to the person contemplated in paragraph (a) to make representations within a period specified by the Provincial Minister.

50 (3) If a person on whom an administrative fine is imposed in terms of subsection (1) fails to pay the fine, the Provincial Minister may take a civil judgment against that person for the amount of the fine.

55 (4) The provisions of sections 56, 57 and 57A of the Criminal Procedure Act apply, with the necessary changes, to penalties, fines and written notices contemplated in this section.

**CHAPTER 10
OFFENCES AND PENALTIES**

Offences

72. (1) A person is guilty of a category 1 offence if that person—
- 5 (a) fails to comply with a notice issued in terms of section 47(1) or amended as contemplated in section 47(4);
- 10 (b) contravenes or fails to comply with section 49(5) or (8);
- (c) fails to comply with a directive issued in terms of section 69(1), (2) or (3);
- (d) unlawfully commits any act or omission which causes or is likely to cause an adverse effect;
- (e) alters, fabricates or forges—
- 15 (i) any authorisation or other document issued or required for the lawful performance of any act in terms of this Act;
- (ii) on any document any official logo, letterhead, stamp, hallmark or date stamp of the Department or CapeNature, or the signature of any person in their capacity as an agent or employee of the Department or CapeNature;
- (f) is in possession of any unlawfully altered or false document purporting to be an authorisation or an exemption issued under this Act, or attempts to pass off such a document as a valid authorisation or exemption issued under this Act;
- 20 (g) obtains or applies for any authorisation or document in terms of this Act—
- (i) under a false name; or
- (ii) while prohibited by an order of court from being the holder of such an authorisation or document;
- (h) makes a false statement in any application made or document furnished in terms of this Act;
- (i) conceals, removes from any premises, destroys or disposes of anything that could serve as evidence related to an offence under this Act, to prevent it being seized or detected, including any specimen, book, register, document, electronic record, vehicle, machinery, implement, container, firearm, weapon, explosive or poison;
- (j) hinders or interferes with any official lawfully executing his or her mandate in terms of this Act or a device used lawfully by the official in executing his or her mandate; or
- (k) falsely pretends to be a nature conservation officer, nature conservation ranger, honorary nature conservation officer or an employee or agent of the Department or CapeNature.
- (2) A person is guilty of a category 2 offence if that person—
- 40 (a) trespasses on land on which there is, or is likely to be, any wild animal while in possession of a weapon, poison, or any means whatsoever that could be used to hunt, capture or kill wild animals;
- (b) is found in possession of any specimen without proof of legal possession as contemplated in section 53;
- (c) coerces any other person or allows any person to commit an act or omission in contravention of this Act; or
- 45 (d) is the holder of an authorisation or exemption issued under this Act and—
- (i) contravenes or fails to comply with a term or condition of that authorisation or exemption;
- (ii) is not in possession of such an authorisation or exemption while performing an act that may only be performed while in possession of such an authorisation or exemption; or
- 50 (iii) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of subparagraph (i) or (ii).
- (3) A person is guilty of a category 3 offence if that person—
- 55 (a) fails to comply with an instruction of a nature conservation officer, nature conservation ranger or honorary nature conservation officer given in terms of this Act or when executing their powers in terms of this Act;
- (b) fails to comply with subordinate legislation made in terms of this Act;
- (c) when requested by a nature conservation officer, nature conservation ranger or honorary nature conservation officer in the execution of an investigation or
- 60

(d) without good cause refuses or fails on demand to furnish a nature conservation officer, nature conservation ranger or honorary nature conservation officer with his or her name and address or with any information or document required by that nature conservation officer, nature conservation ranger or honorary nature conservation officer for the purposes of performing his or her functions in terms of this Act.

Penalties

73. (1) A person convicted of a category 1 offence as contemplated in section 72(1) may be sentenced to—

- (a) a fine not exceeding R10 million;
 (b) imprisonment for a period not exceeding 10 years; or
 (c) both such fine and such imprisonment.
- (2) A person convicted of a category 2 offence as contemplated in section 72(2) may be sentenced to—

- (a) a fine not exceeding R5 million;
 (b) imprisonment for a period not exceeding five years;
 (c) both such fine and such imprisonment; or
 (d) in the case of a second or subsequent conviction—
 (i) a fine not exceeding R10 million;
 (ii) imprisonment for a period not exceeding 10 years; or
 (iii) both such fine and such imprisonment.

(3) A person convicted of a category 3 offence as contemplated in section 72(3) may be sentenced to—

- (a) a fine not exceeding R1 million;
 (b) imprisonment for a period not exceeding two years;
 (c) both such fine and such imprisonment; or
 (d) in the case of a second or subsequent conviction—
 (i) a fine not exceeding R5 million;
 (ii) imprisonment for a period not exceeding five years; or
 (iii) both such fine and such imprisonment.

(4) If any offence involves the capture, killing, harvesting, possession, offering for sale, sale, import or export of a specimen, a court may, in addition to the penalties contemplated in subsections (1), (2) and (3), impose a fine that does not exceed three times the market value of that specimen.

(5) Subject to the Criminal Procedure Act, fines imposed by a court in terms of this Act must be made payable to and paid to CapeNature.

Cancellation of authorisations

74. The court convicting a person of an offence in terms of this Act may—

- (a) cancel any authorisation issued to that person;
 (b) disqualify that person from obtaining any authorisation for a period not exceeding five years;
 (c) issue an order that all competent authorities authorised to issue authorisations be notified of any disqualification in terms of paragraph (b).

Award of costs

75. If a person is convicted of an offence in terms of this Act and the act or omission constituting the offence—

- (a) caused any organ of state to incur any costs in order to seize any item, to rehabilitate any land or to investigate and prosecute that offence;
 (b) provided that person with a monetary advantage or a potential monetary advantage,

the court convicting that person may, without pleadings, enquire into the monetary value of the costs incurred and advantage gained or likely to be gained by that person in consequence of that offence, and, in addition to any other punishment imposed in respect of that offence, may order an amount equivalent to that monetary value to be paid

directly to CapeNature as an additional fine, award of damages or compensation, as part of the sentence.

Forfeiture

76. (1) A court convicting a person of an offence in terms of this Act—

- 5 (a) must declare any specimen;
(b) may declare any item including any container, vehicle, vessel, aircraft, other conveyance or document, including an electronic document,

involved in the offence, or that was used for the purpose of or in connection with the commission of the offence, and was seized under this Act, to be forfeited to CapeNature. (2) If any specimen forfeited to CapeNature under subsection (1) is still alive, CapeNature must ensure that the specimen is—

- 10 (a) where appropriate, repatriated to the country of export or returned to the place of origin at the expense of the person convicted of the offence involving that specimen;
(b) placed in an appropriate institution, rescue centre or facility, or with an appropriate person, that is able and willing to house and properly care for the specimen; or
(c) otherwise disposed of in an appropriate manner.

20 (3) If any dead specimen or any other item is forfeited to CapeNature under subsection (1), CapeNature may—
(a) cause the specimen or item be deposited at an appropriate institution or museum; or
(b) dispose of the specimen or item in an appropriate manner.

CHAPTER II

APPEALS

25

Appeal against decisions by CapeNature officials

77. (1) Any interested or affected person may appeal to the Chief Executive Officer against a decision taken by a nature conservation officer or any other staff member of CapeNature, excluding the Chief Executive Officer, in terms of this Act.

30 (2) An appeal in terms of subsection (1) must be lodged and dealt with in the prescribed manner, on payment of the prescribed fee and within the prescribed period.
(3) The Chief Executive Officer may consider and decide an appeal or appoint an appeal panel to consider and advise the Chief Executive Officer on the appeal.
(4) The Chief Executive Officer may, after considering an appeal, confirm, set aside or vary the decision or make any other appropriate decision, including a decision that the prescribed fee paid by the appellant in terms of subsection (2), or any part thereof, be refunded.

40 (5) An appeal in terms of subsection (1) suspends the authorisation or condition attached thereto, but only where there is no threat of an adverse effect to the environment.

Appeal to Provincial Minister

78. (1) Any interested or affected person may appeal to the Provincial Minister against a decision taken by the Chief Executive Officer or a person acting under a power delegated by the Provincial Minister in terms of this Act.

45 (2) An appeal in terms of subsection (1) must be lodged and dealt with in the prescribed manner, on payment of the prescribed fee and within the prescribed period.
(3) The Provincial Minister may consider and decide an appeal or appoint an appeal panel to consider and advise the Provincial Minister on the appeal.
(4) The Provincial Minister may, after considering an appeal, confirm, set aside or vary the decision and determine that the prescribed fee paid by the appellant in terms of subsection (2), or any part thereof, be refunded.

50 (5) An appeal under this section suspends the implementation of the decision concerned and any authorisation or condition attached thereto, but only where there is no threat of an adverse effect to the environment.

GENERAL AND TRANSITIONAL PROVISIONS

CHAPTER 12

Exemption

79. (1) The Chief Executive Officer may, subject to any conditions as the Chief Executive Officer may specify, exempt any person from the requirement in terms of this Act for—
- (a) an authorisation; or
- (b) a condition of an authorisation.
- (2) The Provincial Minister may prescribe the process to be followed for the lodging and processing of an application for exemption to the Chief Executive Officer as contemplated in subsection (1).

Delegation

80. (1) Subject to subsection (3), the Provincial Minister may delegate any power or assign any duty vested in him or her in terms of this Act, to—
- (a) the Head of Department;
- (b) the Board;
- (c) the Chief Executive Officer;
- (d) CapeNature;
- (e) a municipality, subject to applicable legislation; or
- (f) any other organ of state.

- (2) A delegation in terms of subsection (1)—
- (a) is subject to any limitations or conditions that the Provincial Minister may impose;
- (b) must be in writing;
- (c) may include the power to subdelegate; and
- (d) does not divest the Provincial Minister of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

- (3) The Provincial Minister—
- (a) may not delegate a power or duty of the Provincial Minister to make subordinate legislation; and
- (b) may, in writing, withdraw any delegation.

- (4) The Head of Department may, with the written consent of the Provincial Minister, delegate any of his or her powers or duties in terms of this Act to an official of the Department.
- (5) The Board or the Chief Executive Officer may, with the written consent of the Provincial Minister, delegate any of their powers or duties in terms of this Act to a CapeNature official.
- (6) The Board may not delegate its power to—
- (a) appoint or reappoint a person as the Chief Executive Officer;
- (b) determine the conditions of employment of the Chief Executive Officer;
- (c) determine an employment policy for CapeNature;
- (d) set financial limits as contemplated in section 27(4)(f);
- (e) approve the budget and annual financial statements of CapeNature.
- (7) Subsections (2) and (3)(b) apply, with the necessary changes, to a delegation in terms of subsection (4) or (5).

Regulations

81. The Provincial Minister—
- (a) must make regulations where required in terms of this Act;
- (b) may make regulations on any matter which is necessary or expedient to prescribe in order to achieve the objectives of this Act.

Public notices

82. The Provincial Minister may publish a notice in the *Provincial Gazette*—
- (a) regarding any matter which in terms of this Act may or must be dealt with by way of a notice;

(b) containing a reference to a plan, strategy or guideline for the implementation of this Act;

(c) to announce any matter related to the administration of this Act.

Performance standards

83. The Provincial Minister may set performance standards for the performance of any function or requirement contemplated in this Act.

Consultation

84. (1) Before publishing any regulations or notice in terms of this Act, the Provincial Minister must—

(a) publish the draft regulations or notice in the official languages of the Province in—

(i) the *Provincial Gazette*; and

(ii) two newspapers circulating in the Province, at least one of which must be in print format;

(b) consult with organs of state whose areas of responsibility may be directly affected by the proposed regulations or notice;

(c) provide an opportunity for interested and affected parties to comment for a period of not less than 30 days from the date of publication in the *Provincial Gazette*, except where a different period is specified by this Act; and

(d) consider any comments received.

(2) The Provincial Minister may, where appropriate, extend the commenting period in terms of subsection (1)(b) for a reasonable time.

(3) When in terms of this Act the Provincial Minister is required to consult any person or organ of state, such consultation is regarded as having been satisfied if a formal written notification of intention to act has been made to that person or organ of state and no response has been received within the time frame specified in the notification.

Notices, legal documents and steps valid under certain circumstances

85. (1) A notice, authorisation or other document issued or published in terms of this Act—

(a) which does not comply with any procedural requirement, is nevertheless valid if the non-compliance is not material and does not prejudice any person;

(b) may be amended or replaced without following a procedural requirement of this Act if—

(i) the purpose is to correct an error; and

(ii) the correction does not change the rights or duties of any person materially.

(2) The failure to take any steps required by this Act as a prerequisite for any decision or action does not invalidate the decision or action if the failure—

(a) is not material;

(b) does not prejudice any person; and

(c) is not procedurally unfair.

Limitation of liability

86. The Provincial Minister, the Head of Department, the Board, the Chief Executive Officer, CapeNature or any person delegated in terms of this Act is not liable for any damage or loss caused by a person who, acting in a reasonable manner and in good faith—

(a) exercises a power or performs a duty in terms of this Act;

(b) does not exercise a power or perform a duty in terms of this Act; or

(c) performs a duty outside of their mandate.

Repeal of laws

87. The laws contemplated in the Schedule are repealed to the extent indicated in the third column of the Schedule.

Transitional provisions

88. (1) A person who was a nature conservation officer, nature conservation ranger or honorary nature conservation officer as defined in the Ordinance immediately before the commencement of this Act is regarded as having been designated as a nature conservation officer, nature conservation ranger or honorary nature conservation officer, as the case may be, in terms of this Act. 5
- (2) A licence, permit, certificate, written authority, exemption, order or other authorisation issued in terms of the Ordinance and that was valid immediately before the commencement of this Act, is regarded as an authorisation, exemption, order or directive, as the case may be, issued in terms of this Act. 10
- (3) An application for a licence, permit, certificate, written authority, exemption, order or other authorisation submitted in terms of the Ordinance which has not been finalised when this Act takes effect, must, despite the repeal of the Ordinance by section 87 of this Act, be dispensed with in terms of the Ordinance, and a decision taken in terms of the Ordinance is deemed to be a decision taken in terms of this Act. 15
- (4) The corporate identity and the assets, liabilities, finances, rights and obligations of the provincial public entity contemplated in section 9 are not affected by its change of name. 20
- (5) A person who was a member of the Western Cape Nature Conservation Board immediately before the commencement of this Act is regarded as having been appointed as a Board member of CapeNature for the unexpired portion of his or her term of office. 25
- (6) The Chairperson of the Western Cape Nature Conservation Board immediately before the commencement of this Act is regarded as having been appointed as the Chairperson of CapeNature for the unexpired portion of his or her term of office. 30
- (7) All persons employed by the Western Cape Nature Conservation Board are regarded as having been appointed in terms of section 27(4)(f) as members of staff of CapeNature subject to the same conditions of service which applied to them immediately before the repeal of the Western Cape Nature Conservation Board Act. 35
- (8) Subsection (7) does not affect pension, leave and other benefits which accrued to employees contemplated in that subsection before the repeal of the Western Cape Nature Conservation Board Act. 40
- (9) An area which was established as a nature reserve in terms of section 6, 7 or 12 of the Ordinance at any time before the commencement of this Act and which is regarded— 45
- (a) in terms of section 23(5) of the Protected Areas Act as having been declared as a nature reserve in terms of section 23 of that Act, continues in existence as a nature reserve in terms of that Act; or 50
- (b) in terms of section 28(7) of the Protected Areas Act as having been declared as a protected environment in terms of section 28 of that Act, continues in existence as a protected environment in terms of that Act. 55

Short title and commencement

89. This Act is called the Western Cape Biodiversity Act, 2021, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

SCHEDULE: REPEAL OF LAWS

Number and year	Title	Extent of repeal
21 of 1935	Sea Shore Act, 1935	The whole
63 of 1970	Mountain Catchment Areas Act, 1970	The whole in so far as it has been assigned to the Province by Proclamation R28 of 1995
19 of 1974	Nature Conservation Ordinance, 1974	The whole
3 of 1982	Nature Reserves Validation Ordinance, 1982	The whole
15 of 1998	Western Cape Nature Conservation Board Act, 1998	The whole
8 of 1999	Western Cape Nature and Environmental Conservation Ordinance Amendment Act, 1999	The whole
3 of 2000	Western Cape Nature Conservation Laws Amendment Act, 2000	The whole, excluding section 2 and Schedule 2
6 of 2011	Western Cape Biosphere Reserves Act, 2011	The whole

WET

Om voorsiening te maak vir die raamwerk en instellings vir natuurbehouding en die beskerming, bestuur en volhoubare gebruik van biodiversiteit en ekosisteme in die Provinsie; en vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADemaal artikel 24 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal dat elkeen die reg het tot 'n omgewing wat nie skadelik vir hul gesondheid of welsyn is nie en dat die omgewing beskerm word ter wille van huidige en toekomstige generasies deur maatreëls wat bewaring bevorder en die ekologiese volhoubare ontwikkeling en gebruik van natuurlike hulpbronne verseker terwyl dit regverdigbare ekonomiese en maatskaplike ontwikkeling bevorder;

EN NADemaal omgewing en natuurbehouding in die mate uiteengesit in Deel A van Bylae 4 by die Grondwet van die Republiek van Suid-Afrika, 1996, funksionele gebiede van konkurrente nasionale en provinsiale weggewende bevoegdheid is;

EN NADemaal die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998), van die provinsiale regering vereis om beleid aan te neem en te implementeer oor, onder meer, die beskerming van die omgewing in die Wes-Kaap, insluitende sy unieke fauna en flora, ter wille van huidige en toekomstige generasies;

EN NADemaal die verskillende staatsorgane ooreenkomstig die beginsels van samewerkende regering en interregeringsbetrekkings moet optree en besluite moet neem wat die omgewing op 'n gekoördineerde en holistiese wyse raak;

EN IN ERKENNING van die unieke biodiversiteit in die Wes-Kaap, die Republiek se internasionale verpligtinge, die Provinsie se aithanlikheid van ekostistiese dienste, die behoefte aan toegang en die deel van voordele en die behoefte om langtermyn-ekoloogiese veerkragtigheid te verseker;

EN IN ERKENNING van die behoefte aan wetsherstelling om die bestaande weggewende en institusionele raamwerke vir die implementering van die provinsiale mandate vir biodiversiteit en natuurbehouding te hervorm, integreer, harmoniseer en te rasionaliseer;

EN IN ERKENNING dat dit wenslik is dat die reg 'n raamwerk ontwikkel vir die integrasie en koördinasie van omgewings- en natuurbehoudingsoorwegings met beplanning en besluitneming deur alle staatsorgane ten einde hul verpligtinge ingevolge artikel 24 van die Grondwet van die Republiek van Suid-Afrika, 1996, na te kom,

WORD DAAR DERHALWE BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

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77. Appel teen besluitie deur CapeNature-beamptes
78. Appel na Provinsiale Minister

HOOFSTUK 12

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Woordomskrjwing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

“bedreigde spesie” ’n inheemse spesie wat deur die IUCN gelys word as ’n bedreigde spesie, en ook ’n spesie wat ingevolge artikel 49(2)(c) deur die Pro-

visiale Minister gelys word;

“bepertke aktiwiteit” ’n aktiwiteit wat kragtens artikel 49(1) of (7) as ’n beperkte

aktiwiteit gelys word;

“bepertke metode” ’n metode wat kragtens artikel 49(1) of (7) as ’n beperkte

metode gelys word;

“bergopvangsgebied” ’n gebied beoog in artikel 40;

“beskernde gebied” ’n beskernde gebied beoog in artikel 9 van die Wet op

Beskernde Gebiede;

“beskernde omgewing” dieselfde as wat “protected environment” in die Wet op

Beskernde Gebiede beteken;

“beskernde spesie” ’n spesie wat ingevolge artikel 49(2)(e) deur die Provinsiale

Minister gelys word;

“bewing”, met betrekking tot biodiversiteit en die natuur, die beskerming,

versorging, bestuur, rehabilitasie en instandhouding van ekosisteme, habitats en

inheemse spesies en bevolkings, insluitende genetiese veranderlikheid binne

ekosisteme en spesies, om die natuurlike toestand vir hul langtermynvoortbestaan

en die ekosisteme dienste wat hulle verskaf, te beveilig, en “bewaar” het ’n

ooreensstemmende betekenis;

“biodiversiteit” die verskeidenheid onder lewende organismes van alle bronne,

insluitende aardse, mariene en ander akwatiese ekosisteme en die ekologiese

samesteel waarvan hulle deel is, en ook diversiteit binne en tussen spesies, binne en

tussen bevolkings, en van ekosisteme;

“biodiversiteitskonomie” die sakeondermermings en ekonomiese aktiwiteite wat

of direk van biodiversiteit afhanklik is vir hul besigtheid of wat deur hul aktiwiteite

tot die bewaring van biodiversiteit bydra;

“biodiversiteitsmerkpunt” die kwanitatiewe hoeveelheid van enige bio-

diversiteitskenmerk, insluitende biodiversiteitspatrone of ekologiese prosesse, wat

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- vir bewaring geprioritiseer behoort te word om die langtermynoorlewing en voortbestaan van die biodiversiteitskenmerk te verseker;
- “biodiversiteitsopsigterkapsgebied” n stuk grond beoog in artikel 42;
- “biodiversiteitsopsigterkapsoreenkoms” n ooreenkoms aangegaan tussen die Hooft- Uitvoerende Beampte en n grondelenaar wat die verpligtinge van die partye uitensit om die bewaring van n biodiversiteitsprioriteitsgebied te verseker;
- “biodiversiteitsprioriteitsgebied” n gebied in die landskap of seeenskap wat van belang is vir die bewaring van n verteenwoordigende voorbeeld van ekosisteme en spesies, die instandhouding van ekologiese prosesse en ekologiese intrasstruktuur of die verskaffing van ekosistemdienste;
- 10 “biodiversiteitsleëwig” meebare bewaringshandelinge wat ontwerp is om die oordlywende nadelige uitwerkinge van enige aktiwiteit, of die implementering van enige plan, op biodiversiteit of ekologiese intrasstruktuur teë te werk nadat alle pogings opeenvolgend aangewend is om sodanige uitwerkinge te vermy en te minimeer en om die skade te rehabiliteer of reg te stel, en ook die uitkoms van 15 sodanige maatreëls;
- “Biodiversiteitswet” die “National Environmental Management: Biodiversity Act, 2004” (Wet 10 van 2004);
- 20 “biodiversiteitswet” n gebied aangewys vir insluiting by die Wêreldnetwerk van Biosfeerreservate deur die Internasionale Koördinerende Raad van UNESCO se Mens en die Biosfeer-program;
- “Biosfeerreservaatprogram” die ruimtelike plan wat soos beoog in artikel “Biosfeerreservaat opgestel is;
- 45 vir n biosfeerreservaat opgestel is;
- “buiteleëwige” n spesie beoog in paragraaf (b) van die omskrywing van “buiteleëwige spesie”, en ook n spesie wat ingevolge artikel 49(2)(g) deur die 25 Provinsiale Minister gelys word;
- “CapeNature” die provinsiale openbare instelling beoog in artikel 9;
- “CITES” die Konvensie oor Internasionale Handel in Bedreigde Spesies van Wilde Fauna en Flora, Washington, D.C., Verenigde State van Amerika, 1973;
- 30 “Departement” die provinsiale departement wat vir omgewingsake in die Provinsiale verantwoordelik is;
- “Departementshoof” die hoof van die provinsiale departement wat vir omgewingsake in die Provinsiale verantwoordelik is;
- 45 “Departement” die hoof van die provinsiale departement wat vir omgewingsake in die Provinsiale verantwoordelik is;
- “Departement” die hoof van die provinsiale departement wat vir omgewingsake in die Provinsiale verantwoordelik is;
- 35 “Departement” die hoof van die provinsiale departement wat vir omgewingsake in die Provinsiale verantwoordelik is;
- “derivaat”, met betrekking tot n dier, plant of ander organisme, enige gedeelte, of werf, en ook enige genetiese materiaal of chemiese verbinding afkomstig van sodanige gedeelte, weefsel of ekstrak;
- 40 “ekologiese intrasstruktuur” die natuurlik funksionerende ekosisteme, insluitende bergopvaangsgebiede, waterhulprome, kusdune, vleiande en nodos en korridors van natuurlike habitat, wat saam netwerke van onderling verbonde 50 strukturele elemente in die landskap vorm wat waardevolle ekosistemdienste vir menslike lewering;
- “ekosisteme” n dinamiese samestel van dier-, plant- en mikroorganismiese gemeenskappe en hul nielewendige omgewing wat as n funksionele eenheid op mekaar inwerk, wat aan land, aan die kus, binne landskaps, estuaries of marien 45 of n kombinasie daarvan kan wees;
- “ekosistemdienste” die voordele wat mense uit ekosisteme put, welke voordele die volgende insluit:
- (a) voortaad dienste, soos die produksie van voedsel en verskaffing van water;
- (b) regulering dienste, soos die beheer van die klimaat, luggehalte of siekte- en rampstrikovermindering;
- (c) ondersteunings dienste, soos voedingsstorsiklusse, grondformasie en gewasde- 55 stuwing; en
- (d) kultuurdienste, soos geestelike en ontspanningsvoordele;
- “eksamplaar”—
- (a) enige lewende of dooie dier, plant of ander organisme;
- (b) n saad, eier, gamet of voortrengsel of gedeelte van n dier, plant of ander organisme wat tot propagasie of voortplanting of die oortrag op enige wyse 60 van genetiese eienskappe in staat is;
- (c) enige derivaat van enige dier, plant of ander organisme; of
- (d) enige gedeelte wat—
- (i) n derivaat van n dier, plant of ander organisme bevat; of

- (ii) volgens 'n meegsaande dokument, volgens die verpakking of merk of etiket of volgens enige ander aanduidings 'n derivaat van 'n dier, plant of ander organisme blyk te wees of te bevat;
 "renatuurbehouwingsbeampte" 'n persoon wat ingevolge artikel 56(a)(iii) aangewys is;
 "erfenisshulpbron" enige plek of voorwerp met kulturele betekenis;
 "gelyst spesie" 'n spesie wat in 'n lys beoog in artikel 49(2) ingesluit is;
 "genetiese materiaal" enige materiaal van dierlike, plantaardige, mikrobiese of ander biologiese oorsprong wat funksionele eenhede van oorerflikheid bevat;
 "gevangenskap", met betrekking tot 'n wilde dier, die aanhouding in 'n kamp deur middel van 'n heining, muur of versperring van enige aard of die implementering van enige metode op so 'n wyse dat die wilde dier nie op 'n natuurlike wyse na homself kan omsien nie;
 "git" ook enige preparaat of stof wat gebruik kan word om enige dier, plant of ander organisme te vang, immobiliseer, steriliseer, vrek te maak of fisies skade aan te doen;
 "grond-eienaar" die geregistreerde eienaar van grond, behalwe dat indien—
 (a) die grond nie deur die geregistreerde eienaar bewoon word nie, beteken dit die persoon—
 (i) wat die grond wetlig okkupeer;
 (ii) wat algemene beheer oor die grond uitoefen;
 (iii) wat enige geregistreerde saaklike reg tot die grond het, onderhewig aan enige ander wet; of
 (iv) wat skriftelik deur die geregistreerde eienaar gemagtig is om sy of haar regte of pligte met betrekking tot die grond te volvoer;
 (b) die grond deur 'n assosiasie van persone besit word, hetsy geïnkorporeer of nie geïnkorporeer nie, beteken dit die persoon wat skriftelik deur die assosiasie as die eienaar aangewys is;
 (c) die grond onder die beheer of bestuur van 'n munisipaliteit is, beteken dit die munisipale bestuurder;
 (d) die geregistreerde eienaar of die persoon wat in paragraaf (a) of (b) as die eienaar omskryf word—
 (i) dood is;
 (ii) insolvent is;
 (iii) sy of haar boedel tot voordeel van sy of haar krediteure atgestaan het;
 (iv) deur 'n hofbevel onder kuratorskap geplaas is; of
 (v) 'n maatskappy is wat gelikwiddeer word of onder geregtelike bestuur is, beteken dit die persoon by wie die administrasie van die grond berus as ekskuteur, administrateur, trustee, regverkygende, kurator, likwidateur of geregtelike bestuurder, na gelang van die geval; of
 (e) die grond openbare kuseiendom is, beteken dit die nasionale departement wat ingevolge artikel 11 en 12 van die Wet op Geïntegreerde Kuseiendom vir die nakoming van die verpligtinge van die staat as openbare trustee van openbare kuseiendom verantwoordelik is;
 "Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996;
 "habitat" 'n plek waar 'n spesie of ekologiese gemeenskap natuurlik voorkom; hierdie Wet gemaak of uitgereik is;
 "Hoof-Uitvoerende Beampte" die Hoof-Uitvoerende Beampte van CapesNature wat ingevolge artikel 27 aangestel is;
 "indringerspesie" enige spesie waarvan die vestiging en verspreiding buite sy natuurlike verspreidingsgebied—
 (a) ekosisteme, habitats, ekologiese infrastruktuur of ander spesies bedreig of die potensiaal het om ekosisteme, habitats, ekologiese infrastruktuur of ander spesies te bedreig; en
 (b) tot ekonomiese of omgewingskade of skade aan mense se gesondheid kan lei;
 "Inheems"—
 (a) met betrekking tot 'n spesie, 'n spesie wat natuurlik en in 'n vrye toestand binne die grense van die Republiek voorkom, of in die verlede voorkom het, maar nie ook 'n spesie wat as gevolg van menslike aktiwiteit in die Republiek bekendgestel is nie; en
 (b) met betrekking tot 'n eksenplaar, 'n inheemse plant of wilde dier van 'n spesie beoog in paragraaf (a);

- 5 “inheemse biologiese hulpbronne” enige hulpbronne wat bestaan uit—
 (a) enige eksemplaar van ’n inheemse spesie; of
 (b) enige genetiese materiaal van sodanige eksemplaar;
 “invoer” om—
- 5 (a) in die Provinsie te land of in te bring, of in die Provinsie bekend te stel, of om te poog om in die Provinsie te land of in te bring of in die Provinsie bekend te stel; of
 (b) in die Provinsie in te bring vir heruitvoer na ’n plek buite die Provinsie;
 “IUCN” die Internasionale Unie vir die Bewaring van die Natuur, ingestel in Fontainebleau, Frankryk, 1948;
 “jag”, met betrekking tot ’n wilde dier, ’n dier wat aan ’n nie-inheemse spesie behoort of ’n verwilde dier, om—
- 10 (a) die dier te soek;
 (b) die dier te agtervolg, volg of aan te jaag;
 (c) die dier in te wag of met opset te verskeur; of
 (d) op die dier te skiet of die dier te vergiftig.
- 15 op enige wyse hoegenaamd met die doel om dit vrek te maak, te beseer of te vang of te probeer vrekmaak, beseer of vang;
 “klimaatverandering” ’n verandering in klimaat wat direk of indirek toegeskryf word aan menslike aktiwiteit wat die samestelling van die wêreld se atmosfeer verander en wat bykomend is tot natuurlike klimaatveranderlikheid waargeneem oor vergelykbare tydperke;
- 20 “koerant” ’n maandelikse, weeklikse of daaglikse publikasie wat nuusbereite, giansartikels, resensies en advertensies bevat, insluitende so ’n publikasie wat deur die internet gekommunikeer en ontvang word;
 “kritiek bedreigde spesie” ’n inheemse spesie wat deur die IUCN gelys word as ’n kritiek bedreigde spesie, en ook spesies wat ingevolge artikel 49(2)(b) deur die Provinsiale Minister gelys word;
- 25 “kweesbare spesie” ’n inheemse spesie wat deur die IUCN gelys word as ’n kweesbare spesie, en ook ’n spesie wat ingevolge artikel 49(2)(d) deur die Provinsiale Minister gelys word;
 “lang termyn” ’n tydperk van 50 jaar of langer;
 “jagvaartuig” ’n tuig van enige aard wat in die lug beweeg, hetsy beman of onbeman en hetsy selfgedrewe al dan nie;
- 30 “magtiging” enige registrasie, sertifikaat, lisensie, permit of ander skriftelike toestemming uitgereik of verleen ingevolge hierdie Wet wat die persoon aan wie dit uitgereik of verleen is, magtig om enigets te doen wat andersins verbied sou wees, en ook ’n geïntegreerde magtiging beoog in artikel 54;
 “mak spesie” enige spesie waarvoor daar geen ekwivalente bevolking in die natuur bestaan nie en wat deur mensse beïnvloed is om in menslike behoeftes te voorsien, en ook ’n spesie wat ingevolge artikel 49(2)(f) deur die Provinsiale Minister gelys word;
- 40 “nadelige uitwerking” enige werkklike, potensiele of kumulatiewe negatiewe impak op biodiversiteit, ekosistemeiensdientse of ekologiese infrastruktuur wat meer as onbeduidend is;
 “Nasionale Minister” die lid van die Nasionale Kabinet verantwoordelik vir omgewingsake;
- 45 “natuurbevatingsbeaampte” ’n persoon wat ingevolge artikel 56(a)(i) aangewys is;
 “natuurbevatingsveldwagter” ’n persoon wat ingevolge artikel 56(a)(ii) aangewys is;
 “omgewing” die omgewing waartinne mensse leef en wat bestaan uit—
 (a) die grond, water en atmosfeer van die aarde;
 (b) mikroörganismes en plant- en dierelewe;
 (c) enige gedeelte of kombinasie van die omgewings beoog in paragrafe (a) en (b) en die onderlinge verhouding onder en tussen mekaar; en
 (d) die fisiese, chemiese, estetiese en kulturele eienskappe en toestande van die omgewings beoog in paragrafe (a), (b) en (c) wat die gesondheid en welsyn van mensse beïnvloed;
- 60 “omgewingswetgewing”—
 (a) die Wet op Omgewingsbeawaring, 1989 (Wet 73 van 1989);
 (b) die Wet op Nasionale Omgewingsbestuur;
 (c) die Nasionale Waterwet, 1998 (Wet 36 van 1998);

- (d) die "National Environmental Management: Air Quality Act, 2004" (Wet 39 van 2004);
- (e) die "National Environmental Management: Waste Act, 2008" (Wet 59 van 2008);
- (f) die Wet op Beskernde Gebiede;
- (g) die Biodiversiteitswet;
- (h) die Wet op Geïntegreerde Kusbestuur; en
- (i) die Wet op die Wêrelderfenisiskonvensie, 1999 (Wet 49 van 1999), en ook enige regulasies of ander ondergeskikte wetgewing wat ingevolge hierdie Wette gemaak is;
- 10 "ondergeskikte wetgewing" enige—
- (a) regulasie gemaak; of
- (b) kennisgewing gepubliseer in die *Provisiale Koerant*, deur die Provisiale Minister ingevolge hierdie Wet;
- 15 "ontwikkeling" enige proses wat deur 'n persoon begin is om die gebruik, fisiese aard, voorkoms, vorm of funksie van 'n plek te verander, en ook—
- (a) die bou, oprigting, sloping of verwydering van 'n struktuur of gebou;
- (b) enige verandering aan die bestaande of natuurlike topografie van die grond;
- (c) die uitvoer van enige werke op, oor of onder 'n terrein;
- (d) die vermieëing of verwydering van inheemse plantegroei; en
- (e) 'n proses om grond te hersoneer, onderverdeel of te konsolideer;
- "opbare kuseiendom" dieselfde as wat "coastal public property" in die Wet op Geïntegreerde Kusbestuur beteken;
- 25 "Ordonnansie" die Ordonnansie op Natuurbehoewing, 1974 (Ordonnansie 19 van 1974);
- "perseel" enige grond, terrein, eiendom, gebou, struktuur of enige gedeelte van enige grond, terrein, eiendom, gebou of struktuur, en ook enige houër en enige oewertig, trein, treintok, vaartuig, ingvaartuig of ander vervoermiddel;
- 30 "persoon" 'n—
- (a) natuurlike persoon; of
- (b) regs persoon, insluitende enige—
- (i) geïnkorporeerde of niegeïnkorporeerde liggaam wat ingevolge enige wet ingestel is;
- (ii) vennootskap of trust; of
- (iii) staatsorgaan wat as 'n regspersoon ingestel is;
- 35 "Premier" die Premier van die Provinsie;
- "provisiale beskernde gebied" 'n "provisional protected area" soos omskryf in die Wet op Beskernde Gebiede, waarty ingesluit kan word 'n natuurreservaat in die Provinsie wat ingevolge artikel 23(1) van die Wet op Beskernde Gebiede verkelar is of 'n natuurreservaat in die Provinsie wat gegag word ingevolge artikel 23(5) van daardie Wet verklar te wees;
- "Provisiale Minister" die lid van die Provisiale Kabinet verantwoordelik vir omgewingsake in die Provinsie;
- 45 "Provinsie" die Provinsie Wes-Kap, en "provinsiaal" het 'n ooreenstemmende betekenis;
- "Raad" die beheerraad van CapesNature soos beoog in artikel 12;
- "regulasie" 'n regulasie kragtens hierdie Wet gemaak;
- "riviermonding" 'n liggaam bogronde water—
- (a) wat permanent of van tyd tot tyd na die see oop is;
- (b) waarin 'n stying en daling van die watervlak as gevolg van die getye tydens springgetye meebaar is wanneer die liggaam bogronde water oop is na die see; of
- (c) ten opsigte waarvan die southheid hoër as vars water is as gevolg van die invloed van die see, en waar daar 'n southheidshelling tussen die getyloop en die mond van die liggaam bogronde water is;
- 55 en "estuaries" het 'n ooreenstemmende betekenis;
- "Kulturele Biodiversiteitsplan" 'n plan beoog in artikel 34;
- "kulturele ontwikkelingsraamwerk" 'n kulturele ontwikkelingsraamwerk beoog in die Wet op Kulturele Beplanning en Grondgebruikbestuur;
- 60 "spesie" 'n soort dier, plant of ander organisme wat nie gewoonlik met ander persoonlike individue knuiseel nie, en ook enige subspesie, kultivar, variasie, geografiese ras, lyn, hibried of geografies aparte bevolking;

- “staatsorgan” —
- (a) enige staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike regeringsfeer; of
- (b) enige ander funksionaris of instelling—
- (i) wat ingevolge die Grondwet of ’n provinsiale grondwet ’n bevoegdheid uitoefen of ’n werksaamheid verrig; of
- (ii) wat ingevolge enige wetgewing ’n openbare bevoegdheid uitoefen of ’n openbare werksaamheid verrig,
- maar nie ook ’n hof of ’n regterlike beampte nie;
- “stelselmatige biodiversiteitsbeplanning” ’n beplanningst metode wat biodiversiteits- 10 teitsprioriteitsgebiede identifiseer, met inagneming van biodiversiteitspatrone en die ekologiese en evolusionêre prosesse wat dit onderhou, gebaseer op kwantitatiewe biodiversiteitsmilkpunte en -drempels vir akwatiese, land-, kus- en marine biodiversiteitskarakterke ten einde ’n verleenwoordigende voorbeeld van biodiversiteitspatrone en ekologiese prosesse te bewaar;
- 15 “Strafprosedeswet” die Strafprosedeswet, 1977 (Wet 51 van 1977);
- “toegang en die deel van voordele” die regverdige en billike deel van voordele wat uit die gebruik van inheemse biologiese hulpbronne ontstaan;
- 20 “Uitbreidingsstrategie vir Provinsiale Beskermdede Gebiede” die strategie beoog in artikel 39(1)(a);
- “inheemse spesie” —
- (a) ’n spesie wat nie ’n inheemse spesie is nie;
- (b) ’n inheemse spesie wat deur menslike tussenkoms verskuit is of beoog word om verskuit te word na ’n plek buite sy natuurlike verspreidingsgebied in die 25 natuur, maar nie ’n inheemse spesie wat sy natuurlike verspreidingsgebied deur middel van natuurlike migrasie of verstrooiing sonder menslike tussenkoms uitgedrewe het nie;
- (c) ’n spesie wat ingevolge artikel 49(2)(h) deur die Provinsiale Minister gelys word;
- 30 “uitvoer” die verplasing, of gepoogde verplasing, van enige spesie of eksemplaar, of enige gedeelte of derwaat van sodanige spesie of eksemplaar, vanaf enige posisie of plek in die Provinsie op enige wyse na ’n ander provinsie van die Republiek of na ’n land buite die grense van die Republiek of na internasionale waters;
- 35 “UNESCO” die Verenigde Nasies se Opvoedkundige, Wetenskaplike en Kulturele Organisasie, en ook die Internasionale Koördinerende Raad van die Mens en die Biosfeer-program;
- “veerkragtigheid”, met betrekking tot ’n ekosistiem of ekologiese intrasstruktuur, die vermoë van die ekosistiem of ekologiese intrasstruktuur om ontwrigting te weerstaan en terselfdertyd dieselfde basiese struktuur en funksionering, die 40 kapasiteit vir selforganisasie en die kapasiteit om by stes of verandering aan te pas, te behou;
- “versagtingsmaatreël” ’n maatreël of reeks maatreëls wat daarop gemik is om ’n nadelige uitwerking te vermy, minimeer, rehabiliteer, herstel of reg te stel, ook deur middel van biodiversiteitsbewigtinge;
- 45 “verwilde dier” ’n dier van ’n mak spesie wat wild geraak het;
- “volhoubaar” die gebruik van of impak op biodiversiteit, ekosisteme of ekosistiemdienste op ’n wyse en teen ’n koers wat—
- (a) nie tot die langtermynagteruitgang daarvan sal lei nie en wat vir ’n onbepaalde tyd volgehou kan word sonder om nadelige uitwerkings daarop te he; 50
- (b) nie die ekologiese integriteit daarvan in gevaar sal stel of ontwrig nie; en
- (c) die volgehoue voortbestaan daarvan verseker om aan die behoeftes en strewes van huidige en toekomstige generasies mense te voldoen;
- 55 “Voorsitter” die Voorsitter van die Raad aangestel ingevolge artikel 16(1)(a);
- “voorskryf” voorskryf by regulasie;
- “vredesbeampte” ’n persoon wat kragtens artikel 334(1) van die Strafprosedeswet tot vredesbeampte verklaar is;
- “wapen” enigiets hoegenaamd wat op so ’n wyse gebruik kan word dat ’n wilde 60 “waterdraer” ’n geologiese formasie wat strukture of teksture het wat water hou of ’n aansienlike waterbeweging deurlaat;
- “waterhulpbron” ook ’n waterloop, bogronde water, ’n riviermonding en ’n waterdraer;

- “waterloop” —
 (a) ’n rivier of bron;
 (b) ’n natuurlike kanaal waarin water gereeld of wisselvallig vloei;
 (c) ’n vlieland, meer of dam waarin of waaruit water vloei; en
 (d) enige versameling water wat ingevolge die Nasionale Waterwet, 1998, tot ’n waterloop verklaar is, en ’n verwysing na ’n waterloop sluit ook, waar van toepassing, sy bedding en oewers in;
 “welstand” die ekologiese, gedrags-, fisiese en fisiologiese gesondheidsstoestand van ’n wilde diër;
 10 “Wes-Kaapse Grondwet” die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998);
 “Wet op Bergopvanggebiede” die Wet op Bergopvanggebiede, 1970 (Wet 63 van 1970);
 15 “Wet op Beskernde Gebiede” die “National Environmental Management: Protected Areas Act, 2003” (Wet 57 van 2003);
 “Wet op die Wes-Kaapse Natuurbehoewesraad” die Wet op die Wes-Kaapse Natuurbehoewesraad, 1998 (Wet 15 van 1998);
 20 “Wet op Geïntegreerde Kusbestuur” die “National Environmental Management: Integrated Coastal Management Act, 2008” (Wet 24 van 2008);
 “Wet op Nasionale Omgewingsbestuur” die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998);
 “Wet op Openbare Finansiële Bestuur” die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999);
 25 “Wet op Plaaslike Regering: Munisipale Stelsels” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);
 “Wet op Ruimtelike Beplanning en Grondgebruikbestuur” die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013);
 30 “wilde diër” ’n diër, uitgesluit ’n mak spesie en ’n mikroörganisme, ongeag of die diër lewendig of vrek, mak of geteel is of gevange gehou word, en ook die eiers, kuit, gamete, genetiese materiaal of enige gedeelte van so ’n diër.
2. Die oogmerke van hierdie Wet is om—
- (a) uitvoering te gee aan die verpligting van die staat ingevolge nasionale wetgewing om as trustee met betrekking tot die omgewing op te tree;
 35 (b) uitvoering te gee aan artikel 81(m) van die Wes-Kaapse Grondwet om die omgewing in die Provinsie, insluitende die unieke biodiversiteit daarvan, tot voordeel van huidige en toekomstige generasies te beskerm en bewaar;
 (c) die langtermyn- ekologiese volhoubaarheid en veerkragtigheid van biodiversiteit, ekosisteme, ekosisteediensle en ekologiese infrastruktuur te verseker deur die implementering van die beginsels van ekologiese volhoubaarheid beoog in artikel 6 en die beskerming van prioriteitsbiodiversiteit en ekologiese infrastruktuur;
 (d) menslike welsyn en die langtermynveerkragtigheid van die samelewing en die ekonomie te verseker deur die bewaring van beskernde gebiede, 45 biodiversiteit, ekosisteme, ekosisteediensle en ekologiese infrastruktuur;
 (e) redelike en volhoubare toegang moontlik te maak tot voordele en geleenthede wat uit die bewaring van beskernde gebiede, biodiversiteit, ekosisteme, ekosisteediensle en ekologiese infrastruktuur ontstaan;
 (f) instusionele strukture en organisatoriese vermoë daar te stel vir die doeltreffende uitvoering van die bewaring en bestuur van biodiversiteit en die natuur in die Provinsie;
 (g) ooreenstemmende beplanning, samewerking, samewerking, besluitneming en bestuur ter ondersteuning van die bewaring en volhoubare gebruik van biodiversiteit en ekosisteediensle in die Provinsie te bevorder;
 55 (h) stelselmatige biodiversiteitsbeplanning en die bereiking van die biodiversiteitsmispunt vir bewaring soos uiteengesit in die Ruimtelike Biodiversiteitsplan en die Uitbreidingsstrategie vir Provinsiale Beskernde Gebiede te bevorder;
 (i) sekere aktiwiteite wat onderneem staan te word, te reguleer op ’n wyse wat die integriteit en gesondheid van die omgewing verbeter en beskerm;

Oogmerke

- (f) onderthegwig aan artikel 231 van die Grondwet, internasionale ooreenkomste en beste praktieke rakende die omgewing en die bewaring van biodiversiteit te implementeer en daaraan uitvoering te gee;
- (k) die finansiële en ekonomiese volhoubaarheid van die betrokke instellings wat vir die bewaring en bestuur van biodiversiteit en die natuur in die Provinsie verantwoordelik is, moonklik te maak; en
- (l) 'n billike en volhoubare biodiversiteitsëkonomie in die Provinsie moonklik te maak en te ontwikkel, insluitende die bevordering en ontwikkeling van ekotoerisme in gebiede onder die beheer van CapeNature.
- Toepassing**
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3. Hierdie Wet bind die staat en alle persone.
- Tienstrydighede met ander wetgewing**
4. (1) Indien daar 'n tensstrydigheid bestaan tussen 'n bepaling van hierdie Wet en—
- (a) nasionale wetgewing, moet die tensstrydigheid ingevolge artikel 146 van die Grondwet opgelos word;
- (b) 'n ander provinsiale Wet, geniet die bepaling van hierdie Wet voortrang vir sover die tensstrydigheid betrekking het op bepalinge wat die bewaring van biodiversiteit reguleer;
- (c) munisipale wetgewing, geniet die bepaling van hierdie Wet voortrang vir sover die tensstrydigheid betrekking het op bepalinge wat die volgende reguleer:
- (i) aangeleenthede beoog in of Deel A van Bylae 4 of Deel A van Bylae 5 by die Grondwet; of
- (ii) aangeleenthede beoog in Deel B van Bylae 4 of Deel B van Bylae 5 by die Grondwet en die bepaling 'n wetlike uitoefening of verrigting van die Grondwet en die bepaling van die Provinsie kragtens artikel 155(6)(a) en (7) van die Grondwet is.
- (2) Indien daar 'n tensstrydigheid bestaan tussen ondergeskikte wetgewing wat ingevolge hierdie Wet gemaak is en—
- (a) nasionale wetgewing, moet die tensstrydigheid ingevolge artikel 146 van die Grondwet opgelos word;
- (b) 'n provinsiale Wet, geniet daardie Wet voortrang;
- (c) ander ondergeskikte provinsiale wetgewing, geniet die ondergeskikte wetgewing wat ingevolge hierdie Wet gemaak is, voortrang vir sover die tensstrydigheid verband hou met bepalinge wat die bewaring van biodiversiteit reguleer;
- (d) munisipale wetgewing, geniet die ondergeskikte wetgewing wat ingevolge hierdie Wet gemaak is, voortrang vir sover die tensstrydigheid verband hou met die aangeleenthede bedoel in subartikel (1)(c).
- HOOFTUK 2**
- PLIGTE EN BEGINSELS**
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- Plig van staat**
5. Elke staatsorgaan wat by of ingevolge enige wet gemagtig of vereis word om 'n bevoegdheid uit te oefen of 'n plig te verrig wat moonklik 'n nadelige uitwerking op die omgewing kan hê, moet by die uitoefening of verrigting van daardie bevoegdheid of plig ten opsigte van die Provinsie—
- (a) 'n langtermynperspektief neem van die waarskynlike uitwerking van elke handeling of besluit op die omgewing;
- (b) die beginsels van ekologiese volhoubaarheid beoog in artikel 6 toepas; en
- (c) die omgewingsbestuursbeginsels beoog in artikel 2 van die Wet op Nasionale Omgewingsbestuur toepas.
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- Beginsels van ekologiese volhoubaarheid**
6. Elke staatsorgaan wie se besluite of handelinge biodiversiteit of die omgewing in die Provinsie moonklik kan rask, moet die beginsels van ekologiese volhoubaarheid toepas, naamlik om—

- (a) die voordele en inherente en gebruikswaarde van natuurlike hulpbronne en ekosisteme in aanmerking te neem;
- (b) te verseker dat biodiversiteit en ekosisteme beskerm word, in stand gehou en gerehabiliteer word op 'n wyse wat die bereiking van biodiversiteitsmikropunte gestel deur die Provinsiale Vir Bewaring moonlik maak;
- (c) die veerkragtigheid van biodiversiteit, ekosisteme en ekologiese infrastruktuur te bevorder;
- (d) te verseker dat ontwikkeling nie die langtermynvoortbestaan en -veerkragtigheid van biodiversiteit, ekosisteme en ekologiese infrastruktuur ondermyn nie;
- (e) te verseker dat die bewaring en veerkragtigheid van biodiversiteit tot voordeel van huidige en toekomstige generasies voortrang geniet bo die belange van enige lid of lede van enige gemeenskap;
- (f) die ontwrigting van ekosisteme en verlies aan ekologiese diversiteit te vermy of, waar dit nie volkome vermy kan word nie, te minimizeer en reg te stel;
- (g) te verseker dat inheemse ekologiese hulpbronne op 'n wyse gebruik word wat ekologies volhoubaar is en die welstand van enige betrokke diertlike biologiese hulpbronne in ag neem; en
- (h) te verseker dat 'n risikobesondere en versigtige benadering toegepas word sodat, waar daar onvoldoende bewys is dat 'n aktiviteit nie 'n langtermyn-nadelige uitwerking sal hê nie, dit vermy behoort te word.

ADMINISTRASIE

HOOFSTUK 3

Werksaamhede van Provinsiale Minister

7. (1) Die Provinsiale Minister moet—
- (a) oor die Departementshoof, CapeNature en die Raad by die verrigting van hul werksaamhede toesig hou;
- (b) provinsiale beleid oor biodiversiteit en verwante aangeleenthede ontwikkel en implementeer;
- (c) 'n Ruimtelike Biodiversiteitsplan en 'n Uitbreidingsstrategie vir Provinsiale Beskermdede Gebiede, soos beoog in artikels 34 en 39 onderskeidelik, aanneem;
- (d) wanneer hy of sy 'n wets- of beleidsplan goedkeur, hersien of daarop kommentaar lewer, verseker dat die plan met die Ruimtelike Biodiversiteitsplan in ooreenstemming is; en
- (e) gereeld die doeltreffendheid van die implementering en afdwinging van hierdie Wet evalueer.
- (2) Die Provinsiale Minister kan—
- (a) ondergeskikte wetgewing maak soos voorvoorsiening gemaak in hierdie Wet; met die instemming van die Provinsiale Minister verantwoordelik vir finansies, provinsiale regeringsondernemings soos beoog in die Wet op Openbare Finansiële Bestuur instel om die oogmerke van hierdie Wet te bereik;
- (c) voorskryf aan die Raad uitreik om te verseker dat die Raad by die uitvoering van sy mandaat doeltreffend en doelmatig funksioneer;
- (d) 'n raad van ondersoek aanstel om die gedrag van 'n lid van die Raad of die Raad te ondersoek, en gepaste maatreëls, soos beoog in artikel 21 of 32 onderskeidelik, tref; en
- (e) enige ander werksaamheid verrig wat by of kragtens hierdie Wet aan die Provinsiale Minister opgedra is.

Pligte van Departementshoof

8. Die Departementshoof moet, onderhewig aan artikel 7(1)(a) en (b)—
- (a) die Provinsiale Minister adviseer, wanneer die Provinsiale Minister sy of haar raad versoek en na oortog met CapeNature, oor regsaaingelenthede, ondergeskikte wetgewing en provinsiale beleid rakende natuurbewaring, biodiversiteit en kus- en riviermondingsbestuur;
- (b) na oortog met CapeNature, provinsiale strategieë en programme soos goedgekeur deur die Provinsiale Minister vir natuurbewaring, biodiversiteit,

- kus- en riviersondigsbesluit en die bevordering en ontwikkeling van die biodiversiteitsekonomie koordeiner;
- (c) ooreenkomsig die Wet op Openbare Finansieë Bestuur die bevoegdhede uitvoeren van rekenpeligte besampte verantwoordelik vir die fondse wat vir die implementering van hierdie Wet na CapeNature en ander instellings oorgedra word;
- (d) 'n stelsel daarstel—
- (i) om strategieë en jaarplanne en verbandhoudende programbeoortings vir natuurbehoewarig, biodiversiteit en kus- en riviersondigsbesluit, en die bevordering en ontwikkeling van die biodiversiteitsekonomie in die Provinsie in ooreensstemming te bring; en
- (ii) vir die monitering en verslagdoening van die doeltreffendheid van die gebruik van fondse oorgedra soos beoog in paragraaf (c) en soos voor beplan ooreenkomsig subparagraaf (i);
- (e) wets- en beoortingsplanne wat ingevolge hierdie Wet opgestel word, oorweeg en daarop kommentaar lewer;
- (f) wanneer die Departementshoof vir die opstel of herstelling van of kommentaarlewering op 'n wets- of beoortingsplan verantwoordelik is, verseker dat die plan met die Ruimtelike Biodiversiteitsplan in ooreensstemming is;
- (g) CapeNature met die implementering van die Uitbreidingsstrategie vir Provinsiale Beskernde Gebiede ondersoek; en
- (h) aanbevelings aan die Provinsiale Minister maak oor hoe om die doeltreffendheid van die implementering en afdwinging van hierdie Wet te verbeter.

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HOOFSTUK 4

CAPENATURE

Deel I

Instelling en werksaamhede van CapeNature

Instelling

9. Die Wes-Kaapse Natuurbehoewaringsraad soos ingestel by die Wet op die Wes-Kaapse Natuurbehoewaringsraad by voortbestaan as 'n regs persoon en 'n provinsiale openbare instelling wat vir die behoewarig van biodiversiteit in die Provinsie verantwoordelik is, en staan bekend as CapeNature.

Pligte van CapeNature

10. (1) Met betrekking tot die behoewarig van biodiversiteit, en onderhoewig aan artikel 7(1)(a), moet CapeNature—
- (a) aan die Provinsiale Minister gebiede aanbeveel om volgens die Uitbreidingsstrategie vir Provinsiale Beskernde Gebiede as provinsiale beskernde gebiede, beskernde omgewings, bergopvangsgebiede en biodiversiteitsop- sigterskapsgebiede te verklaar;
- (b) provinsiale beskernde gebiede en ander gebiede waarvoor hy as die bestuursowerheid aangewys is, bestuur;
- (c) biodiversiteitsop sigterskapsgebiede beoortings en monitork maak;
- (d) 'n register van provinsiale beskernde gebiede, beskernde omgewings, bergopvangsgebiede en biodiversiteitsop sigterskapsgebiede byhou;
- (e) nadat 'n evaluasie en verifikasie ondersoek is, aan die Provinsiale Minister aanbevelings maak en kommentaar lewer oor skriftelike versoeke of besware wat ingevolge artikel 33 van die Wet op Beskernde Gebiede ontvang is oor die verklaaring of inrekking van die verklaaring van 'n beskernde gebied;
- (f) na oortog met die Departementshoof, die Provinsiale Minister adviseer oor—
- (i) ondergeskikte wetgewing en beleid wat die Provinsiale Minister ten opsigte van biodiversiteitsverwante aangeleenthede staan te maak; en
- (ii) die uitvoering van die Provinsiale Minister se bevoegdhede ingevolge artikel 7(1)(b), (c), (d) en (e);
- (g) 'n stelsel daarstel vir die monitering en verslagdoening van—
- (i) die stand van biodiversiteit in die Provinsie;

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5	(ii) die stand van indringerspesies; (iii) die volhoubare gebruik van inheemse biologiese hulpbronne; (iv) die bestuur van provinsiale beskermde gebiede, beskermde omgewings, wêrelderfenisgebiede, bergopvangsgebiede en biodiversiteitsopstigterskapsgebiede; en (v) voltooiing aan magtigings uitgereik kragtens hierdie Wet, — ten einde — (aa) dit moonlik te maak om nadelige uitwerkings betyds te bespeur en versag; en (bb) die evaluasie van die doeltreffendheid van hierdie Wet te fasiliteer;	10
10	(h) biodiversiteitsbestuursplanne soos beoog in artikel 43 van die Biodiversiteitswet opstel wanneer die Provinsiale Minister dit versoek; (i) raad aan grondteenaars gee om biodiversiteit of die bewaring van die omgewing op hul grond te verbeter of hoe om die kontakgebied tussen mense en inheemse biologiese hulpbronne te bestuur; (j) die Provinsiale Minister adviseer oor die uitvoer van inheemse biologiese hulpbronne vir navorsing; (k) aanbevelings aan die Provinsiale Minister maak oor aangegeneenhede wat navorsing benodig; (l) binne twee jaar vanaf die inwerkingtreding van hierdie Wet en daarna met tussensposes van hoogstens vier jaar, soos vereis deur die Provinsiale Minister, verslag doen aan die Provinsiale Minister oor die stand van biodiversiteit in die Provinsie;	20
15	(m) op grond wat Capenature bestuur, natuurlike en verwante kulturele erfenishulpbronne bestuur, bewaar en bevorder deur beste praktieke, toegang en die deel van voordele, en volhoubare gebruikspraktieke; (n) ruimtelike ontwikkelingsraamwerke en aansoeke om omgewings-, water-, landbou- en mynsmagtigings nagaan en op die bestaanbaarheid daarvan met die oogmerke van die Ruimtelike Biodiversiteitsplan kommentaar lewer; (o) in gebiede onder sy beheer, maatreëls ter wat nodig of wenslik is vir die bewaring van biodiversiteit of die bestuur van nadelige uitwerkings daarop; nievoldoening en misdrywe ingevolge hierdie Wet inspekteer en ondersoek; en (p) in gebiede onder sy beheer, maatreëls ter wat nodig is vir die veiligheid van besoekers.	30
35	(2) Capenature moet — (a) die ontwikkeling en bevordering van ekotoerisme-aktiwiteit en -fasiliteit bestuur op grond wat Capenature bestuur; (b) navorsing, monitering en opleiding in biodiversiteitsbewaring vergemaklik; en (c) met betrekking tot grond onder sy beheer, die volgende bevorder: (i) gemeenskapsgebaseerde bewaring van biodiversiteit; (ii) werkskepping ten opsigte van bewaring en ekotoerisme, plaaslike ekonomiese ontwikkelingsgeleenthede en die biodiversiteits- en ekonomiese toegang tot beskermde gebiede vir onspannings-, opvoedkundige, navorsings-, kulturele, geesteslike en tradisionele doeleindes; en (iv) omgewingsbewusmaking, opvoeding en jeugontwikkeling.	40
45	(i) gemeenskapsgebaseerde bewaring van biodiversiteit; (ii) werkskepping ten opsigte van bewaring en ekotoerisme, plaaslike ekonomiese ontwikkelingsgeleenthede en die biodiversiteits- en ekonomiese toegang tot beskermde gebiede vir onspannings-, opvoedkundige, navorsings-, kulturele, geesteslike en tradisionele doeleindes; en (iv) omgewingsbewusmaking, opvoeding en jeugontwikkeling.	50
50	(a) toegangsgelde, magtigings, konsessies en huurkontrakte; (b) natuurgebaseerde ekotoerismefasiliteit, byeenkomste en dienste; (c) aktiwiteit in die biodiversiteits- en ekonomiese instandhouding van ekotoerismedienste; (d) geld arksomstig van intellektuele eiendomsregte; en (f) bewaring en ander dienste.	55
55	(2) Capenature kan, met die doel om sy werksaamhede te verlig en die oogmerke van hierdie Wet te bereik — (a) onderthelwig aan artikel 27(1), sy eie personeel aanstel; (b) onderthelwig aan enige provinsiale beleid beoog in artikel 7(1)(b), enige skriftelike ooreenkoms met enige persoon aangaan;	60
Bevoegdhede van Capenature		
11. (1) Capenature kan, onderthelwig aan die Wet op Openbare Finansiële Bestuur, inkomste op enige wettige wyse genereer, insluitende deur —		

	(c)	onderhawing aan die goedkeuring van die Provinsiale Minister en die Provinsiale Minister verantwoordelik vir finansies, onroerende eiendom of enige saaklike reg of minnerale reg in onroerende eiendom huur, koop of andersins verkry;	5
	(d)	enige reg op of tot roerende eiendom verkry, vervreem, huur of verhuur;	5
	(e)	eksperimente doen, navorsing onderneem, opnames doen en ondersoeke uitvoer;	
	(f)	met opvoedkundige instellings onderhandel en saamwerk ten opsigte van die opleiding van persone vir loopbane in natuurbewaring;	10
	(g)	inligting in verband met bewaring wat die bereiking van die oogmerke van hierdie Wet kan bevorder, vertoon of andersins versprei;	
	(h)	sy oogmerke, aktiwiteite, dienste en fasiliteite bemark en adverteer;	
	(i)	infrastruktuur, werke of getiewe in gebiede onder sy beheer in stand hou, bou, oprig, sloop of verwyder;	
	(j)	toelaat dat kommersiële en gemeenskapsaktiwiteite plaasvind in enige gebied onder sy beheer mits daardie aktiwiteite nie 'n nadelige uitwerking op biodiversiteit of die ekologiese infrastruktuur in daardie gebied het nie;	15
	(k)	enige grond of in enige waterloop die bakens, drywende bakens, kennisgewings, kennisgewingsborde, tekens of ander merke wat vir die implementering van enige bepaling van hierdie Wet nodig of wenslik is, oprig, heroprig, in stand hou en herstel;	20
	(l)	een of meer advieskomitees instel om hom by te staan met die verrigting van enige van sy werksaamhede ingevolge hierdie Wet;	
	(m)	sy eie bankrekeninge open, maar slegs by 'n instelling wat ingevolge die Bankwet, 1990 (Wet 94 van 1990), as 'n bank geregistreer is;	25
	(n)	fondse beleë, onderhawig aan Deel 5 van hierdie Hoofstuk;	
	(o)	onderhawig aan die Wet op Openbare Finansiële Bestuur, homself teen enige verlies, skade of risiko verseker;	
	(p)	enige handeling ooreenkomstig sy bevoegdhede en pligte verrig; en	30
	(q)	enige regsgeeding instel of verdeel;	
	(3)	Indien CapeNature op redelike gronde tevrede is dat dit gepas en nodig is om stappe te doen vir die bewaring van biodiversiteit, kan 'n beaampte of persoon aangewys deur CapeNature privaat grond betree—	35
	(a)	met die toestemming van die grondeienaar; of	
	(b)	in 'n situasie wat 'n dreigende gevaar vir menselwens of biodiversiteit inhou, sonder sodanige toestemming.	
	(4)	CapeNature kan te eniger tyd, met betrekking tot enige eksemplaar van enige spesie, enige stappe doen of magtig, insluitende 'n beperkte aktiwiteit of beperkte metode, indien die eksemplaar—	40
	(a)	'n dreigende gevaar van besering of dood vir mense of enige mak spesie inhou;	
	(b)	gewond, siek of beser is;	
	(c)	skade aan gewasse of plante op bewerkte grond of ander eiendom aannig;	
	(d)	'n nadelige uitwerking op inheemse spesies, ekosisteme of die omgewing het of kan hê; of	45
	(e)	in die belang van bewaring gevang of vrekgestaak behoort te word.	
	(5)	Indien 'n wilde dier gedurende 'n jagtog gevang of gekwes is, kan CapeNature, indien hy nie die identiteit van die eienaar kan vasstel nie, die dier vrekmaak en die karkas vernietig.	50
	(6)	Voordat enige bevoegdheid ingevolge hierdie artikel uitgeoefen word op grond wat nie onder sy beheer is nie, moet CapeNature, indien redelikerwys moontlik—	
	(a)	met die grondeienaar ooreg pleeg; en	
	(b)	redelike kennis aan die grondeienaar gee van die tyd wanneer, die plek waar en die wyse waarop CapeNature van voorneme is om daardie bevoegdheid uit te oefen.	55

Beheerraad van CapeNature

Deel 2

Werksaamhede van Raad

12. (1) CapeNature word bestuur deur 'n Raad wat sy rekenpligtige owerheid is en aan die vereistes van die Wet op Openbare Finansiële Bestuur moet voldoen.

- (2) Die Raad moet—
- (a) doeltreffende bestuurstoetsing van CapaNature handhaaf;
- (b) verseker dat CapaNature sy werksaamhede ingevolge hierdie Wet verrig;
- (c) voltoëning aan die beleid en strategie van CapaNature goedkeur en monitor;
- (d) strategiese rigting aan CapaNature verskaf;
- (e) 'n raads-handves opstel om vir 'n gedragkode vir raadslede en vergaderings-prosedures voorsiening te maak en om aangeleenthede in verband met korporatiewe bestuurstoetsing verder te reguleer;
- (f) risikogebiede en prestasie ten opsigte van CapaNature identifiseer en gereeld monitor; en
- (g) pleit vir genoeg hulpbronne vir CapaNature om sy werksaamhede te verrig.
- (3) Die Raad moet sy werksaamhede onderhewig aan enige voorskryte uitgereik deur die Provinsiale Minister verrig.
- 15 Samestelling
13. (1) Die Raad bestaan uit—
- (a) minstens sewe en hoogstens nege nie-uitvoerende lede, aangestel ingevolge artikel 15; en
- (b) as uitvoerende lede—
- (i) 'n beampte van die Departement, aangewys deur die Provinsiale Minister; en
- (ii) die Hoof- Uitvoerende Beampte.
- 20 (2) Die Provinsiale Minister—
- (a) moet die getal lede bepaal wat ingevolge subartikel (1)(a) aangestel staan te word; en
- (b) kan die getal wat ingevolge paragraaf (a) bepaal is, verander, maar mag die getal verminder slegs wanneer daar 'n vakature in die Raad is.
- (3) Slegs nie-uitvoerende lede kan ingevolge artikel 25 stem.
- Onbevoegdheid as lid van Raad
14. 'n Persoon mag nie in die Raad aangestel word nie indien hy of sy—
- (a) 'n lid is van die nasionale Parlement, 'n provinsiale wetgewer of 'n munisipale raad;
- (b) 'n werknemer is—
- (i) van CapaNature;
- (ii) van 'n munisipaliteit; of
- (iii) ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), uitgesonderd 'n persoon beoog in artikel 13(1)(b) van hierdie Wet;
- (c) aan 'n misdad skuldig bevind is waarty ooneerlikheid betroke was;
- (d) 'n ongerehabiliteerde insolvent is; of
- (e) deur 'n bevoegde hof gestelik verstoer verklaar is.
- 40 **Aanstelling in Raad**
15. (1) Die Provinsiale Minister moet die nie-uitvoerende raadslede beoog in artikel 13(1)(a) aanstel.
- (2) Wanneer die Provinsiale Minister 'n nie-uitvoerende raadslid aanstel, moet die Provinsiale Minister—
- (a) deur middel van 'n kennisgewing in die *Provinsiale Koerant* en kennis-gewings in twee koerante wat in die Provinsie sirkuleer, waarvan minstens een in gedrukte formaat moet wees, in die amptelike tale van die Provinsie, van die publiek benoemings aanvrage van persone wat vir aanstelling geskik is; en
- (b) alle benoemings wat ontvang is, oorweeg en, na oorleg met die Departements-hoof en die Hoof- Uitvoerende Beampte, die vereiste getal persone in die Raad aanstel.
- (3) Wanneer die Provinsiale Minister 'n aanstelling in die Raad ingevolge subartikel (1) maak, moet die Provinsiale Minister—
- (a) verseker dat die persoon wat aangestel word, 'n geskikte en gepaste persoon vir sodanige aanstelling is;
- (b) verseker dat die aangestelde persoon gepaste kwalifikasies, kennis en ondervinding het, wat die Provinsiale Minister kan bepaal; en
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19. (1) 'n Lid van die Raad—
 (a) moet die werksaamhede van sy of haar amp te goeder trou en sonder vrees, begunsiging of vooroordeel vertig;
 (b) moet aan die gedragkode beoog in artikel 12(2)(e) voldoen;
 (c) moet enige finansiële of persoonlike sakebelange verklaar wat die lid of sy of haar lewensmaat, gade of onmiddellike familielid het by enige aangegleentheid wat voor die Raad dien, en moet hom of haar van die vertigtinge van die Raad onttrek wanneer daardie aangegleentheid oorweeg word;

Gedrag van lede

18. (1) Die Provinsiale Minister, met die instemming van die Provinsiale Minister verantwoordelik vir finansiële en voorwaardes van aansstelling van nie-uitvoerende lede van die Raad bepaal, insluitende betaling van vergoeding en toelae soos deur die Nasionale Tesourie ingevolge die Wet op Openbare Finansiële Bestuur bepaal.
 (2) Capenature is verantwoordelik vir die betaling van vergoeding en toelae aan nie-uitvoerende raadslede.

Voorwaardes van aansstelling en vergoeding

17. (1) 'n Nie-uitvoerende lid van die Raad—
 (a) word vir 'n termyn van drie jaar aangestel, onderthrewig aan artikel 22(2);
 (b) kom by die voltooiing van die termyn beoog in paragraaf (a) in aanmerking vir heraanstelling deur die Provinsiale Minister, na oorleg met die Departementshoof en die Hoof-Uitvoerende Beampte, vir een bykomende termyn van drie jaar.
 (2) Die Provinsiale Minister kan die tydperk van aansstelling van 'n nie-uitvoerende lid beoog in subartikel (1)(a) of (b) verleng vir 'n tydperk van hoogstens een jaar.

Ampstermyn van nie-uitvoerende lede van Raad

16. (1) Die Provinsiale Minister, na oorleg met die raadslede—
 (a) moet 'n nie-uitvoerende lid van die Raad as die Vooritter en 'n ander nie-uitvoerende lid van die Raad as Ondervoortter aansstel of heraanstel;
 (b) kan, by aanvoering van grondige redes, enige sodanige aansstelling intrek.
 (2) Die Vooritter en Ondervoortter word aangestel vir 'n tydperk bepaal deur die Provinsiale Minister, wat nie langer as die termyn van 'n lid beoog in artikel 17 mag steek nie.
 (3) Die Provinsiale Minister kan enige lid van die Raad as Waarnemende Vooritter van die Raad aansstel—
 (a) indien daar 'n vakature in die amp van Vooritter en Ondervoortter is, totdat 'n Vooritter of Ondervoortter aangestel is; of
 (b) indien die Vooritter en Ondervoortter van twee of meer opeenvolgende vergaderings van die Raad afwesig is.
 (4) Indien die Vooritter om enige rede nie in staat is om sy of haar werksaamhede te vertig nie, moet die Ondervoortter, en by gebreke waarvan, die Waarnemende Vooritter, die werksaamhede van die Vooritter vertig.

Vooritter van Raad

- (c) in ag neem dat dit nodig is om persone aan te stel—
 (i) wat oor die algemeen verteenwoordigend van die demografie van die Provinsie is; en
 (ii) wat van gepaste gemenskapsgebaseerde of verteenwoordigende organisasies in die Provinsie afkomstig is.
 (4) Geen besluit geneem deur die Raad of handeling vertig op gesag van die Raad is ongeldig bloot omdat 'n vakature in die Raad bestaan het of omdat 'n persoon wat nie geregig was om as 'n lid van die Raad te sit nie, in die Raad gesit het toe die besluit geneem of die handeling geneem is nie, indien die besluit geneem is of die handeling geneem is deur 'n meerderheid van die raadslede wat toe teenwoordig en geregig was om as lede te sit.

- (d) mag nie vertroulike inligting wat as 'n lid van die Raad verkry is of die posisie of voorregte as 'n lid van die Raad vir eie gewin of tot voordeel van 'n ander persoon gebruik nie; en
- (e) mag nie op enige ander wyse optree wat die geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van CapeNature of die Raad oneer aandoen nie.
- (2) 'n Lid van die Raad wat subartikel (1) oortree of versium om daaraan te voldoen, is skuldig aan wangedrag.
- Beëindiging van lidmaatskap**
20. 'n Nie-uitvoerende lid hou op om 'n lid van die Raad te wees indien—
- (a) die ampstermyn van die nie-uitvoerende lid verstyk; of
- (b) die nie-uitvoerende lid—
- (i) nie meer ingevolge artikel 14(a) tot (e) bevoeg is om 'n lid te wees nie;
- (ii) minstens drie kalendermaande voor die datum waarop die lid sy of haar amp wil onttim, sy of haar skriftelike bedanking indien, tensy die Provinsiale Minister 'n korter tydperk in 'n spesieke geval toelaat; of
- (iii) ingevolge artikel 21 uit sy of haar amp verwyder word.
- Verwydering en skorsing**
21. (1) Die Provinsiale Minister kan 'n lid van die Raad uit sy of haar amp verwyder op enige van die volgende gronde:
- (a) wangedrag, onvermoë of onbekwaamheid;
- (b) waar die lid van twee opeenvolgende vergaderings van die Raad afwesig was sonder die vooraf verkreeë toestemming van die Voorzitter, tensy goeie gronde aangevoer kan word vir die versium om vooraf toestemming te kry;
- (c) insolvensie; of
- (d) skuldigbevinding aan 'n strafregtelike oortreding whereby oneerlikheid betrokke was.
- (2) Die Provinsiale Minister—
- (a) moet die lid van die Raad uit sy of haar amp verwyder soos beoog in subartikel (1)(a) nadat 'n bevinding te dien effekte gemaak is deur 'n raad van ondersoek wat soos beoog in artikel 7(2)(d) deur die Provinsiale Minister aangestel is; en
- (b) kan 'n lid van die Raad wat onderhewig is aan 'n ondersoek beoog in paragraaf (a), skors.
- Vul van vakatures**
22. (1) 'n Vakature in die Raad word gevul—
- (a) in die geval van die Voorzitter of Ondervoorsitter, deur 'n ander lid van die Raad as die Voorzitter of Ondervoorsitter, na gelang van die geval, aan te stel soos beoog in artikel 16(1)(a); en
- (b) in die geval van 'n nie-uitvoerende lid van die Raad, deur die prosedure beoog in artikel 15 te volg.
- (2) 'n Persoon wat aangestel is om 'n vakature te vul, beklee die amp vir die onversuete gedeelte van die ampstermyn van sy of haar voorganger.
- Deel 3**
- Bedryfsprosedures van Raad**
23. (1) Die Raad moet minstens vier keer gedurende die finansiele jaar van CapeNature vergader, en die Voorzitter kan, en moet op versoek van 'n meerderheid van die lede van die Raad, 'n spesiale vergadering bele.
- (2) Die Voorzitter moet vergaderings van die Raad bele en voorsit, maar indien die Voorzitter van 'n vergadering afwesig is, moet die Ondervoorsitter voorsit.
- (3) Indien beide die Voorzitter en Ondervoorsitter van 'n vergadering afwesig is, moet die lede teenwoordige lede 'n ander lid kies om die vergadering voor te sit, onderhewig aan artikel 16(3).

Prosedures

24. (1) Die Raad moet sy eie prosedures vir die hou van vergaderings bepaal, onderhewig aan artikel 12(2)(e).
 (2) Die Raad moet 'n rekord van verrigtinge by vergaderings hou en van alle besluite wat by vergaderings geneem is.
 (3) Die Raad kan enige lid van die publiek nooi om enige vergadering van die Raad by te woon.

Kworum en besluite

25. (1) 'n Meerderheid van die nie-uitvoerende lede van die Raad maak 'n kworum vir 'n vergadering van die Raad uit.
 (2) 'n Aangelykendheid voor die Raad word beslis deur die stemme van 'n meerderheid van die nie-uitvoerende lede van die Raad wat by die vergadering teenwoordig is.
 (3) Indien daar in enige saak voor die Raad 'n staking van stemme is, moet die lid van die Raad wat die vergadering voorsit, 'n beslissende stem uitbring benevens sy of haar beraadslagende stem as 'n lid.

Komitees

26. (1) Die Raad kan komitees instel, insluitende 'n ouditkomitee, om hom by te slaan met die verrigting van sy werksaamhede, wat uit een of meer van die volgende bestaan:
 (a) lede van die Raad;
 (b) werknemers van CapeNature;
 (c) ander persone wat, na die mening van die Raad, toepaslike ondervinding of kundigheid het.
 (2) Die Raad—
 (a) moet die werksaamhede van elke komitee wat ingevolge subartikel (1) ingestel is, bepaal;
 (b) moet die komiteevoorsitter en ander lede van elke komitee aanstel;
 (c) kan te eniger tyd 'n lid van 'n komitee uit die komitee verwyder; en
 (d) moet die prosedures vir elke komitee bepaal.
 (3) 'n Komitee mag besluite slegs aanbeveel vir goedkeuring deur die Raad.
 (4) Die Raad kan 'n komitee te eniger tyd ontbind, behalwe die ouditkomitee.
 (5) Artikels 18 en 19 is van toepassing, met die nodige veranderinge, op komiteelede.

Hoof- Uitvoerende Beampte

27. (1) Die Raad, handelend met die instemming van die Provinsiale Minister, moet 'n persoon met gepaste kwalifikasies en ondervinding as die Hoof- Uitvoerende Beampte van CapeNature aanstel.
 (2) Die Hoof- Uitvoerende Beampte—
 (a) word vir 'n termyn van vyf jaar aangestel; en
 (b) kan met die instemming van die Provinsiale Minister vir 'n verdere termyn van hoogstens vyf jaar deur die Raad heraan gestel word.
 (3) Die Hoof- Uitvoerende Beampte word onderhewig aan bepalinge en voorwaardes van indiensneming aangestel wat die Raad met die instemming van die Provinsiale Minister moet bepaal.
 (4) Die Hoof- Uitvoerende Beampte is vir die administratiewe en finansiële bestuur van CapeNature verantwoordelik en moet—
 (a) die Raad bystaan om sy werksaamheid as rekenpligtige owerheid van CapeNature uit te voer en aan die Wet op Openbare Finansiële Bestuur te voldoen deur te verseker dat daar stelsels in plek is om die inligting en verslae wat die Raad vereis, te verskat;
 (b) die pligte vertig en die bevoegdheids uitoefen wat die Raad aan hom of haar opdra of delegeer;
 (c) aan die Raad verslag doen oor aspekte van bestuur, die verrigting van pligte en die uitoefening van bevoegdheids, op die tye en die wyse bepaal deur die Raad;

Administrasie van CapeNature**Deel 4**

- (d) konsepwergawes van die planne, verslae en state beoog in artikel 28 opstel; (e) 'n toepaslik gekwalifiseerde Hoof-Finansiële Beampte aansel; (f) personeel aansel, binne die finansiële perke gestel deur die Raad en ooreenkomsig 'n indiensneminingsbeleid bepaal deur die Raad; (g) die personeëllede bestuur; (h) verseker dat CapeNature aan die bepaling van hierdie Wet, die Wet op Openbare Finansiële Bestuur en enige ander toepaslike wetgewing voldoen; en (i) in die algemeen, die sake van CapeNature bestuur om die oogmerke van hierdie Wet te bereik.
- (5) Die Raad kan, met die instemming van die Provinsiale Minister, 'n werknemer van CapeNature as Waarnemende Hoof-Uitvoerende Beampte vir 'n tydperk van hoogstens ses maande op 'n keer aansel wanneer—
- (a) die Hoof-Uitvoerende Beampte om enige rede afwesig is of nie in staat is om sy of haar werksaamhede te verrig nie; of
- (b) daar 'n vakature in die amp van die Hoof-Uitvoerende Beampte is.
- (6) 'n Waarnemende Hoof-Uitvoerende Beampte—
- (a) het die bevoegdheids en pligte van die Hoof-Uitvoerende Beampte; en
- (b) moet onderhewig aan dieselfde bepalinge en voorwaardes beoog in subartikel (3) aangestel word.
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- Deel 5**
- Finansiële aansoekende**
- Finansiële rekenpligtigheid en verslagdoening**
28. Die Raad moet verseker dat strategiese en jaarlikse prestasieplanne, begrotings, jaarverslae en geouditeerde finansiële state ooreenkomsig die Wet op Openbare Finansiële Bestuur opgestel, goedgekeur en ingedien word.
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- Fondse**
29. (1) Die fondse van CapeNature bestaan uit—
- (a) inkomste verkry van die verrigting van sy werksaamhede soos beoog in artikel 11(1);
- (b) fondse wat deur die Provinsiale Parlement aan hom bewillig is;
- (c) toelae en fondse wat van enige persoon ontvang is;
- (d) vrywillige bydraes, skenkings en bemakings;
- (e) inkomste wat van beleggings verkry word;
- (f) boetes ontvang of verhaal ten opsigte van misdrywe kragtens hierdie Wet; en
- (g) geld afkomstig van enige ander bron, met die goedkeuring van die Provinsiale Minister en die Raad, onderhewig aan die Wet op Openbare Finansiële Bestuur.
- (2) CapeNature moet sy fondse aanwend om sy werksaamhede beoog in artikels 10 en 11 te verrig en om—
- (a) sy en die Raad se bedryfs-, administratiewe en bestuurskoste te dek; en
- (b) by te dra tot die befondsing van sy kapitaal- en instandhoudingskoste.
- (3) Die Hoof-Uitvoerende Beampte moet verseker dat alle fondse wat ingevolge subartikel (1) ontvang is, in CapeNature se bankrekening gestort word.
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- Reserwefondse**
30. (1) Die Raad kan, onderhewig aan die Wet op Openbare Finansiële Bestuur en met die instemming van die Provinsiale Minister verantwoordelik vir finansies, finansiële reserwes skep vanuit die fondse wat ingevolge artikel 29(1) ontvang is, ten einde sy werksaamhede te verrig.
- (2) Enige oordragte na en van die finansiële reserwes moet deur die Raad bekragtig word.
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Beleggings

31. Die Raad kan enige van die fondse van CapeNature wat nie onmiddellik benodig word nie, belê, onderthefwig aan enige beleggingsbeleid wat ingevolge artikel 7(4) van die Wet op Openbare Finansiële Bestuur voorgeskryf word en met die instemming van die Provinsiale Minister verantwoordelik vir finansies.

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Deel 6

Ontbinding van Raad of CapeNature

Ontbinding van Raad

32. (1) Indien die Provinsiale Minister op redelike gronde vermoed dat die Raad nie sy werksaamhede ingevolge artikel 12 verrig nie, moet hy of sy 'n voorskrif beoog in artikel 7(2)(c) uitreik.

(2) Indien die Provinsiale Minister nie tevrede is dat die Raad aan die voorskrif beoog in subartikel (1) voldoen het nie, kan die Provinsiale Minister die Raad by kennisgewing in die *Provinsiale Koerant* verbind.

(3) Die Provinsiale Minister kan die werksaamhede van die Raad vanaf die datum van publikasie van die kennisgewing beoog in subartikel (2) tot die aanstelling van 'n nuwe Raad beoog in subartikel (4) verrig.

(4) Die Provinsiale Minister moet binne 'n redelike tydsraamwerk na die ontbinding van die Raad lede in die Raad aanstel soos beoog in artikel 15.

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Ontbinding van CapeNature

33. (1) CapeNature mag nie gelikwider of ontbind word nie behalwe by 'n Wet van die Provinsiale Parlement.

(2) By sy ontbinding moet CapeNature sy oordilywende bates en die opbrengs van daardie bates oordra aan die Departement of aan 'n gelykwaardige openbare instelling soos omskryf in die Wet op Openbare Finansiële Bestuur, soos deur die Provinsiale Minister bepaal.

Ruimtelike Biodiversiteitsplan

34. (1) CapeNature moet binne een jaar vanaf die inwerkingtreding van hierdie Wet, 30 en dit aan die Provinsiale Minister vir samevoeging voorleë.

(2) Voordat die Provinsiale Minister die Ruimtelike Biodiversiteitsplan aanneem, moet hy of sy—

(a) in die amptelike tale van die Provinsie, 'n verwysing na waar die publiek tot die konsep- Ruimtelike Biodiversiteitsplan toegang kan kry, publiseer—

(i) by kennisgewing in die *Provinsiale Koerant*; en

(ii) in twee koerante wat in die Provinsie sirkuleer, waarvan minstens een in gedrukte formaat moet wees;

(b) die konsep- Ruimtelike Biodiversiteitsplan op 'n redelike wyse op die plek vermeld ingevolge paragraaf (a) aan die publiek beskikbaar stel en toeganklik maak; en

(c) 'n tydperk van minstens 60 dae vanaf die publikasiedatum van die kennisgewing in die *Provinsiale Koerant* vir kommentaarlewering toelaat.

(3) Die Provinsiale Minister moet—

(a) alle kommentaar wat ontvang is, oorweeg;

(b) met die Nasionale Minister oor die finale Ruimtelike Biodiversiteitsplan ooreenstemming; en

(c) binne 150 dae vanaf die verstykking van die kommentaar tydperk beoog in subartikel (2)(c) die finale Ruimtelike Biodiversiteitsplan aanneem en dit by kennisgewing in die *Provinsiale Koerant* publiseer.

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- Doel van Ruimtelike Biodiversiteitsplan**
35. Die doel van 'n Ruimtelike Biodiversiteitsplan is om—
- (a) biodiversiteitsmikropunte te stel;
- (b) ruimtelik een of meer kategorieë van biodiversiteitsprioriteitsgebiede te identifiseer wat die voortgesette besaan en funksionering van biodiversiteit en ekosisteme, insluitende die lewering van ekosistemeiensde, sal verseker; en
- (c) riglyne te verskaf wat die gewenste bestuursdoelwite vir grond- en hulpbrongebruik in elke kategorie biodiversiteitsprioriteitsgebied uiteensit;
- (d) riglyne vir ruimtelike beplanning en grondgebruikbesluitneming te verskaf om omgewingsvulhoubare ontwikkeling en hulpbrongebruik en ekologiese en ruimtelike veerkragtigheid in die Provinsie te verseker; en
- (e) verseker dat die ekologiese infrastruktuur in die Provinsie in stand gehou word, ekosistemeintegrasie en -verlies vermy word en dat die veerkragtigheid van ekosisteme en menslike gemeenskappe teen die impakte van klimaatverandering verskerk word.
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- Inhoud van Ruimtelike Biodiversiteitsplan**
36. 'n Ruimtelike Biodiversiteitsplan moet—
- (a) met behulp van die beginsels en metodes van stelselmatige biodiversiteitsbeplanning ontwikkel word, en moet op die beste beskikbare wetenskap en data gebaseer wees;
- (b) biodiversiteitsmikropunte stel wat die kategorieë van biodiversiteitsprioriteitsgebiede moet onderle;
- (c) biodiversiteitsprioriteitsgebiede identifiseer volgens die kategorieë en mikropunte beoog in paragraaf (b);
- (d) 'n ruimtelike voorstelling en ruimtelike data van biodiversiteitsprioriteitsgebiede bevat; en
- (e) riglyne vir gewenste bestuursdoelwite bevat vir elke kategorie biodiversiteitsprioriteitsgebied wat ingevolge paragraaf (c) geïdentifiseer word.
- Gebruik en toepassing van Ruimtelike Biodiversiteitsplan**
37. (1) Die Ruimtelike Biodiversiteitsplan is 'n provinsiale plan soos beoog in—
- (a) artikels 25(1)(e), 26(d), 27(2)(a) en 29(1)(c) van die Wet op Plaaslike Regering; Munisipale Stelsels;
- (b) artikels 12(4), 15(3)(b) en 16(c) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur; en
- (c) artikel 4(3)(c)(ii) en (iii) van die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014),
- wat die prioriteit, doelwite en strategieë vir biodiversiteit, ekologiese hulpbronne en verwante klimaatveranderingsaanpassing daarstel.
- (2) Die Ruimtelike Biodiversiteitsplan moet ten grondslag van die volgende lê:
- (a) die Uitbreidingsstrategie vir Provinsiale Beskernde Gebiede en biodiversiteitsopsigterkapp;
- (b) die identifisering van ekosisteme en ekologiese infrastruktuur en die lysing van spesies ingevolge hierdie Wet en ander omgewingswetgewing;
- (c) grondgebruikbeplanning en -besluitneming;
- (d) beleid en riglyne wat ingevolge omgewingswetgewing opgestel is;
- (e) enige besluitnemingstelsel, omgewingsbestuursdokument of state-gewese omgewingsevaluasie wat ingevolge omgewingswetgewing ontwikkel of gebruik word;
- (f) besluite en handelinge deur enige staatsorgaan wie se beleid en besluite 'n impak op biodiversiteit in die Provinsie het; en
- (g) biodiversiteitswetgewing.
- (3) Wanneer 'n munisipaliteit sy ruimtelike ontwikkelingsraamwerk ingevolge die Wet op Plaaslike Regering; Munisipale Stelsels saamneem of wysig ten opsigte van grondgebruiksangewende in gebiede wat in die Ruimtelike Biodiversiteitsplan as biodiversiteitsprioriteitsgebiede geïdentifiseer is, moet die munisipaliteit aandui hoe die grondgebruikbeplanningkategorieë in die ruimtelike ontwikkelingsraamwerk die gewenste bestuursdoelwite in die riglyne beoog in artikel 36(e) in aanmerking geneem het.
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50 Gebiede aanneem en dit by kennisgewing in die *Provinciale Koerant* publiseer.

subartikel (3)(c) die finale Uitbreidingsstrategie vir Provinciale Beskernde

(b) binne 90 dae vanaf die verstykking van die kommentaartydperk beoog in

(a) alle kommentaar wat ontvang is, oorweeg; en

45 (4) Die Provinciale Minister moet—

(c) 'n kommentaartydperk van minstens 60 dae vanaf die datum van publikasie

van die kennisgewing in die *Provinciale Koerant* toelaat.

(b) die konsep-Uitbreidingsstrategie vir Provinciale Beskernde Gebiede op 'n

40 redelike wyse op die plek vermeld ingevolge paragraaf (a) aan die publiek

in gedrukte formaat moet wees;

(i) by kennisgewing in die *Provinciale Koerant*; en

(ii) in twee koerante wat in die Provinciale sirkuleer, waarvan minstens een

in gedrukte formaat moet wees;

35 Gebiede kan kry, publiseer—

(a) in die ampelike tale van die Provincie, 'n verwysing na waar die publiek

toegang tot die konsep-Uitbreidingsstrategie vir Provinciale Beskernde

Beskernde Gebiede aanneem, moet hy of sy—

(3) Voordat die Provinciale Minister die Uitbreidingsstrategie vir Provinciale

30 Beskernde Gebiede opstel en dit aan die Provinciale Minister vir aanneming voorle.

inwerkingtreding van hiendie Wet, 'n konsep-Uitbreidingsstrategie vir Provinciale

(2) Capenature moet, na oortleg met die Departementshoof, binne twee jaar vanaf die

skapskategorie beoog in artikel 42(1)(a) toepas.

(b) kan die Hoof-Uitvoerende Beampte enige gepaste biodiversiteitsopsigter-

25 Beskernde Gebiede; en

(ii) die verklaaring van beskernde gebiede ingevolge die Wet op 25

en die meganismes vir sodanige uitbreiding aandevael; en

provinciale beskerndegebiedennetwerk, wat kwantitatiewe mikpunte stel

(i) die aanneming van 'n provinciale strategie vir die uitbreiding van die

(a) moet die Provinciale Minister enige gepaste maatêel tref, insluitende—

20 39. (1) Ten einde die doelwitte beoog in artikel 2(g) te bereik—

Uitbreidingsstrategie vir Provinciale Beskernde Gebiede
Uitbreiding van beskernde gebiede

Deel I

BESKERMDE GEBIEDE, BERGOPVANGSGEBIEDE, BIODIVERSITEITSOPSIGTERS- EN BIOSFERRESERVATE

15 **HOOFSTUK 6**

Heriening van Ruimtelike Biodiversiteitsplan

5

38. (1) Capenature moet, na oortleg met die Departementshoof, die Ruimtelike

Biodiversiteitsplan minstens elke vyf jaar hersien of wanneer die Provinciale Minister

hom opdrag gee om dit te doen.

(2) Artikel 34 is van toepassing, met die nodige veranderinge, op die hersiening en

10 wysiging van die Ruimtelike Biodiversiteitsplan.

(3) Die Provinciale Minister moet minstens elke vyf jaar die Ruimtelike Biodiversiteits-

teitsplan evalueer om te bepaal of en die mate waarin die doelwitte en mikpunte van die

plan bereik is.

Deel 2

Bergopvangsgebiede

Verklaring van bergopvangsgebiede

40. (1) Die Provinsiale Minister kan by kennisgewing in die *Provinsiale Koerant*—
 (a) 'n gebied verklaar as—
 (i) 'n bergopvangsgebied; of
 (ii) deel van 'n bestaande bergopvangsgebied; en
 (b) 'n naam aan daardie bergopvangsgebied toeken.
 (2) Die Provinsiale Minister kan ingevolge subartikel (1)(a) 'n verklaring maak indien die beheer en bestuur van aktiwiteit en hulpbronne in die betrokke gebied vereis word om—
 (a) die biodiversiteit en ekosisteme in die gebied in stand te hou;
 (b) die ekologiese infrastruktuur en die verskaffing van ekosistemdienste, veral waterverskaffing, in stand te hou;
 (c) te verseker dat die gebruik van ekosistemdienste in die gebied volhoubaar is.

- 15 (3) Die Provinsiale Minister kan 'n verklaring ingevolge subartikel (1) maak ten opsigte van enige grond, insluitende grond in private besit.
 (4) Indien die Provinsiale Minister op redelike gronde tevrede is dat 'n bergopvangsgebied, of enige gedeelte daarvan, nie meer as sodanig nodig word nie, kan die Provinsiale Minister, by kennisgewing in die *Provinsiale Koerant*, na gelang van die geval—

- (a) die verklaring van daardie bergopvangsgebied intrek; of
 (b) die grense van daardie bergopvangsgebied verander om enige gedeelte daarvan uit te sluit.
 (5) Voordat die Provinsiale Minister 'n kennisgewing beoog in subartikel (1)(a), (3) of (4) uitteik, moet hy of sy, op die voorgeskrewe wyse, die betrokke grondienaars van die beoogde kennisgewing en die gevolge van die kennisgewing in kennis stel en aan hulle 'n redelike geleentheid gee om kommentaar te lewer.
 (6) 'n Gebied wat, by die inwerkingtreding van hierdie Wet, uit hoofde van 'n verklaring kragtens artikel 2 van die Wet op Bergopvangsgebiede 'n bergopvangsgebied is, word gegag kragtens subartikel (1) tot 'n bergopvangsgebied verklaar te wees.

- (7) 'n Gebied hou op om 'n bergopvangsgebied te wees indien daardie gebied ingevolge artikel 18, 20 of 23 van die Wet op Beskernde Gebiede verklaar word as, of ingesluit word by, 'n spesiale natuurreserwaat, nasionale park of natuurreserwaat of 'n gedeelte daarvan.
 35

Bestuur van bergopvangsgebiede

41. Die Provinsiale Minister kan—
 (a) spesifieke vereistes vir die bestuur van bergopvangsgebiede voorskryf; of
 (b) spesifieke aktiwiteite voorskryf wat in bergopvangsgebiede verbied word, met inganeming van die vereistes van artikel 40(2).
 40

Deel 3

Biodiversiteitsopsigterskap

Biodiversiteitsopsigterskap

42. (1) Ten einde die Uitbreidingsstrategie vir Provinsiale Beskernde Gebiede te implementeer, kan die Provinsiale Minister die volgende voorskryf:
 45 (a) verskillende kategorieë van biodiversiteitsopsigterskapsgebiede;
 (b) maatslawe en voorwaardes wat op elke kategorie van biodiversiteitsopsigterskapsgebied van toepassing is;
 (c) 'n aansoekproses vir die registrasie, wysigting van die grense van, of intrekking van die registrasie van 'n biodiversiteitsopsigterskapsgebied;
 50 (d) die regte, plichte en bevoegdhede van grondeienaars ten opsigte van biodiversiteitsopsigterskapsgebiede;
 (e) die maatslawe en doelwitte vir die bestuursplanning van biodiversiteitsopsigterskapsgebiede; en

- (f) enige ander aangelenheid wat nodig is vir die behoorlike bestuur van biodiversiteitsopsligterskapsgebiede.
- (2) Die Hoof- Uitvoerende Beampte kan 'n biodiversiteitsopsligterskapsoreenkoms met enige grondtenaar aangaan.
- (3) Capenature moet die status van biodiversiteitsopsligterskapsoreenkoms en biodiversiteitsopsligterskapsgebiede monitor en jaarliks aan die Provinsiale Minister daarvan verslag doen.
- (4) Indien 'n grondtenaar wat 'n party is tot 'n biodiversiteitsopsligterskapsoreenkoms, daardie ooreenkoms verbreek, kan die Provinsiale Minister ingevolge artikel 71 'n administratiewe boete ople.
- (5) Die oplegging van 'n administratiewe boete soos beoog in subartikel (4) raak nie enige persoon se gemeenregtelike regte nie.

Deel 4

Biosfeerreserwate

Aansoek om UNESCO-aanwysing as biosfeerreserwaat

15

43. (1) Enige persoon of staatsorgaan kan die Provinsiale Minister se goedkeuring versoek om met 'n aansoek om UNESCO-aanwysing van 'n biosfeerreserwaat voort te gaan.

(2) 'n Versoek beoog in subartikel (1) moet—

- (a) voorafgegaan word deur die voorgeskrewe openbaredeelnemingsproses;
- (b) ooreenkomsig die voorgeskrewe formaat wees; en
- (c) die voorgestelde samestelling van 'n tussenliggende biosfeerreserwaatkomitee insluit wat breedweg verteenwoordigend van alle belanghebbende persone, instellings en gemeenskappe is.

(3) Die Provinsiale Minister kan die versoek beoog in subartikel (2) met of sonder

voorwaardes goedkeur of dit weier.

(4) Indien die Provinsiale Minister die versoek goedkeur, moet die tussenliggende biosfeerreserwaatkomitee—

- (a) op die voorgeskrewe wyse ingestel word;
- (b) die aansoek om UNESCO-aanwysing van die biosfeerreserwaat opstel in die

formaat wat die UNESCO-Mens en die Biosfeer-program bepaal;

(c) die aansoek aan die Provinsiale Minister voorle binne die voorgeskrewe

tydperk of enige verlengde tydperk bepaal deur die Provinsiale Minister; en

(d) indien die Provinsiale Minister dit versoek, die aansoek ooreenkomsig die

Provinsiale Minister se instruksies wysig.

(5) Indien die Provinsiale Minister tevrede is dat die aansoek—

- (a) aan die tersaaklike maatskappye van die UNESCO-Mens en die Biosfeer-

program voldoen;

(b) bestaande is met die oorgemerkte van hierdie Wet; en

(c) indien van toepassing, die wysigings beoog in subartikel (4)(d) beval,

kan die Provinsiale Minister goedkeur dat die aansoek om UNESCO-aanwysing

aangestuur word na die Nasionale Minister vir oorweging voordat dit aan UNESCO

voorgelê word.

(6) Indien UNESCO die biosfeerreserwaat aanwys, moet die Provinsiale Minister

binne 90 dae vanaf UNESCO se aanwysing 'n kennisgewing van die aanwysing in die

Provinsiale Koerant publiseer.

(7) Die Provinsiale Minister moet minstens elke 10 jaar, met ingang van die

aanwysing van 'n biosfeerreserwaat, die status, funksionering, doeltreffendheid en

raamwerkplan van die biosfeerreserwaat volgens die toepaslike doelwite, strategieë en

riglyne van die UNESCO-Mens en die Biosfeer-program hersien.

(8) Indien die Provinsiale Minister van mening is, na oorleg met die bestuurskomitee

beoog in artikel 44 en belanghebbende en geraakte partye, dat 'n biosfeerreserwaat nie

meer aan die kernwerksaamhede van die UNESCO-Mens en die Biosfeer-program

voldoen nie en nie meer die vooruitsig het om aldus te voldoen nie, kan die Provinsiale

Minister aan die Nasionale Minister aanbeveel om 'n versoek aan UNESCO te rig vir

die intrekking van die aanwysing van daardie biosfeerreserwaat.

(9) 'n Biosfeerreserwaat wat voor die inwerkingtreding van hierdie Wet in die

Provinsie ingestel is, word geag ingevolge hierdie Wet ingestel te wees.

Bestuur van biosfeerreservate

44. (1) Na die publikasie van die aanwysing van 'n biosfeerreservaat in die *Provinsiale Koerant* moet die tussentydse biosfeerreservaatkomitee 'n bestuurskomitee op die voorgeskrewe wyse instel, waarna die tussentydse biosfeerreservaatkomitee ontbind.
- (2) Die bestuurskomitee moet—
- (a) verseker dat die biosfeerreservaat sy bewarings-, volhoubaarontwikkelings- en bedryfswerksaamhede uitvoer;
- (b) 'n Biosfeerreservaatwerkplan soos beoog in artikel 45 opstel; en
- (c) jaarliks aan die Provinsiale Minister verslag doen, of met korter tussenposes bepaal deur die Provinsiale Minister, van die bereiking van die doelwitte en die bedryfswigbiede van die biosfeerreservaat.

Biosfeerreservaatwarkplan

45. (1) 'n Biosfeerreservaatwarkplan moet alle grond binne die biosfeerreservaat as kern-, buffer- of oorgangsgebiede kategoriseer en kan grondgebiede identifiseer wat in elke kategorie gepas is.

- (2) 'n Biosfeerreservaatwarkplan moet bestaanbaar wees met—
- (a) die UNESCO-Mens en die Biosfeer-program;
- (b) die bestuursplanne vir beskermde gebiede binne die biosfeerreservaat ingevolge die Wet op Beskermde Gebiede;
- (c) die Ruimtelike Biodiversiteitsplan;
- (d) die Uitbreidingsstrategie vir Provinsiale Beskermde Gebiede;
- (e) die oogmerke van hierdie Wet; en
- (f) enige ander voorgeskrewe aangeleentheid.
- (3) Die Provinsiale Minister kan die inhoud van 'n Biosfeerreservaatwarkplan en die typerk waarbinne die plan deur die bestuurskomitee van 'n biosfeerreservaat hersien moet word, voorskryf.

Befondsing van biosfeerreservate

46. (1) Die Provinsiale Minister kan, ooreenkomstig 'n bewilliging deur die Provinsiale Parlement, ten opsigte van die instelling, bedryf, bestuur of uitbreiding van, of ten opsigte van bewaring in, 'n biosfeerreservaat finansieel of ander bystand verleen.
- (2) Die bystand beoog in subartikel (1) kan onderhevig gemaak word aan voorwaar-des wat die Provinsiale Minister bepaal.

HOOFSTUK 7

BESKERMING VAN EKOSISTEME, EKOLOGIESE INFRASTRUKTUR EN SPESIES

Ekosisteme of ekologiese infrastruktuur wat spesiale beskerming benodig

47. (1) Die Provinsiale Minister, met die instemming van die Nasionale Minister, kan by kennisgewing in die *Provinsiale Koerant* 'n ekosissteem of 'n gedeelte daarvan of 'n gebied van ekologiese infrastruktuur identifiseer wat spesiale beskerming benodig om die instandhouding van die ekologiese integriteit daarvan of die lewering van ekosissteemdienste te verseker.
- (2) 'n Kennisgewing beoog in subartikel (1) kan voorbereiding maak vir—
- (a) die verbod op of beperking van enige aktiwiteit; en
- (b) die instelling van bestuursverreistes vir enige grondeienaar, binne die geïdentifiseerde ekosissteem of ekologiese infrastruktuur, hetsy permanent of vir 'n vermeldde tydperk.
- (3) Voordat die Provinsiale Minister 'n kennisgewing beoog in subartikel (1) uitreik, moet hy of sy, op die voorgeskrewe wyse, die betrokke grondeienaars van die beoogde kennisgewing en die gevolge van die kennisgewing in kennis stel en aan hulle 'n redelike geleentheid gee om kommentaar te lewer.
- (4) Die Provinsiale Minister, met die instemming van die Nasionale Minister, kan by kennisgewing in die *Provinsiale Koerant* 'n kennisgewing beoog in subartikel (1), of enige gedeelte van die kennisgewing, wysig of intrek indien die omstandighede wat

veroorzaak het dat die Provinsiale Minister sy of haar bevoegdhede ingevolge subartikel (1) uitgeoefen het, verander het.

Biodiversiteitswetlike en ander versagtingsmaatreëls

48. Die Provinsiale Minister kan vereistes vir biodiversiteitswetlike of ander versagtingsmaatreëls in die Provinsiale Voorstryf en riglyne daarvoor publiseer, ten einde die biodiversiteitspunt geseel in die Ruimtelike Biodiversiteitsplan te bereik en oordlywende nadelige uitwerking op biodiversiteit as gevolg van ontwikkeling reg te stel.

Spesies wat beskerming benodig of bedreiging vir omgewing inhou

49. (1) Die Provinsiale Minister kan, by kennisgewing in die *Provinsiale Koerant*, 'n lys van beperkte aktiwiteite of beperkte metodes ten opsigte van enige spesie of enige kategorie spesie wat ingevolge subartikel (2) gelys word, publiseer.

(2) Die Provinsiale Minister kan, by kennisgewing in die *Provinsiale Koerant*, 'n lys van die volgende spesies of kategorie spesies publiseer:

- (a) spesies wat in die natuur uitgestert het;
- (b) kritiek bedreigde spesies;
- (c) bedreigde spesies;
- (d) kwesbare spesies;
- (e) spesies wat beskerming benodig en nie ingevolge paragraaf (a), (b), (c) of (d) gelys is nie, insluitende spesies gelys—

(i) deur die IUCN as Ampere Bedreig, Ontoereikende Data of Nie Geëvalueer nie; of

(ii) in aanhangsels I, II en III van CITES;

- (f) enige ander inheemse spesies wat nie ingevolge paragraaf (a), (b), (c), (d) of (e) gelys is nie;
- (g) buitelandse spesies;
- (h) inheemse spesies behalwe buitelandse spesies;
- (i) spesies wat spesiale versagtingsmaatreëls benodig; en
- (j) mak spesies.

(3) Die Provinsiale Minister moet minstens elke vyf jaar die lys spesies wat kels (1), (2) en (7) hersien.

(4) Die Provinsiale Minister moet die spesiale versagtingsmaatreëls vir spesies wat ingevolge subartikel (2)(f) gelys word, voorskryf.

(5) Geen persoon mag 'n beperkte aktiwiteit of beperkte metode verrig waarby 'n spesie gelys ingevolge subartikel (2) betrokke is nie, tensy die persoon ingevolge artikel 51(1)(a) gemagtig is om dit te doen.

(6) Subartikel (5) is nie van toepassing op 'n gelysde spesie wat van buite die Provinsie ingebring is en onderweg is deur die Provinsie na 'n bestemming buite die Provinsie nie, mits die deurgang deur die Provinsie met 'n toepaslike magtiging ingevolge enige wet geskied.

(7) Die Provinsiale Minister kan, by kennisgewing in die *Provinsiale Koerant*, die volgende publiseer—

- (a) 'n lys van spesies; en
- (b) die lys van beperkte aktiwiteite of beperkte metodes beoog in subartikel (1) met betrekking tot 'n spesie beoog in paragraaf (a),

ten opsigte waarvan 'n magtiging nie ingevolge hierdie Wet uitgereik mag word nie.

(8) Geen persoon mag 'n beperkte aktiwiteit of beperkte metode met betrekking tot 'n spesie gelys ingevolge subartikel (7) uitvoer nie.

HOOFTUK 8 MAGTING

50

Aansoek om magtiging

50. 'n Aansoek om 'n magtiging wat ingevolge enige bepaling van hierdie Wet vereis word, moet op die voorgeskrewe wyse skriftelik by die Hoof-Uitvoerende Beampte ingedien word.

Besluit oor aansoek om magtiging

51. (1) Die Hoof- Uitvoerende Beampte kan, onderhewig aan artikel 79—
(a) 'n aansoek om magtiging met of sonder voorwaardes goedkeur; of
(b) 'n aansoek om magtiging weier.
(2) Die Hoof- Uitvoerende Beampte kan verdere inligting versoek, insluitende 'n
onafhanklike risiko-evaluasie of deskundige getuenis beoog in artikel 52, voordat hy of
sy die besluit beoog in subartikel (1) neem.
(3) Die Hoof- Uitvoerende Beampte moet 'n aansoek weier indien dit onbestaanbaar
is met—
(a) die beginsels van ekologiese volhoubaarheid beoog in artikel 6 of enige ander
bepaling van hierdie Wet;
(b) enige tersaaklike strategieë of planne wat ingevolge hierdie Wet aangeneem of
goedgekeur is;
(c) die Biodiversiteitswet; of
(d) onderhewig aan artikel 231 van die Grondwet, enige toepaslike internasionale
ooreenkoms.

Risiko-evaluasies en deskundige getuenis

52. Voordat die Hoof- Uitvoerende Beampte 'n besluit oor 'n aansoek om magtiging
neem, kan hy of sy van die aansoeker vereis om, op die aansoeker se onkosse, die
onafhanklike risiko-evaluasie of deskundige getuenis te verskat wat—
(a) die Hoof- Uitvoerende Beampte bepaal nodig is om 'n besluit oor die aansoek
te neem; of
(b) voorgeskryf word.
53. Geen persoon mag in besit wees van 'n eksemplaar nie tensy hy of sy ook in besit
is van die voorgeskrewe dokumentasie wat bewys lewer van die wettige besit vir die
eksemplaar.

Geïntegreerde magtiging

54. (1) Indien die Hoof- Uitvoerende Beampte kragtens 'n ander wet bevoeg is om 'n
magtiging ingevolge daardie ander wet uit te reik vir 'n aktiwiteit wat ook magtiging
kragtens hierdie Wet vereis, kan die Hoof- Uitvoerende Beampte 'n enkele geïntegreer-
de magtiging uitreik.
(2) 'n Geïntegreerde magtiging mag uitgereik word slegs indien die betrokke aansoek
aan die tersaaklike bepalings van hierdie Wet en die ander wet voldoen.

Hersiening, opskorting, intrekking en wysiging van magtiging

55. (1) Die Hoof- Uitvoerende Beampte kan te eniger tyd 'n magtiging of enige
gedeelte daarvan wat deur hom of haar toegestaan is, op die voorgeskrewe wyse wysig
of intrek indien—
(a) hy of sy op redelike gronde tevrede is dat die aktiwiteit of aktiwiteite wat deur
die magtiging gemagtig is, 'n nadelige uitwerking veroorsaak of 'n
aansienlike negatiewe impak op die omgewing kan hê wat nie ten tyde van die
magtiging voorsien is nie;
(b) die houër van die magtiging—
(i) onakkurate, foutiewe of misleidende inligting in verband met enige
aangeleentheid ingedien het wat ingevolge hierdie Wet ingedien moet
word en wat die besluit of optrede van die Hoof- Uitvoerende Beampte
wesenslik sou beïnvloed het;
(ii) versum om aan enige voorwaarde van die magtiging te voldoen;
(iii) versum om aan enige bepaling van hierdie Wet te voldoen of
ondersoek word vir versum om te voldoen aan enige ander wetgewing
wat die gemagtigde aktiwiteit reguleer of daarmee verband hou; of
(iv) ingevolge hierdie Wet of enige ander provinsiale of nasionale
wetgewing wat met die gemagtigde aktiwiteit verband hou, aan 'n
misdryf skuldig bevind is.

- (2) Die Hoof- Uitvoerende Beampte kan op die voorgeskrewe wyse die magtiging of 'n gedeelte daarvan opskort voordat hy of sy maaatels soos beoog in subartikel (1) tref. 'n gedeelte daarvan opskort voordat hy of sy maaatels soos beoog in subartikel (1) tref. (3) 'n Magtiging, of 'n gedeelte daarvan, wat opgeskort is, bly opgeskort totdat die Hoof- Uitvoerende Beampte—
- (a) die opskorting ophet;
 (b) die magtiging wysig; of
 (c) die magtiging intrek.
- (4) Die Hoof- Uitvoerende Beampte kan—
- (a) enige redelike maaatels tref om die situasie reg te stel wat kan ontstaan as gevolg van die opskorting of intekking van 'n magtiging of 'n gedeelte daarvan weens nievoldoening deur die houer van die magtiging aan die toepaslike wetgewing; en
 (b) van die houer van die magtiging enige redelike koste verhaal wat aangegaan en genoodsaak is deur die maaatels soos beoog in paragraaf (a) te tref.
- HOOFSTUK 9**
- VOLDOENING EN AFDWINGING**
- Deel I**
- Volvoering- en afdwingsbeampies en regsaaengeleenthede**
- Aanwysing van natuurbeawaringsbeampies, natuurbeawaringsveldwagters en renaaturbeawaringsbeampies**
- 56. Die Hoof- Uitvoerende Beampte—**
- (a) kan 'n gepas gekwalifiseerde persoon—
- (i) wat in diens is van CapeNature, as 'n natuurbeawaringsbeampte aanwys;
 (ii) wat in diens is van 'n munisipaliteit of staatsorgan, by ooreenkomst met die betrokke werkgewer as 'n natuurbeawaringsveldwagter aanwys; of
 (iii) as 'n renaaturbeawaringsbeampte aanwys;
- (b) moet, wanneer 'n persoon ingevolge paragraaf (a) aangewys word, die bepallings, van hierdie Wet of enige ander wet wat daardie persoon aangewys is om af te dwing, vermeld;
- (c) kan te eniger tyd 'n aanwysing beoog in paragraaf (a) intrek.
- Verklaring van natuurbeawaringsbeampies en natuurbeawaringsveldwagters as vredebeampies**
- 57. Die Hoof- Uitvoerende Beampte kan die Nasionale Minister verantwoordelik vir justisie versoek om natuurbeawaringsbeampies en natuurbeawaringsveldwagters ingevolge artikel 334 van die Strafproseswet as vredebeampies te verklaar vir die verrigting van hul werksaamhede ingevolge hierdie Wet en ten opsigte van bevoegdhede of pligte wat kragtens enige ander wetgewing aan CapeNature gedeleeger of opgedra is.**
- Mandaat van natuurbeawaringsbeampies en natuurbeawaringsveldwagters**
- 58. 'n Natuurbeawaringsbeampte of natuurbeawaringsveldwagter het die mandaat om, binne sy of haar regsg gebied, voldoening aan die volgende af te dwing:**
- (a) hierdie Wet en magtigings uitgereik ingevolge hierdie Wet; en
 (b) enige ander wet waarvoor daardie natuurbeawaringsbeampte of natuurbeawaringsveldwagter aangewys is om af te dwing.
- 59. (1) 'n Erenaturbeawaringsbeampte mag siegs die bevoegdhede uiteenget in subartikels (2) en (3) uitvoeren en siegs binne 'n geografiese gebied vermeld in die aanwysing beoog in artikel 56(a)(iii).**
- (2) 'n Erenaturbeawaringsbeampte kan enige persoon wat enige handeling verrig, of wat die renaaturbeawaringsbeampte redelikerwys vermoed enige handeling verrig het, waarvoor 'n magtiging, vrystelling of bevel of die skriftelike toestemming van 'n

- grondeienaar of van enige ander persoon kragtens enige bepaling van hierdie Wet nodig is, versoek om—
- (a) sodanige magtiging, vrystelling, bevel of toestemming te verskat; en
 (b) sy of haar naam en adres te verskat.
- (3) 'n Erenatuurbeawaringsbeampie kan CapelNature bystaan met—
- (a) die opsporing en verslagdoening van misdrywe ingevolge hierdie Wet; en
 (b) die verrigting van enige bewaringsverwante aktiwiteit, in opdrag van 'n natuurbeawaringsbeampie.
- Werksaamhede van natuurbeawaringsbeampies en natuurbeawaringsveldwagters**
60. 'n Natuurbeawaringsbeampie of natuurbeawaringsveldwagter, onderhewig aan artikel 58—
- (a) moet voldoening aan die wet waarvoor hy of sy aangewys is, monitor en afdwing;
 (b) kan enige handeling of versum ondersoek wat—
- (i) 'n misdryf is ingevolge so 'n wet;
 (ii) 'n verbreking is van so 'n wet; of
 (iii) 'n verbreking is van 'n bepaling of voorwaarde van 'n magtiging of ander dokument uitgereik of vereis ingevolge hierdie Wet;
- (c) moet sy of haar werksaamhede verrig—
- (i) ooreenkomstig opdragte uitgereik deur die Hoof- Uitvoerende Beampie; en
 (ii) onderhewig aan enige beperkings en ooreenkomstige enige prosedures wat voorgeskryf word; en
 (d) kan vergesel word van 'n tolk of enige ander persoon wie se hulp redelikerwys nodig word.
- 25
61. (1) Die Hoof- Uitvoerende Beampie moet 'n identiteitskaart en 'n aanwysingsbrieff uitreik aan elke persoon wat ingevolge artikel 56 aangewys is.
- (2) Wanneer 'n persoon aangewys ingevolge artikel 56 enige bevoegdheid uitoefen of plig verrig ingevolge hierdie Wet, moet hy of sy die identiteitskaart verskat wanneer 'n lid van die publiek hom of haar vra om dit te doen.
- (3) Die Hoof- Uitvoerende Beampie moet in die identiteitskaart en aanwysingsbrieff die mandaat en bevoegdhede van die betrokke natuurbeawaringsbeampie, natuurbeawaringsveldwagter of erenatuurbeawaringsbeampie en enige beperkings ten opsigte van daardie mandaat of daardie bevoegdhede aandui.
- (4) 'n Aanwysing ingevolge artikel 56 eindig wanneer—
- (a) in die geval van 'n natuurbeawaringsbeampie, die beampie die diens van CapelNature verlaat;
 (b) in die geval van 'n natuurbeawaringsveldwagter, die beampie die diens van die munitipaliteit of ander staatsorgaan verlaat wat hom of haar ten tyde van die aanwysing ingevolge artikel 56(a)(ii) in diens gehad het;
- (c) die aanwysing soos beoog in artikel 56(c) ingetrek word; of
 (d) die geldigheidstydperk vermeld in die identiteitskaart of aanwysingsbrieff verstyk het.
- Algemene bevoegdhede van natuurbeawaringsbeampies en natuurbeawaringsveldwagters**
- 45
62. 'n Natuurbeawaringsbeampie of natuurbeawaringsveldwagter, onderhewig aan artikels 58, 60, 63, 64 en 65 en die bepalinge van hul werksaamhede, kan—
- (a) enige dokument, boek of rekord of enige skriftelike of elektroniese inligting wat vir die doeleindes van 'n ondersoek ingevolge artikel 60(b) moonlik relevant kan wees, ondersoek;
 (b) 'n afskrif van of uitreksels uit enige dokument, boek of rekord of enige skriftelike of elektroniese inligting beoog in paragraaf (a) maak, of sodanige dokument, boek, rekord of skriftelike of elektroniese inligting verwyder om afskrifte of uitreksels te maak;
- 55

- (c) van 'n persoon vereis om enige dokument, boek of rekord of enige skriftelike of elektroniese inligting beoog in paragraaf (a) vir inspeksie na 'n plek te bring of daar af te lewer;
- (d) van enige persoon wat hy of sy redelikerwys vermoed—
- (i) 'n beperkte aktiwiteit uitgeoefen het waarvoor 'n magtiging of dokumentasie benodig word soos voorgeskryf kragtens artikel 53 of soos vereis ingevolge hierdie Wet of enige ander wet wat hy of sy aangewys is om af te dwing;
- (ii) 'n misdryf gepleeg het kragtens hierdie Wet of enige ander wet wat hy of sy aangewys is om af te dwing; of
- (iii) aan hom of haar bewyse sal kan verskat in verband met 'n misdryf wat gepleeg of na bewering gepleeg is kragtens hierdie Wet of enige ander Wet wat hy of sy aangewys is om af te dwing.
- die naam en adres en enige ander inligting wat nodig is om daardie persoon te identifiseer, van daardie persoon eis;
- (e) van enige persoon enige inligting met betrekking tot die pleging van 'n misdryf of vermoedelike misdryf aanvaar, insluitende die naam en adres van 'n persoon wat verdink word van die pleging van so 'n misdryf;
- (f) enige eksemplaar, stof of ander item ondersoek wat hy of sy redelikerwys vermoed gebruik is om 'n misdryf te pleg ingevolge die wet waarvoor hy of sy aangewys is en, indien nodig, daarop beslag lê en dit verwyder;
- (g) op enige wyse foto's neem of oudiovisuele opnames maak van enigiets of enige persoon wat tersaaklik is vir die doeleindes van 'n ondersoek of 'n inspeksie;
- (h) onderhewig aan ander toepaslike wetgewing, 'n arststandsbeheerde lugvaartuig gebruik om foto's te neem of oudiovisuele opnames te maak wat tersaaklik is vir die doeleindes van 'n ondersoek of vir 'n inspeksie;
- (i) in grond graawe of boor;
- (j) monstere van enige eksemplaar of ding neem;
- (k) beslag lê op enige afdruk of ander materiaal wat stydig met die wet waarvoor hy of sy aangewys is, geplaas of vrygestel is, en dit verwyder;
- (l) enige persoon opdrag gee om hom of haar by die uitvoering van 'n ondersoek of inspeksie by te staan;
- (m) beslag lê op enige stryk, vangkrag, gif of ander toestel wat redelikerwys vermoed word dat dit gebruik word om 'n wilde diër wedertegtelik te jag of te vang, en kan dit verwyder of, indien daar nie daarop beslag geleë kan word en dit verwyder kan word nie, dit vernietig of skadeloos stel;
- (n) op enige vee of ander diër wat grond onder die beheer van CapeNature onegmatig betree, beslag lê en dit verwyder;
- (o) enige persoon opdrag gee om onmiddellik enige aktiwiteit, handeling of proses te staak wat verband hou met 'n oortreding van die wet waarvoor hy of sy aangewys is;
- (p) enige ander handeling verrig wat nodig is vir die doeleindes van die afdwinging van die wet waarvoor hy of sy aangewys is.
- 45
63. (1) 'n Natuurbehoewaringsbeheer, onderhewig aan artikel 58, kan te eniger redelike tyd 'n roetine-inspeksie uitvoer en, sonder 'n lasbrief, enige perseel betree en inspekteer of enige sak, boks of ander item inspekteer vir die doel om voldoening aan die volgende vas te stel:
- (a) die wetgewing waarvoor die natuurbehoewaringsbeheer aangewys is ingevolge artikel 58; of
- (b) hierdie Wet en 'n bepaling of voorwaarde uitgereik ingevolge hierdie Wet.
- (2) Wanneer 'n natuurbehoewaringsbeheer 'n roetine-inspeksie uitvoer, kan die natuurbehoewaringsbeheer, indien hy of sy redelike gronde het om te vermoed dat 'n misdryf gepleeg is ingevolge die wet waarvoor hy of sy aangewys is—
- (a) beslag lê op enige eksemplaar of item wat in die vervolging van enige persoon as bewys kan dien daardie misdryf, en dit verwyder;
- (b) indien hy of sy 'n vredebesoer is, enige persoon wat redelikerwys verdink word van die pleging van daardie misdryf, in hegtenis neem.

Roetine-inspeksies

64. (1) 'n Natuurbehoewingsbeampie of natuurbehoewingsveldwagter—
 (a) moet, voordat hy of sy enige bevoegdhede ingevolge artikel 62 uitoefen om enige perseel te betree of te deursoek of op enigties beslag te lê, by 'n magistraat 'n lasbrief aanvra, deur onder eed of plechtige verklaring uiteen te sit waarom dit nodig is om die vermeldde perseel te betree en te deursoek of om op die vermeldde item beslag te lê; en
 (b) kan sodanige lasbrief uitvoer.
 (2) Artikels 20 en 21 van die Strafprosedeswet is van toepassing, met die nodige veranderinge, ten opsigte van enige aansoek of lasbrief beoog in subartikel (1).
 (3) Indien 'n natuurbehoewingsbeampie of natuurbehoewingsveldwagter redelike gronde het om te vermoed dat 'n misdryf op of deur middel van enige perseel gepleeg word stydig met die wet waarvoor hy of sy aangewys is, kan hy of sy daardie perseel betree en deursoek sonder 'n lasbrief, maar slegs indien—
 (a) hy of sy die doel van die ondersoek verduidelik en die persoon in beheer van die perseel instem tot die betreding en deursoeking, nadat die persoon ingelig is dat daar geen verpligting is om die beampie of veldwagter sonder 'n lasbrief toe te laat nie; of
 (b) daar redelike gronde is om te glo dat 'n lasbrief op aansoek uitgereik sou word, maar dat die verdragting wat die aansoek om 'n lasbrief kan veroorsaak, die doel van die verkygting van die lasbrief sal verdel.
 (4) Indien 'n natuurbehoewingsbeampie of natuurbehoewingsveldwagter redelike gronde het om te vermoed dat 'n item—
 (a) verband hou met die pleging of vermoedelike pleging van 'n misdryf wat stydig is met die wet waarvoor hy of sy aangewys is;
 (b) as bewys kan dien van die pleging of vermoedelike pleging van so 'n misdryf; of
 (c) bestem is vir gebruik by die pleging van so 'n misdryf,
 kan hy of sy op die item beslag lê sonder 'n lasbrief wat hom of haar magtig om dit te doen, maar slegs indien—
 (i) hy of sy die doel van die beslaglegging verduidelik en die persoon in beheer van die item instem tot die beslaglegging, nadat die persoon ingelig is dat daar geen verpligting is om die beslaglegging sonder 'n lasbrief toe te laat nie; of
 (ii) daar redelike gronde is om te glo dat so 'n lasbrief op aansoek uitgereik sou word, maar dat die verdragting wat die aansoek om 'n lasbrief kan veroorsaak, die doel van die verkygting van die lasbrief sal verdel.
 Bevoegdhede om voertuie, lugvaartuie, lugvaartuie en ander vervoermiddels voor te keer, te betree en te deursoek
 65. (1) Indien 'n natuurbehoewingsbeampie redelike gronde het om te vermoed dat 'n voertuig, vaartuig, lugvaartuig of ander vervoermiddel—
 (a) gebruik word of gebruik is, of enigties bevat of vervoer wat gebruik word of gebruik is, om—
 (i) 'n misdryf ingevolge die wet waarvoor hy of sy aangewys is, te pleeg; of
 (ii) 'n bepaling of voorwaarde van 'n magtiging of dokument wat ingevolge hierdie Wet uitgereik is of vereis word, te verbreek;
 (b) as bewys kan dien van die pleging of vermoedelike pleging van so 'n misdryf; (c) mensse vervoer wat moonlik inligting kan verskat oor die pleging of vermoedelike pleging van so 'n misdryf;
 (d) bestem is om gebruik te word of op redelike gronde geglo word bestem te wees om gebruik te word by die pleging van so 'n misdryf;
 (e) gebruik word op 'n wyse wat waarskynlik 'n nadelige uitwerking op die omgewing sal hê; of
 (f) iets bevat of vervoer wat as bewys kan dien van so 'n misdryf of verbrekking, kan hy of sy—
 (i) die operateur aan boord van die voertuig, vaartuig of ander vervoermiddel opdrag gee om stil te hou, of aan die kaptein van die vaartuig om vas te meer of aan die loods van die vliegtuig om te land; en

- 55 bedrag teruggegee word.
- (4) Indien die hof tevrede is dat daar omstandighede is wat 'n kleiner bedrag sekuriteit regverdig, kan die hof 'n bevel uitreik dat die voertuig, vaartuig, lugvaartuig of ander vervoermiddel onderhewig aan die verskaffing van sekuriteit vir sodanige kleiner verhaalbaar is.
- 50 (c) die koste en uitgawes aangegaan deur die staat of wat redelikerwys vermag word deur die staat aangegaan sal word in verband met die geregtelike vervolging van die misdryf en wat ingevolge artikel 55(4)(b) en 70(b)
- (b) die maksimum boete wat 'n hof ingevolge hierdie Wet kan ople vir die vervoermiddel;
- 45 (a) die markwaarde van die voertuig, vaartuig, lugvaartuig of ander vervoermiddel;
- (3) Die bedrag sekuriteit moet minstens gelyk wees aan die som van—
- (2) Die hof kan bevel dat die voertuig, vaartuig, lugvaartuig of ander vervoermiddel by die verskaffing van sekuriteit bepaal deur die hof, teruggegee word.
- 40 aansoek doen vir die teruggawe daarvan.
- vervolging gehou word, kan die eienaar of agent van die eienaar te eniger tyd by 'n hof ander vervoermiddel beslag gele word en dit vir die doeleindes van strafregtelike
68. (1) Indien daar ingevolge hierdie Wet op 'n voertuig, vaartuig, lugvaartuig of

- vervoermiddele
- Sekuriteit vir teruggawe van voertuie, vaartuie, lugvaartuie of ander
- 35 moet op so 'n wyse bewaar word dat dit so ver as moontlik teen skade beveilig is.
- (4) 'n Item waarop daar ingevolge hierdie Wet beslag gele is, insluitende 'n gedeelte veldwagter dit immobiliseer deur enige onderdeel daarvan te verwyder.
- 30 beslag gele is, te beveilig, kan 'n natuurbehoewaringsbeampte of natuurbehoewarings- (3) Ten einde 'n voertuig, vaartuig, lugvaartuig of ander vervoermiddel waarop daar met die nodige veranderinge.
- of item beoog in subartikel (1) nie, is artikel 31 van die Strafprosedewet van toepassing.
- (2) Indien geen strafregtelike verrigtinge ingesel word in verband met 'n eksemplaar natuurbehoewaringsbeampte of natuurbehoewaringsveldwagter vermeld.
- 25 eksemplaar of item was, opdrag gee om dit na 'n plek te neem wat die (iii) die persoon wat onmiddellik voor die beslaglegging in beheer van die (ii) die eksemplaar of item behou; of oortandig;
- (i) die eksemplaar of item aan 'n lid van die Suid-Afrikaanse Polisiediens
- 20 (b) kan hy of sy—
- daar aldus daarop beslag gele word;
- persoon wat in beheer was van daardie eksemplaar of item verskat wanneer
- (a) moet hy of sy 'n bewys van ontvangs vir die eksemplaar of item aan die elektroniese inligting, beslag lê en dit verwyder—
- 15 ge hierdie Wet op 'n eksemplaar of item, insluitende 'n rekord of skriftelike of
67. (1) Wanneer 'n natuurbehoewaringsveldwagter ingevol-

Handtering van eksemplaar of item waarop beslag gele is

- wagter of erenatuurbehoewaringsbeampte daardie magtiging of dokument verskat.
- 10 dokument, moet, op versoek van 'n natuurbehoewaringsbeampte, natuurbehoewaringsveldwagter of
66. 'n Persoon aan wie 'n magtiging of enige ander dokument ingevolge hierdie Wet uitgereik is, of van wie veris word om in besit te wees van so 'n magtiging of

Plig om dokumente te verskat

- lugvaartuig of ander vervoermiddel of enigiets daarin of daarop.
- 5 betreding en deursoeking van 'n voertuig, vaartuig, lugvaartuig of ander vervoermiddel beoog in subartikel (1) en die beslaglegging op enige sodanige voertuig, vaartuig, (2) Artikel 64 is van toepassing, met die nodige veranderinge, ten opsigte van die geval.
- (ii) indien nodig en moontlik, die voertuig, vaartuig, lugvaartuig of ander vervoermiddel dwing om stil te hou, vas te meer of te land, na gelang van die

Deel 2

Administratiewe afdwingingsmeganismes en boetes

Administratiewe afdwinging

69. (1) Indien die Provinsiale Minister op redelike gronde tevrede is dat enige persoon 'n aktiwiteit strydig met hierdie Wet onderneem, 'n aktiwiteit onderneem wat 'n nadelige uitwerking op biodiversiteit of ekologiese infrastruktuur het of versuim om aan enige dokument of magtiging uitgereik ingevolge hierdie Wet te voldoen, kan die Provinsiale Minister, nadat die betrokke persoon 'n redelike geleentheid gegee is om kommentaar te lewer, 'n lasgewing aan daardie persoon uitreik om—
- 10 (a) die aktiwiteit te staak;
- (b) spesifieke versagtingsmaatreëls te tref om sodanige nadelige uitwerking binne 'n bepaalde tydstraamwerk reg te stel;
- (c) binne 'n spesifieke tydstraamwerk aan die tersaaklike dokument of magtiging te voldoen.
- (2) In die omstandighede beoog in subartikel (1), indien dringende optrede nodig is (3) Indien 'n lasgewing uitgereik aan 'n persoon ingevolge subartikel (1) of (2) verband hou met iets wat plaasvind of moontlik plaasvind op grond waarvan daardie persoon nie die eienaar is nie, kan die Provinsiale Minister ook 'n lasgewing aan die grondeienaar uitreik, in welke geval subartikels (1) en (2) van toepassing is, met die nodige veranderinge.
- 25
70. Indien 'n persoon versuim om aan 'n lasgewing beoog in artikel 69 te voldoen, kan die Provinsiale Minister—
- 30 (a) waar van toepassing, die betrokke magtiging of ander dokument wat die onderwerp van die lasgewing is, kanselleer of verander; en
- (b) enige nodige maatreëls verniel in die lasgewing en enige ander nodige maatreëls tref om die nadelige uitwerking op biodiversiteit en ekologiese infrastruktuur wat uit die versuim om aan die lasgewing te voldoen ontstaan, reg te stel en die koste daarvan verhaal van die persoon wat versuim het om aan die lasgewing te voldoen.
- 35
71. (1) Die Provinsiale Minister kan—
- 40 (a) administratiewe boetes ople vir—
- (i) die oortreding van of nievoldoening aan hierdie Wet;
- (ii) die verbreking van 'n biodiversiteitsopsigterskapsooreenkoms beoog in artikel 42(4);
- (iii) die nievoldoening aan 'n lasgewing uitgereik ingevolge artikel 69(1);
- (iv) 'n misdryf gelys in artikel 72; en
- (b) kategorieë van administratiewe boetes en die prosedure vir die oplegging van sodanige boetes voorskryf.
- 45 (2) Voordat die Provinsiale Minister 'n boete ople, moet hy of sy skriftelik—
- (a) die persoon aan wie die boete beoog word om opgelê te word, in kennis stel van die beoogde boete;
- (b) die besonderhede van die beweerde oortreding, nievoldoening of misdryf en die redes vir die beoogde oplegging van die boete;
- (c) die bedrag van die boete wat beoog word om opgelê te word, verniel; en
- (d) 'n geleentheid aan die persoon beoog in paragraaf (a) gee om binne 'n tydperk verniel deur die Provinsiale Minister vertoë te rig.
- 50 (3) Indien 'n persoon aan wie 'n administratiewe boete ingevolge subartikel (1) opgelê is, versuim om die boete te betaal, kan die Provinsiale Minister 'n siviële uitspraak ten bedrae van die boete teen daardie persoon neem.
- (4) Die bepaling van artikels 56, 57 en 57A van die Strafprosesswet is van toepassing.
- 55

Administratiewe boetes

met die nodige veranderinge, op boetes, strawwe en skriftelike kennisgewings beoog in hierdie artikel.

HOOFTUK 10

MISDRYWE EN STRAWWE

5

Misdrywe

72. (1) 'n Persoon is aan 'n kategorie 1-misdryf skuldig indien daardie persoon—
- (a) versum om aan 'n kennisgewing uitgereik ingevolge artikel 47(1), of gewysig soos beoog in artikel 47(4), te voldoen;
 - (b) artikel 49(5) of (8) oortee of versum om daaraan te voldoen;
 - (c) versum om aan 'n lasgewing uitgereik ingevolge artikel 69(1), (2) of (3) te voldoen;
 - (d) wederregtelik enige handeling of versum pleeg wat 'n nadelige uitwerking veroorsaak of waarskynlik sal veroorsaak;
 - (e) die volgende verander, versin of vervals—
 - (i) enige magtiging of ander dokument wat uitgereik of vereis word vir die wettige verrigting van enige handeling ingevolge hierdie Wet;
 - (ii) op enige dokument enige ampelike logo, brieftoef, stempel, waarmerk of datumstempel van die Departement of CapeNature, of die handtekening van enige persoon in hul hoedanigheid as 'n agent of werknemer van die Departement of CapeNature;
 - (f) in besit is van enige wederregtelik veranderde of vervalste dokument wat voorgee om 'n magtiging of 'n vrystelling uitgereik kragtens hierdie Wet te wees, of poog om voor te gee dat so 'n dokument 'n geldige magtiging of vrystelling uitgereik kragtens hierdie Wet is;
 - (g) enige magtiging of dokument ingevolge hierdie Wet verkry of daarvoor aansoek doen—
 - (i) onder 'n vals naam; of
 - (ii) terwyl die persoon deur 'n hofbevel verbied word om die houer van so 'n magtiging of dokument te wees;
 - (h) 'n vals verklaring alle in enige aansoek wat gemaak word of in 'n dokument wat ingevolge hierdie Wet verskat word;
 - (i) enigeis wat as bewys kan dien in verband met 'n misdryf kragtens hierdie Wet verstek, verwyder van enige perseel, vernietig of daarvan ontslae raak om te verhoed dat daar daarop beslag gele word of dat dit opgespoor word, insluitende enige eksemplaar, boek, regisier, dokument, elektoniese rekord, voertuig, masjinerie, werktuig, houer, vuurwapen, wapen, plofstof of gif;
 - (j) enige beaampte wat wettiglik sy of haar mandaat ingevolge hierdie Wet uitvoer of 'n toestel wat wettiglik deur die beaampte gebruik word by die uitvoering van sy of haar mandaat verthinder of belemmer; of
 - (k) voorgee om 'n natuurbeaampte, natuurbeaampte, natuurbeaampte, natuurbeaampte of 'n werknemer of agent van die Departement of CapeNature te wees.
- (2) 'n Persoon is skuldig aan 'n kategorie 2-misdryf indien daardie persoon—
- (a) grond onregmatig betree waarop daar enige wilde dier is of waarskynlik sal wees terwyl die persoon in besit is van 'n wapen, gif of enige middel hoegenaamd wat gebruik kan word om wilde diere te jag, te vang of vrek te maak;
 - (b) in besit gevind word van enige eksemplaar sonder bewys soos beoog in artikel 53 van wettige besit;
 - (c) enige ander persoon forseer of enige persoon toelaat om 'n handeling of versum te pleeg wat strydig is met hierdie Wet; of
 - (d) die houer is van 'n magtiging of vrystelling wat kragtens hierdie Wet uitgereik is en—
 - (i) 'n bepaling of voorwaarde van daardie magtiging of vrystelling oortee of versum om daaraan te voldoen;
 - (ii) nie in besit is van so 'n magtiging of vrystelling nie terwyl die persoon in 'n handeling verrig wat siegs uitgevoer mag word terwyl die persoon in besit van so 'n magtiging of vrystelling is; of
 - (iii) enige ander persoon toelaat om enigeis te doen, of om te versum om enigeis te doen, wat ingevolge subparagraaf (i) of (ii) 'n misdryf is.
- 60

- (3) 'n Persoon is skuldig aan 'n Kategorie 3-misdryf indien daardie persoon—
 (a) versuim om aan 'n inspekse van 'n natuurbehoewaringsbeaampte, natuurbehoewaringsveldwagter of erenatuurbehoewaringsbeaampte te voldoen wat ingevolge hierdie Wet of by die uitvoering van sy of haar bevoegdhede ingevolge hierdie Wet gegee word;
 (b) versuim om aan ondergeskikte wetgewing wat ingevolge hierdie Wet gemaak is, te voldoen;
 (c) wanneer die persoon deur 'n natuurbehoewaringsbeaampte, natuurbehoewaringsveldwagter of erenatuurbehoewaringsbeaampte by die uitvoering van 'n ondersoek of 'n inspekse gevra word om inligting te verskat, valse of misleidende inligting verskat; of
 (d) sonder goeie rede weier of versuim om op versoek van 'n natuurbehoewaringsbeaampte, natuurbehoewaringsveldwagter of erenatuurbehoewaringsbeaampte sy of haar naam en adres of enige inligting of dokument te verskat wat daardie natuurbehoewaringsbeaampte, natuurbehoewaringsveldwagter of erenatuurbehoewaringsbeaampte benodig ten einde sy of haar werksaamhede ingevolge hierdie Wet te verrig.

Strawwe

73. (1) 'n Persoon wat aan 'n Kategorie 1-misdryf beoog in artikel 72(1) skuldig bevind word, is strafbaar met—
 (a) 'n boete van hoogstens R10 miljoen;
 (b) gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; of
 (c) beide sodanige boete en sodanige gevangenisstraf.
 (2) 'n Persoon wat aan 'n Kategorie 2-misdryf beoog in artikel 72(2) skuldig bevind word, is strafbaar met—
 (a) 'n boete van hoogstens R5 miljoen;
 (b) gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;
 (c) beide sodanige boete en sodanige gevangenisstraf; of
 (d) in die geval van 'n tweede of daaropvolgende skuldigbevinding—
 (i) 'n boete van hoogstens R10 miljoen;
 (ii) gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; of
 (iii) beide sodanige boete en sodanige gevangenisstraf.
 (3) 'n Persoon wat aan 'n Kategorie 3-misdryf beoog in artikel 72(3) skuldig bevind word, is strafbaar met—
 (a) 'n boete van hoogstens R1 miljoen;
 (b) gevangenisstraf vir 'n tydperk van hoogstens twee jaar;
 (c) beide sodanige boete en sodanige gevangenisstraf; of
 (d) in die geval van 'n tweede of daaropvolgende skuldigbevinding—
 (i) 'n boete van hoogstens R5 miljoen;
 (ii) gevangenisstraf vir 'n tydperk van hoogstens vyf jaar; of
 (iii) beide sodanige boete en sodanige gevangenisstraf.
 (4) Indien enige oortreding die vang, vrekmaak, oes, besit, te koop aanbied, verkoop, invoer of uitvoer van 'n eksemplaar behels, kan 'n hof, benevens die boetes beoog in subartikels (1), (2) en (3), 'n boete ople wat hoogstens drie keer die marktkwaarde van daardie eksemplaar is.
 (5) Onderwerp aan die Strafproseswet moet boetes wat ingevolge hierdie Wet deur 'n hof opgele word, aan CapetNature betaalbaar gemaak en betaal word.

Kansellasie van magtigings

74. Die hof wat ingevolge hierdie Wet 'n persoon aan 'n misdryf skuldig bevind, kan—
 (a) enige magtiging wat aan daardie persoon uitgereik is, kanselleer;
 (b) daardie persoon onbevoeg verklaar om enige magtiging te verkry vir 'n tydperk van hoogstens vyf jaar;
 (c) beveel dat alle bevoegde owerhede wat gemagtig is om magtigings uit te reik, van enige onbevoegtheid ingevolge paragraaf (b) in kennis gestel word.

75. Indien 'n persoon ingevolge hierdie Wet aan 'n misdryf skuldig bevind is en die handeling of versuim wat die misdryf uitmaak—

(a) veroorsaak het dat enige staatsorgaan enige koste aangegaan het om op enige item beslag te lê, enige grond te rehabiliteer of daardie misdryf te ondersoek en strafregtelik te vervolg;

(b) aan daardie persoon 'n geldelike voordeel of 'n moonlike geldelike voordeel verskat het,

kan die hof wat daardie persoon skuldig bevind, sonder pleitsuik, navraag doen oor die geldelike waarde van die koste aangegaan en die voordeel wat daardie persoon uit daardie misdryf getrek het of waarskynlik sal trek en, benevens enige ander straf wat ten opsigte van daardie misdryf opgelê is, beveil dat 'n bedrag gelyk aan daardie geldelike waarde direk aan CapeNature betaal word as 'n bykomende boete, toekennings van skade of vergoeding, as 'n deel van die vonnis.

15 Verbeurting

76. (1) 'n Hof wat 'n persoon aan 'n misdryf ingevolge hierdie Wet skuldig bevind—

(a) moet enige eksemplaar;

(b) kan enige item, insluitende enige houer, voertuig, lugvaartuig, ander vervoermiddel of dokument, insluitende 'n elektroniese dokument, wat by die misdryf betrokke was of gebruik is vir of in verband met die pleging van die misdryf en waarop daar kragtens hierdie Wet beslag gelê is, aan CapeNature verbeur

(2) Indien enige eksemplaar wat kragtens subartikel (1) aan CapeNature verbeur is, steeds lewe, moet CapeNature verseker dat die eksemplaar—

(a) waar gepas, teruggegee word na die land van uitvoer of die plek van oorsprong op die onkoste van die persoon wat aan die misdryf skuldig bevind is waarby daardie eksemplaar betrokke was;

(b) in 'n toepaslike instelling, reddingsentrum of fasiliteit geplaat word, of by 'n gepaste persoon wat in staat en gewillig is om die eksemplaar te huisves en behoortlik te versorg; of

(c) andersins op 'n geskikte wyse mee weggedoen word.

(3) Indien enige dooie eksemplaar of ander item kragtens subartikel (1) aan CapeNature verbeur is, kan CapeNature—

(a) die eksemplaar of item by 'n geskikte instelling of museum laat deponeer; of

(b) op 'n toepaslike wyse met die eksemplaar of item wegdoen.

HOOFTUK 11
APPËLLE

Appel teen besluite deur CapeNature-beamptes

77. (1) Enige belanghebbende of geraakte persoon kan by die Hoof-Uitvoerende Beampte appelleer teen 'n besluit geneem ingevolge hierdie Wet deur 'n natuurbehearingsbeampte of enige personeel van CapeNature, behalwe die Hoof-Uitvoerende Beampte.

(2) 'n Appel ingevolge subartikel (1) moet op die voorgeskrewe wyse ingedien en hanteer word, by betaling van die voorgeskrewe gelde en binne die voorgeskrewe tydperk.

(3) Die Hoof-Uitvoerende Beampte kan 'n appel oorweeg en daaroor besluit of 'n appelpaneel aanstel om die appel te oorweeg en die Hoof-Uitvoerende Beampte oor die appel te adviseer.

(4) Die Hoof-Uitvoerende Beampte kan, na oorweging van 'n appel, die besluit bevestig, ter syde stel of verander of enige ander gepaste besluit neem, insluitende 'n besluit dat die voorgeskrewe gelde wat die appelliant ingevolge subartikel (2) betaal het, of enige gedeelte daarvan, terugbetaal word.

(5) 'n Appel ingevolge subartikel (1) skort die magtiging of voorwaarde wat daaraan geheg is, op, maar slegs indien daar geen bedreiging van 'n nadelige uitwerking op die omgewing is nie.

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Appel na Provinsiale Minister

78. (1) Enige belanghebbende of geraakte persoon kan by die Provinsiale Minister appelleer teen 'n besluit geneem deur die Hoof-Uitvoerende Beampte of deur 'n persoon wat kragtens 'n bevoegdheid gedeleëer deur die Provinsiale Minister ingevolge hierdie Wet opgetree het.
- (2) 'n Appel ingevolge subartikel (1) moet op die voorgeskrewe wyse ingedien en hanteer word, by betaling van die voorgeskrewe gelde en binne die voorgeskrewe tydperk.
- (3) Die Provinsiale Minister kan 'n appel oorweeg en daaroor besluit of 'n appel-paneel aanstel om die appel te oorweeg en die Provinsiale Minister oor die appel te adviseer.
- (4) Die Provinsiale Minister kan, na oorweging van 'n appel, die besluit bevestig, tersyde stel of verander en bepaal dat die voorgeskrewe gelde wat die appellant ingevolge subartikel (2) betaal het, of enige gedeelte daarvan, terugbetaal word.
- (5) 'n Appel kragtens hierdie artikel skort die implementering van die betrokke besluit en enige magtiging of voorwaarde wat daaraan geheg is, op, maar slegs waar daar geen gevaar van 'n nadelige uitwerking op die omgewing is nie.

HOOFSTUK 12

ALGEMENE EN OORGANGSBEPALINGS

Vrystelling

79. (1) Die Hoof-Uitvoerende Beampte kan, onderthuis aan enige voorwaardes wat die Hoof-Uitvoerende Beampte kan vermeld, enige persoon vrystel van die vereiste ingevolge hierdie Wet vir—
- (a) 'n magtiging; of
- (b) 'n voorwaarde van 'n magtiging.
- (2) Die Provinsiale Minister kan die proses voorskryf wat gevolg moet word vir die indiening en verwerking van 'n aansoek om vrystelling aan die Hoof-Uitvoerende Beampte soos beoog in subartikel (1).

Delegasie

80. (1) Onderthuis aan subartikel (3) kan die Provinsiale Minister enige bevoegdheid of enige plig wat ingevolge hierdie Wet by hom of haar betrus, deleëer of opdra aan—
- (a) die Departementshoof;
- (b) die Raad;
- (c) die Hoof-Uitvoerende Beampte;
- (d) CapelNature;
- (e) 'n munisipaliteit, onderthuis aan die toepaslike wetgewing; of
- (f) enige ander staatsorgaan.
- (2) 'n Delegasie ingevolge subartikel (1)—
- (a) is onderthuis aan enige beperkings of voorwaardes wat die Provinsiale Minister kan ople;
- (b) moet op skrift wees;
- (c) kan die bevoegdheid om te subdeleëer insluit; en
- (d) ondoen nie die Provinsiale Minister van die verantwoordelijkheid rakende die uitvoering van die gedeleëerde bevoegdheid of die verrigting van die gedeleëerde plig nie.
- (3) Die Provinsiale Minister—
- (a) mag nie 'n bevoegdheid of plig van die Provinsiale Minister om ondergeskikte wetgewing te maak, deleëer nie; en
- (b) kan enige delegasie skriftelik intrek.
- (4) Die Departementshoof kan, met die skriftelike toestemming van die Provinsiale Minister, enige van sy of haar bevoegdhede of pligte ingevolge hierdie Wet aan 'n beampte van die Departement deleëer.
- (5) Die Raad of die Hoof-Uitvoerende Beampte kan, met die skriftelike toestemming van die Provinsiale Minister, enige van hul bevoegdhede of pligte ingevolge hierdie Wet aan 'n beampte van CapelNature deleëer.

- (6) Die Raad mag nie die volgende van sy bevoegdhede deleger nie:
 (a) die aanstelling of heraanstelling van 'n persoon as die Hoof- Uitvoerende Beampte;
 (b) die bepaling van die diensvoorwaardes van die Hoof- Uitvoerende Beampte;
 (c) die bepaling van 'n indiensnemingsbeleid vir CapeNature;
 (d) die stel van finansiële perke beoog in artikel 27(4)(f);
 (e) die goedkeuring van die begroting en finansiële jaarstate van CapeNature.
 (7) Subartikels (2) en (3)(b) is van toepassing, met die nodige veranderinge, op 'n delegasie ingevolge subartikel (4) of (5).
- 10 **Regulasies**
81. Die Provinsiale Minister—
 (a) moet regulasies maak wat ingevolge hierdie Wet vereis word;
 (b) kan regulasies maak oor enige aangeleentheid wat nodig of dienstig is om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.
- 15 **Openbare kennisgewings**
82. Die Provinsiale Minister kan 'n kennisgewing in die *Provinsiale Koerant* publiseer—
 (a) oor enige aangeleentheid wat ingevolge hierdie Wet deur middel van 'n kennisgewing gehanteer kan of moet word;
 (b) wat 'n verwysing bevat na 'n plan, strategie of riglyn vir die implementering van hierdie Wet;
 (c) om enige aangeleentheid wat met die administrasie van hierdie Wet verband hou, af te kondig.
- 20 **Prestasiesstandarde**
83. Die Provinsiale Minister kan prestasiesstandarde stel vir die verrigting van enige werksaamheid of vereiste beoog in hierdie Wet.
- 25 **Oortelplegning**
84. (1) Voordat die Provinsiale Minister enige regulasies of kennisgewing ingevolge hierdie Wet publiseer, moet die Provinsiale Minister—
 (a) die konsepregulasies of -kennisgewing in die ampptelike tale van die Provinsie publiseer in—
 (i) die *Provinsiale Koerant*; en
 (ii) twee koerante wat in die Provinsie sirkuleer, waarvan minstens een in gedrukte formaat moet wees;
 (b) oortelpleg met staatsorgane wie se verantwoordelikhedsgebiede direk deur die voorgestelde regulasies of kennisgewing geraak kan word;
 (c) 'n geleentheid vir belanghebbende en geraakte partye gee om kommentaar te lewer vir 'n tydperk van minstens 30 dae vanaf die datum van publikasie in die *Provinsiale Koerant*, behalwe waar 'n ander tydperk by hierdie Wet vermeld word; en
 (d) enige kommentaar wat ontvang is, oorweeg.
- 40 (2) Die Provinsiale Minister kan, waar gepas, die kommentaar tydperk ingevolge subartikel (1)(b) vir 'n redelike tydperk verleng.
 (3) Wanneer die Provinsiale Minister ingevolge hierdie Wet vereis word om met enige persoon of staatsorgaan oortelpleg te pleeg, word sodanige oortelplegting gesag 45 volbring te wees indien 'n formele skriftelike kennisgewing van die voorneme om op te tree aan daardie persoon of staatsorgaan gemaak is en geen antwoord daarop binne die tydperk vermeld in die kennisgewing ontvang is nie.
- Kennisgewings, regsdokumente en stappe geldig in sekere omstandighede**
- 50 85. (1) 'n Kennisgewing, magtiging of ander dokument, wat ingevolge hierdie Wet uitgereik of gepubliseer is—
 (a) wat nie aan enige prosedure vereiste voldoen nie, is nieërin geldig indien die nievoldoening nie wesenlik is en geen persoon benadeel nie;

- (b) kan gewysig of vervang word sonder om 'n prosedurale vereiste van hierdie Wet te volg indien—
 (1) die doel is om 'n fout reg te stel; en
 (ii) die regstelling nie die regte of plichte van enige persoon wesenslik verander nie.
 (2) Die versum om enige stappe vereis by hierdie Wet te doen as 'n voorvereiste vir enige besluit of handeling maak nie die besluit of handeling ongeldig indien die versum—
 (a) nie wesenslik is nie;
 (b) geen persoon benadeel nie; en
 (c) nie prosedureel onregverdig is nie.
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- Beprekking van aanspreeklikheid**
86. Die Provinsiale Minister, die Departementshoof, die Raad, die Hoof- Uitvoerende Beampte, CapeNature of enige persoon wat ingevolge hierdie Wet gedelegeer is, is nie aanspreeklik nie vir enige skade of verlies veroorsaak deur 'n persoon wat, handelend op 'n redelike wyse en te goeder trou—
 (a) ingevolge hierdie Wet 'n bevoegdheid uitoefen of 'n plicht verrig;
 (b) nie ingevolge hierdie Wet 'n bevoegdheid uitoefen of plicht verrig nie; of
 (c) 'n plicht buite sy of haar mandaat verrig.
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- Herroeping van wette**
87. Die wette beoog in die Bylae word herroep in die mate aangedui in die derde kolom van die Bylae.
- Organisepalings**
88. (1) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n natuurbehearingsbeampte, natuurbehearingsveldwagter of erenatuurbehearingsbeampte, natuurbehearingsveldwagter of erenatuurbehearingsbeampte, na gelang van die geval, ingevolge hierdie Wet aangewys te wees.
 (2) 'n Lisenisie, permit, sertifikaat, skriftelike magtiging, opdrag of ander magtiging uitgereik ingevolge die Ordonnansie en wat onmiddellik voor die inwerkingtreding van hierdie Wet geldig was, word geag 'n magtiging, vrysstelling, opdrag of lasgewing, na gelang van die geval, uitgereik ingevolge hierdie Wet te wees.
 (3) 'n Aansoek om 'n lisenisie, permit, sertifikaat, skriftelike magtiging, vrysstelling, bevel of ander magtiging ingedien ingevolge die Ordonnansie wat nog nie gefinaliseer is wanneer hierdie Wet in werking tree nie, moet, ondanks die herroeping van die Ordonnansie by artikel 87 van hierdie Wet, afgehandel word ingevolge die Ordonnansie, en 'n besluit geneem ingevolge die Ordonnansie word geag 'n besluit geneem ingevolge hierdie Wet te wees.
 (4) Die korporatiewe identiteit en die bates, laste, finansies, regte en verpligtinge van die provinsiale openbare instelling beoog in artikel 9 word nie deur sy naamverandering geraak nie.
 (5) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die Wes-Kaapse Natuurbehearingsraad was, word vir die onverstreke gedeelte van sy of haar ampstermyn geag aangestel te wees as 'n lid van die Raad van CapeNature.
 (6) Die Voorstiter van die Wes-Kaapse Natuurbehearingsraad onmiddellik voor die inwerkingtreding van hierdie Wet word vir die onverstreke gedeelte van sy of haar ampstermyn geag aangestel as die Voorstiter van CapeNature te wees.
 (7) Alle persone aangestel deur die Wes-Kaapse Natuurbehearingsraad word geag aangestel te wees ingevolge artikel 27(4)(f) as personeellede van CapeNature, onderhewig aan dieselfde diensvoorwaardes wat onmiddellik voor die herroeping van die Wet op die Wes-Kaapse Natuurbehearingsraad op hulle van toepassing was.
 (8) Subartikel (7) raak nie die pensioene, verlof en ander voordele wat werknemers beoog in daardie subartikel toegeval het voor die herroeping van die Wet op die Wes-Kaapse Natuurbehearingsraad nie.
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89. Hierdie Wet heet die Wes-Kaapse Wet op Biodiversiteit, 2021, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

Kort titel en inwerkingtreeding 10

- (9) 'n Gebied wat te eniger tyd voor die inwerkingtreeding van hierdie Wet ingevolge artikel 6, 7 of 12 van die Ordonnansie as 'n natuurreserwaat ingestel is, en wat gesag word—
- (a) ingevolge artikel 23(5) van die Wet op Beskernde Gebiede as 'n natuurreserwaat ingestel is, en wat gesag word—
- (a) ingevolge artikel 23(5) van die Wet op Beskernde Gebiede as 'n natuurreserwaat ingestel is, en wat gesag word—
- (a) ingevolge artikel 23(5) van die Wet op Beskernde Gebiede as 'n natuurreserwaat ingestel is, en wat gesag word—
- (b) ingevolge artikel 28(7) van die Wet op Beskernde Gebiede as 'n beskernde omgewing verklaar te wees, bly voortbestaan as 'n beskernde gebied ingevolge daardie Wet; of
- (b) ingevolge artikel 28(7) van die Wet op Beskernde Gebiede as 'n beskernde omgewing verklaar te wees, bly voortbestaan as 'n beskernde gebied ingevolge daardie Wet.

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BYLAE: HERROEPING VAN WETTE

Nummer en jaar	Titel	Omvang van herroeping
21 van 1935	Strandwet, 1935	Die geheel
63 van 1970	Wet op Bergopvanggebiede, 1970	Die geheel, vir sover dit by Proklamasie R28 van 1995 aan die Provinsie opgedra is
19 van 1974	Ordonansie op Natuurbehouding, 1974	Die geheel
3 van 1982	Ordonansie op die Geldigverklaring van Natuurreservate, 1982	Die geheel
15 van 1998	Wet op die Wes-Kaapse Natuurbehoudingsraad, 1998	Die geheel
8 van 1999	Wes-Kaapse Ordonansie op Natuur- en Omgewingsbehouding Wysigingswet, 1999	Die geheel
3 van 2000	Wes-Kaapse Wysigingswet op Natuurbehoudingswette, 2000	Die geheel, behalwe artikel 2 en Bylae 2
6 van 2011	Wes-Kaapse Wet op Biosfeerreservate, 2011	Die geheel

UMTHETHO

Ukubonelela ngesikhokelo namaziko olondolozo lwendalo kunye nokhuseleko, ulawulo nosetyenziso oluzinzileyo lweentlobozobo zezityalo nezilwanyana nothungelwano lwendalo kwirhondo, ukwenzela imicimbi ehambelana noko.

IMBULAMBETHI

NJENGOKUBA icandelo 24 loMgaqosiseko weRiphabhliki yoMzantsi Afrika, 1996, libonelela ngokuba wonke umntu unelungelo kwindalo engenabungozi kwimipilo kwanokuba nendalo ekhuseleweyo ukuzenza uluntu olukhoyo ngoku kunye nezilwanyana ezizayo ngokuthi kuthathwe amanyathelo aphaqamisa ulondolozo lwendalo naqinisekisa uphuhliso oluzinzileyo lolondolozo lwendalo nasebenzisa imithombo yendalo ngeli lixa ekuthazazaphuhliso loqoqosho nolwendalo olufanele ukwenzeka;

NANJENGOKUBA ulondolozo lwendalo nokusungongileyo njengoko luchaziwe kwisahluko A soludwe lweNkqubo 4 kuMgaqosiseko weRiphabhliki yoMzantsi Afrika, 1996, iyimiba eqwalaselayo nedathelwa ingqalelo kwimithetho yelizwe neyephondo; **NANJENGOKUBA** uMgaqosiseko weNtshona Koloni, 1997 (UMithetho 1 ka-1998), ufuna amagunya karhulumente weRhondo ukuba wamkele kwaye uphumeze inkqubo, phakathi kwezinye ukhuseleko kunye nolondolozo lwendalo esingqongileyo eNtshona Koloni, kugqibela izityalo nezilwanyana ukuzenza uluntu olukhoyo ngoku kunye nezilwanyana ezizayo;

NANJENGOKUBA amaziko ahlukeleleyo karhulumente kutuneka elandele imithethosiseko yorhulumente wentsebenziswano nobudlelwane kumanqanaba karhulumente ze enze izigqibo ezichaphazela indalo ngendlela ehlangeneyo nechaphazela yonke imiba;

NOKUTHATHIWA INGQALELO ukwahluka kweentlobozobo zezityalo nezilwanyana eziseNtshona Koloni, izibophelelo zehlabathi zeRiphabhliki, ukukhokekela kweRhondo kwinkonzo zothungelwano lwendalo, isidingo sofikeleleko nokwabehlana ngenzuzo kunye nesidingo sokuqinisekisa uzinziso lwekshasha elide lokomelela kwendalo;

NOKUTHATHIWA INGQALELO isidingo sohlaziyi lwemithetho ukutshintsha, ukuhlanganisa, nokudala intsebenziswano kwimithetho ekhoyo nezikhokelo zamaziko zokumiseka imisebenzi yamaphondo yokuhoya iintlobozobo zezityalo nezilwanyana neyolondolozo lwendalo;

NOKUTHATHIWA INGQALELO ukuba kutuneka imithetho iphuhlise isikhokelo sokuhlalanganisa ingqalelo zokusungongileyo nolondolozo lwendalo ukuzenza zizicwanngciso kunye nemiba yothatho zizigqibo ukuzenza amaziko onke apnumenze izinyanzeliso afanele ukuzihoya ngokwecandelo 24 loMgaqosiseko weRiphabhliki yoMzantsi Afrika, 1996;

UKULUNGISA AMACANDELO

ISAHLUKO 1

UTOLIKO, INJONGO KUNYE NOSETYENZISO

1. Ingcaciso 5

2. Injongo 5

3. Ukusetyenziswa 5

4. Iimpixano kunye nezinye imigaqo 5

ISAHLUKO 2

IMISEBENZI KUNYE NEMITHETHO SISEKO

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6. Umthetho siseko wokugcinwa nozinzo lwemvelo 10

ISAHLUKO 3

ULAWULO

7. Imisebenzi yoMphathiswa wePhondo 15

8. Imisebenzi yeNtloko yeSebe 15

ISAHLUKO 4

I-CAPENATURE

9. Ukusakwa 20

10. Imisebenzi yeCapeNature 20

11. Amandla eCapeNature 20

Isahlulo 2

IBhodi eLawulayo yeCapeNature

12. Imisebenzi yeBhodi 25

13. Ukwakhiwa 25

14. Ukuyekiswa nje ngelungu leBhodi 25

15. Ukunyuwa kwIBhodi 25

16. USihlalo weBhodi 25

17. Ixesha elimisiveyo lamalungu eBhodi angekho kwisigqeba solawulo 25

18. Imeko yengqesho kunye nenzenzo 25

19. Ukuziphatha kwamalungu 25

20. Ukuphelelwa kobulungu 25

21. Ukususwa kunye nokunqunyanyiswa 25

22. Ukugcwalisa izithuba zomsebenzi 25

Isahlulo 3

Iinkqubo zokusebenza zeBhodi

23. Imihlangano 40

24. Iinkqubo 40

25. Inani elifunekayo kunye nezigqibo 40

26. Iikomiti 40

46.	Inkxasomali yoovimba bendalo	
45.	Isicwangciso seNkqubosikhokelo yoGcino lweeNdalo	
44.	Ulawulo loovimba bendalo eziphilayo	40
43.	Isicelo sokuchongwa kwe-UNESCO njengendawo yokugcina izinto	
Iindawo zolondolozondalo		
Isahlulo 4		
42.	Ubugosa bezityalo nezilwanyana ezohlukeneyo	35
Ulungiselelo lweentlobo ezityalo nezilwanyana		
Isahlulo 3		
41.	Ulawulo lweemimandla yokokolelo lwamanzi ezintabeni	
40.	Isibhengezo semimandla yokokolelo lwamanzi ezintabeni	
Iimandla yokokolelo lwamanzi ezintabeni		
Isahlulo 2		
39.	Isicwangcisosobuchule solwandiso lweMimandla eKhuselweyo yePhondo	
Ukwandiswa kweendawo ezikhuselweyo		
Isahlulo 1		
IMIMANDLA EKHUSELWEYO, IMIMANDLA YOKOKOLELO LWAMANZI EZINTABENI, ULUNGISELELO LONDOLAZONDALO KUNYE NEENDAWO ZENTLOBO-NTLOBO ZEZITYALO ZEZILWANYANA,		
ISAHLUKO 6		
38.	Uphengululo lweSiCwangciso seNdawo yeNdalo	
37.	Ukuseityenziswa nokuseityenziswa kweSiCwangciso seNdawo	20
36.	Imixholo yesiCwangciso seNdawo yeNdalo	
35.	Injongo yesiCwangciso seNdawo esingqongileyo seNdalo	
34.	Isicwangciso seMihlabha eyahlukeneyo seNdalo	
UCWANGCISO LWENTLOBO-NTLOBO ZEZILWANYANA KUNYE NEZITYALO KUNYE NOKUZIHLOLA		
ISAHLUKO 5		
33.	Ukuchithwa kweBhodi Ukuchithwa kweCapeNature	
Ukuchithwa kweBhodi okanye iCapeNature		
Isahlulo 6		
31.	Iimali ezizalisisweyo	
30.	Iimali ekuvimba	
29.	Iimali	
28.	Uxanduva kunye nengxelo yezemali	
Iimba yemali		
Isahlulo 5		
27.	IGosa eIyiNdoko eIiLawaulyo	5
Ulawulo lweCapeNature		
Isahlulo 4		

ISAHLUKO 7
UKHUSELEKO LWEZINTO EZIPHILAYO, IZIBONILELO ZENDALO
NEENKCUKACHA

47. Imixokomeiawano yokuphhlisana kwendalo okanye izibonelelo zezinto
 eziphilayo zifuna ukhuseleko olulodwa
 48. Izinto ezahlukeyo kunye namanye amanyathelo okunciphisa
 49. Imilobo ezidinga ukhuseleko okanye ezenza isoyikiso kwindalo
 esingqongileyo

ISAHLUKO 8
UGUNYAZISO

50. Isicele sokugunyaziswa
 51. Isiqibo ngesicele sokugunyaziswa
 52. Uvaanyo lomngcipheko kunye nobungqina beengcali
 53. Ubungqina bokuba nezinto ngokusemthethweni
 54. Ugunyaziso olumanyanisiweyo
 55. Ukuphononongwa, ukunqunyananyiswa, ukurhoxiswa kunye nokulingiswa
 kogunyaziso

ISAHLUKO 9
UTHOTYELO NOKUNYANZELISWA

- 20 **Isahluko I**
Ukuhobela nokunyanzeliswa kwamagosa kunye nemincinci yezomtheho

56. Ukuchongwa kwamagosa olondolozo lwendalo, abagcini bolondolozo
 lwendalo kunye namagosa olondolozo lwendalo ahloniphekileyo
 57. Isibhengezo samagosa olondolozo lwendalo kunye nabalondolozisi bendalo
 nje ngamagosa oxolo
 58. Igunya lamagosa olondolozo lwendalo kunye nabagcini bolondolozo lwendalo
 59. Amagosa olondolozo lwendalo ahloniphekileyo
 60. Imisebenzi yamagosa olondolozo lwendalo kunye nabagcini bolondolozo
 lwendalo
 61. Isazisi kunye nelela yokuchongwa
 62. Amanzila ngokubanzi amagosa olondolozo lwendalo kunye nabagcini
 bolondolozo lwendalo
 63. Uhlolo olwenziswa rhoqo
 64. Izinqinisekiso
 65. Amagunya okumisa, ukungena nokukhangelisa izithuthi, iingana, 35
 iinqwelomoya nezinye izinto zokuhambisa
 66. Umsebenzi wokuvelisa amaxwebhu
 67. Impatho yomboniso obanjliweyo okanye into ethile
 68. Ukhuseleko lokukhushiswa kwezithuthi, iingana, iinqwelomoya okanye
 enye into yokuhambisa

Isahluko 2

Iinkqubo zonyanzeliso lolawulo nezohlawayo

69. Ulawulo lonyanzeliso
 70. Ukusilela ekuthobeleni umyalelo
 71. Isohlwayo solawulo

ISAHLUKO 10
AMATYALA KUNYE NEZOHLWAYO

72. Amatyalala
 73. Izohlwayo
 74. Ukucinywa kweziguunyaziso

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1. Kulo Mithetho, ngaphandle kokuba imeko ekubhekiswa kuyo ithetha enye into—
 “amanyathelo othathiso” athetha inqanaba okanye amanyathelo anjongo yawo
 ikukuphapha, ukucutha, ukujika okanye ukulungisa isiphumo esibi; —
 “esemveli” —
 (a) kuhlobo lwesidalwa, kuthetha uhlobo lwesidalwa esikhoyo okanye ekukudala
 sikhona kwindawo esihleli kuyo ngokukhululeka ekwimida yeKhiphabhiki,
 kodwa asibandakanyi uhlobo lwesidalwa esize kwirhiphabhiki ngumtu; yaye
 (b) ngokubhekisele kumizekelo, oko kuthetha ukuthi isityalo okanye isiwanyana
 sase ndle sohlobo lwesidalwa ekubhekiswa kuso kumhlathi (a);
 “ezinzileyo”, xa kubhekiswa kusetyenziso okanye kwifuthe kwintlobo ntlolobo
 zezityalo nezilwanyana nakwimkonzo zothungelwano lwendalo ngenjela
 nangezinye —
 (a) ayi! kukhokelela ekuhleni kwixesha elide kwaye elinokugcinwa
 ngonaphakade ngaphandle kokubangela iziphumo ezibi;
 (b) akuyi kuphazamiseka uqhubeke lwendalo; kunye
 (c) neqinisekisa ukuzingisa ukuze kuphuyezwe izidingo neminqweno yoluntu
 olukhoyo ngoku nesizukulwana sexesha elizayo;
 “Ibhodi” ithetha ibhodi yolawulo yeCapeNature nje ngento ehlaziyiweyo
 kwisigaba 12;
 “CapeNature” ithetha ilungu lephondo likarhulumente elikhankanywe
 kwicandelo 9;
 “Ichwaba” ithetha indlanganisela yamanzi —
 (a) emana okanye ehlala ephokokela kulwandle;
 (b) apho ukuphakama nokuhla kwezinye lamanzi ngenxa yamanzi kunokuthi
 kulinganiswe xa amanzi ephokokela elwandle; okanye

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Inkcazelo

**UTOLIKO, INJONGO NOMISELO
ISAHLUKO 1**

ISHEDYULI: UKURHOXISWA KWEMITHETHO

79. Ukukhululwa
 80. Ukuthuma
 81. Imimiselo
 82. Izaziso zoluntu
 83. Imiganqatho yokusebenza
 84. Ukucebisana
 85. Izaziso, amaxwebhu asemthethweni kunye namanyathelo asemthethweni
 86. Umda woxanduva
 87. Ukurhoxiswa kwemithetho
 88. Izibonelelo zethutyana
 89. Isihloko esitutsihane nokugaliswa
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**AMALUNGISELELO JIKELELE NAGQITHAYO
ISAHLUKO 12**

77. Ukubhena kwizizigqibo ezenziwe ngamagosa eCapeNature
 78. Ukubhena kuMphathiswa wePhondo
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IZIBHENO

ISAHLUKO 11

75. Ukumikezelwa kwendleko
 76. Ukuhluthwa

- (c) apko ubutyuwa bawo buphezulu kunobo bamanzi phakathi kwamazwa nalapho aqala khona busenokungatani;
- “icuntsu elihathwe kwisidalwa” lithetha—
- (a) nasiphi isilwanyana isityalo okanye esinye isidalwa esiphilayo okanye esthileyo;
- (b) imbewu, iqanda, ucontsulo okanye inxalenye yesilwanyana, isityalo okanye esinye isidalwa esinokuphinda sintshule okanye sivelise okanye sidluliselwe; impawu zendalo;
- (c) naliphi iingqubo lesinye isilwanyana, isityalo okanye esinye isidalwa; okanye (d) naziphi izinto—
- (i) ezineelungu lesinye isilwanyana, isityalo okanye esinye isidalwa; okanye (ii) kwixwebhu elikhaphayo, kwipakethi, okanye kuphawu, okanye nasiphi esinye isalathisi, kubonakala kukho iingqubo lesinye isilwanyana, isityalo okanye esinye isidalwa;
- “Igosha eliyiNtloko yeSigqeba soLawa” lithetha iGosa eliyiNtloko yeSigqeba soLawa seCapeNature eliqeshwe ngokwecandelo 27;
- “Igosha lolondolozo lwendalo” uthetha umntu ochongelwe ngokwecandelo 56(a)(i);
- “Igosha loxolo” umntu obhengenze nje ngegosa loxolo phantsi kwecandelo lama-34(1) loMthetho weNkqubo yoLwaphulo-mthetho;
- “indawo” ithetha nawuphi na umhlaba, indawo, isakhawo, ubume, okanye nayiphi inxalenye yomhlaba, indawo, ubume, kunye nayiphi na inxalenye yomhlaba, indawo, ubume, isakhawo, ubume, isakhawo, ubume, okanye nayiphi na uhlobo lwemoto, uloliwe, ikhareji lomzila kaloliwe, iveseli, ingwelomoya okanye ukhaphanjiwa;
- “inkonzo zothungelwano lwendalo” zithetha iinzuzo ezifunyanwa luuntu kuthungelwano lwendalo, ezibandakanya—
- (a) inkonzo zobonelelo, njengoveliso lokutya nezibonelelo zamanzi;
- (b) inkonzo zolawulo, njengolawulo lemozulu, umgangatho womoya, okanye izifo kunye nokucutha imingcipheko yeenlekele;
- (c) inkono inkxaso, njengeemijikelo yeenutriyenti, ukwenzeka komhlaba nomvumvuzelo lwezityalo; kunye (d) neenkonzo zenkcubeko, ezinjengenzuzo zomphumlo nezolonwabo;
- “intlobo ezikhuselelweyo” ithetha uhlobo oludweliswe nguMphahliswa wePhondo ngokwecandelo lama-49(2)(e);
- “iklayenti” ithetha umntu ongenngommi woMzantsi Afrika othi avuze omnye ngokuzingela izilwanyana zasendle;
- “Local Government: Municipal Systems Act” ithetha iLocal Government: Municipal Systems Act, 2000 (uMthetho wama-32 wama-2000);
- “Iingqubo lesinye isidalwa”, kwisilwanyana, isityalo okanye esinye isidalwa lithetha nayiphi inxalenye, isihlunu okanye into ethathwe kuso, nokuba isetreshi, ekhemikhali ethathwe kweeso sityalo okanye isilwanyana okanye isidalwa; okanye igcime okanye sele isetyenziswe, yaye libandakanya inxalenye ekhemikhali ethathwe kweeso sityalo okanye isilwanyana okanye isidalwa;
- “Ingqubo engundoqo wenlobonitlobo zezityalo nezilwanyana” buthetha ububanzi bendawo okanye ulwandle obaluleke kakuhlu kulondolozo lwesampula emele ulungelwano lwendalo nohlobo oluthile lwesidalwa, wokumenteyina inkqubo zendalo nezibonelelo zendalo okanye ekubonelelwa kuwo inkonzo zothungelwano lwendalo;
- isithunzi, ikhareji, inqanawa, inqwelo moya okanye enye into ehambayo; “indawo yokuhlala” ithetha indawo apho uhlobo okanye indalo yoluntu ivela khona;
- “inkqubo encitshisiweyo” ithetha inkqubo ebekiweyo, nje ngenkqubo encitshisiweyo phantsi kwecandelo 50(1);
- “Inkulumbuso” ithetha Inkulumbuso yePhondo;
- “intlobo zezilwanyana ezisemngciphekweni” zithetha uhlobo lwemveli oludweliswe yi-IUCN njengohlobo olusengozini, kwaye luqka uhlobo oludweliswe nguMphahliswa wePhondo ngokwecandelo lama-49(2)(c);
- “intlobo zezilwanyana ezisemngciphekweni wokutshabalala” zithetha uhlobo lwemveli oludweliswe yi-IUCN njengohlobo olusengozini, kwaye luqka uhlobo oludweliswe nguMphahliswa wePhondo ngokwecandelo 49(2)(b);

- nezilwanyana okanye kwizibonelelo zendalo emva kokuba kwenziwe zonke inzame zokuphepha, ukucutha okanye ukujika ezo ziphumo, kwaye iquka imiphumelo yamanyathelo anje;
- 5 “Isivumelwano solondolozo lweentlobo zezityalo nezilwanyana” ithetha isivumelwano ekungene kuso phakathi kweCgosa eyiNtloko lesiGqeba solawulo kunye nomini mhla esichaza uxanduva lwabo lokukhusela ulondolozo lwendawo ephambili yentlobo zezityalo nezilwanyana;
- 10 “ityhetu” ibandakanya naluphi ulungiselelo okanye into enokusebenziselwa ukubamba, ukudoma, ukuphepha inzala, ukubalala okanye ukwenzakala nasiphina isilwanyana, isityalo nezinye izinto eziphilayo;
- 15 “IUCN” ithetha uMnyano lwaMazwe ngalMazwe lolondolozo lweNdalo, olwassekwa eFontainebleau, eFrance, ngowe-1948;
- “UNESCO” ithetha iUnited Nations Educational, Scientific and Cultural Organization, yaye ibandakanya i-International Co-ordinating Council of the Man neBiosphere Programme;
- 20 “ixesha elide” lithetha isithuba seminyaka engama-50 okanye ngaphezulu; iibandakanya kwezo zilwanyana zidweliswe nguMphahliswa wePhondo ngokwalo Mithetho weCandelo 49(2)(f);
- 25 “izinto zemvelo” zithetha nasiphina isixhobo sezilwanyana, isityalo, insholongwane okanye enye imvelaphi yebhayoloji eneeyunithi ezisebenzayo zotuzo;
- “iziko likarhulumente” lithetha—
- (a) naliphi isebe likarhulumente okanye icandelo lolawulo kwisizwe, kwiphondo okanye kumasipala wommandla; okanye
- (b) naliphi elinye iziko likarhulumente—
- (i) elisebenzisa igunya okanye elenza umsebenzi ngokolMgaqosiseko wesizwe okanye wephondo; okanye
- (ii) elisebenzisa igunya lobuthulumente okanye elenza umsebenzi 30 karhulumente liandela nawuphi na umthetho,
- kodwa alibandakanyi igosa lenkundla okanye igosa lezomthetho;
- 40 “iziseko zendalo” ithetha indlela yokusebenza yendalo, kuphila indawo zokugokelel’ amanzi ezisenzinabantu, izixhobo zamanzi, iinduduma zomxweme ezimngqongileyo, indawo ekuphila kuzo indalo, ezithi xa zidibene zenze 35 uhlungelwano lwezinto ezisemhlabeni ezinikeza iinkonzo zohlungelwano lwendalo;
- “Iomthetho”, ngaphandle kwicandelo 4 ubandakanya umthetho wabangezantsi 45 ezenziwe okanye ikhutsiwe kulandelelwa wona;
- “okujoliswe kuko kwintlobo zezityalo nezilwanyana” kuthetha 40 ubungakanani bophawu bazo naziphi iintlobo zezityalo nezilwanyana kubandakanywa ipatheni zeentlobo zezityalo nezilwanyana okanye iinkqubo zendalo ekufuneka zibe zezokugqala kulondolozo ukuze kugcinisekise ukuba izidalwa ziphila ixesha elide;
- 45 “okusingqongileyo” kuthetha indawo esingqongileyo ekuphila kuyo abantu eyenziwe—
- (a) ngumhlaba, amanzi neatmosferi yomhlaba;
- (b) izidalwana, izityalo nezilwanyana;
- (c) nayiphi inxalenye yendawo ezingqongileyo ezibekwe kwimihlathi (a) no-(b) nobudlelwane obuphakathi kwezi zinto; kunye
- (d) nezinto eziphathekayo, ezikhemikhali, ezibekwe kwimihlathi (a), (b) and (c) ezichaphazela impilo nentlontle yoluntu;
- 50 “okusingqongileyo okukhuselweyo” inentsingiselo efanayo noMithetho weMimandla ekhuselweyo;
- 55 “uCTFS” umele uConvention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973;
- 60 “ucwangciso lweentlobo zezityalo nezilwanyana” luthetha inkqubo yokuphila echonga imimandla engundoqo yeentlobo zezityalo nezilwanyana, ethathela ingqalelo ipatheni zeentlobo zezityalo nezilwanyana neenkqubo zendalo nezotsihlatiso ezenza ukuba ezo zityalo 65 yeentlobo zezityalo nezilwanyana nemida ebekweyo yeentlobo zezityalo nezilwanyana zihlale ziphila ezisekelwe kwithagethi zenkqubo yolondolozo

- zeziyalo nezilwanyana ezisemhlabeni nasemanzini ukuze kulondolozwe isampula emele ipatheni yentlobozwe nezilwanyana nezilwanyana neyeenkgubo zendalo; “ufikelelo nolwabiwo lweenzuzo” luthetha ulwabiwo olunobunjingisa emva kosetyenziso lwezibonelelo zendalo;
- 5 “ugunyaziso” luthetha naluphi na ubhaliso, isatifikethi, layisensi, ipemethi okanye imvume ebhalileyo ekhutshwe okanye yanikiswa ngokwa lo Mithetho ogunyazisa umntu owunikileyo okanye olunikezelelwa ukuba umntu enze into ebhanganeyelwanga ukuba yenziwe, kubandakanywa ngunyaziso oluhlanganelweyo oluxelwe kwicandelo 54;
- 10 “uhlobo lwesidalwa” uhlobo lwesilwanyana, isityalo okanye esinye isidalwa esingazalisani nezinye uhlobo, yaye lubandakanya izidalwa ezincinci, isityalo esixubeneyo, uhlobo oluthile lwendawo ethile, isityalo esenziweyo, esindobombini okanye senye indawo;
- 15 “uhlobo lwesidalwa esingenaleyo” luthetha naluphi uhlobo lwesidalwa umisele kwaso nokunaba kwaso ngaphandle kwendawo yaso yendalo —
- (a) kuchaphazela uqhubekeko lwendalo, izizinda zendalo nezibonelelo zendalo okanye uhlobo lwesidalwa okanye ezikunokuchaphazela kakubi uqhubekeko lwendalo, izizinda zendalo nezibonelelo zendalo okanye uqhubekeko lwendalo, izizinda zendalo nezibonelelo zendalo okanye kwilizwe elingaphandle kwemida yeRiphabhiki okanye ukuya kumazwe ngamazwe okanye isilwanyana sasendle kuthetha —
- 30 “ukuzingela”, isilwanyana sasendle kuthetha —
- (a) ukukhangela;
- (b) ukulandela okanye ukugqhuba;
- (c) ukulalela okanye ukuphazamiseka ngenjongo; okanye
- (d) ukudubula okanye ukufaka iyhefu,
- 35 isilwanyana nangayiphi na indlela ngeenjongo zokubulala, ukwenzakalisa okanye ukubamba okanye ukuzama ukubulala, ukwenzakalisa okanye ukuzingisa ngokubhekisele kwizinto eziphilayo okanye izibonelelo zendalo, kuthetha ukukwazi kothungelwano lwendalo okanye isibonelelo sendalo ukumela neziphazamiso kuso sibe sigcine ubume baso nokusebenza kwaso, ukuphinde sizilungise okanye ukukwazi ukumelana noxinzelelo okanye ushintshe;
- 40 “ulondolozo”, lwendobonolobo zezityalo nezilwanyana kunye nemvelo, luthetha ukhuselo, unakkelelo, ulawulo, uhlaziyo nokummenyeyiwa kothungelwano lwendalo, izityalo zemvelo kunye nabemi bendawo zendalo, izityalo nezilwanyana zasendle nezidalwa zonke ukuze kukhuselwe imeko zazo zendalo ukuze zikwazi ukuhlala ixesha elide neenkonzo zothungelwano lwendalo ezilubonelelayo, yaye
- 45 “ukulondolozwa” kukwamenzisingiselelo efana nale;
- “uluhlulwenlobonolobo zezilwanyana” kuthetha ihlobo nlobonolobo zezilwanyane ezifakwe kwiluhlu olumiselwe ngokwecandelo 50(2);
- 50 “ulungiselelo lolondolozondalo” luthetha ummandla ochongelwe ukubandakanya iNethiwekhi yeHlabathi yolungiselelo lolondolozondalo olwenzile bhunga leInternational Co-ordinating Council of the UNESCO’s kunye neNkqubo yolungiselelo lolondolozo;
- 55 “umfokazi”, ngokubhekisele kumzekelo, ofumaneka kwezinye indobo zentlobozwe; luthetha ummandla okhuselweyo ekhuselweyo kuwo
- 60 “ummandla okhuselweyo” luthetha ummandla okhuselweyo ekubhekiswe kuwo kwicandelo lesi-9 loMithetho weMimandla ekhuselweyo;

- “ummandla wolondolozo lweNtibontlolo zezityalo nezilwanyana” uthetha ummandla womhlaba ochazwe kwicandelo 42;
- “umnakakeli wendalo” uthetha umntu ochongelwe oko ngokwecandelo 56(a) (ii);
- “umncedisi wegosa lolondolozo lwendalo” uthetha umntu ochongwe ngokwecandelo lama-56(a) (iii);
- “Umniselo” uthetha Nature Conservation Ordinance, 1974 (uMmiselo we-19 ka-1974);
- 10 “umntu mhlaba” uthetha umnikazi womhlaba onelungelo kulomhlaba ngokwasemthethweni, ngaphandle ukuba—
- (a) lo mhlaba awuhlali umnikazi wawo obhalisiseyo ngokwasemthethweni, kuthetha ukuba lo mtu—
- (i) uhala kulo mhlaba ngokwasemthethweni;
- (ii) usebenzisa ulwulo olubanzi phezu kulo mhlaba;
- (iii) ubani onelungelo lokwenyani olusemthethweni kumhlaba, uxhomekeke nakowuphina omnye umthetho; okanye
- (iv) ubani ovumlekileyo ngokubhaliseyo okusemthethweni ukuzalisekisa amalungelo akhe okanye imisebenzi yakhe malunga nomhlaba;
- (b) umhlaba ulawula ngumbutho wabantu, nokuba ngababambiseneyo okanye abangabambisana ngama, kuthetha umntu otyunjwe ngumbutho ngokubhaliseyo njengomntu;
- (c) umhlaba uphantsi kolawulo okanye ukawulo lomasisipala, uthetha umphathi kamasisipala;
- (d) umntu obhalisiseyo okanye umntu ochazwe njengomntu kumhlathi (a) okanye (b) —
- (i) uswelekele;
- (ii) ukungakwazi uhlawula amatyala;
- (iii) unikezele ngelitha lakhe ukuzenza umntu obolekiseleyo;
- (iv) osekiweyo yinkundla wanikwa umyalelo njengomphathi aphathe;
- (v) yinkampani exhatshaziseyo okanye ephantsi kolawulo lwenkundla, uthetha umntu apho ulawulo lo mhlaba lunikwe yena, unikwe ugunya nje ngomphathiswa, umgcin, ummeli okanye umphathi wenkundla, njengoko kunjalo; okanye
- (e) umhlaba uphantsi kwipropati kawonkewonke, uthetha isebe likazwelonke elijongene nokuzaliseka kweembonhleleko zorhulumente njengomphathiswa womntu woluntu wonxweme ngokwemigaqo yamacandelo 11 ne-12 woMithetho wola wulo loNxweme oluHlangeneyo (Integrated Coastal Management Act);
- 40 “umntu oncedisa abazingeli” uthetha umntu omaketha, oncedisa, onikeza, owenza imtengiso zozingelo lwezilwanyana zase ndle okanye ezo ziphunucukileyo, nokuba oko ukenza ngokwakhe okanye usebenzisa iarhente;
- “umqungu” kuthetha ukwakheka komhlaba okunzakhakeko okanye imixube egcina amanzi okanye evumela ukuhamba kwamanzi okuxabisekileyo ngayo;
- 45 “umsebenzi oncishisiweyo” kuthetha umsebenzi ebekiweyo, nje ngendlela ephantsi kwecandelo 50(1);
- “Umthetho webhodi yolondolozo lwendalo yeNtshona Koloni” uthetha uMgaqo siseko weNtshona Koloni, 1997 (uMithetho 1 ka 1998);
- 50 “Umthetho weMimandla eKhuseleweyo” uthetha ulawulo lwendalo kazwelonke: uMithetho weMimandla eKhuseleweyo, wama-2003 (uMithetho wama-57 wama-2003);
- “Umthetho weNtibontlolo zezityalo nezilwanyana” ubhekisa kulawulo lweNdalokuzwelonke: uMithetho weNtibontlolo zezityalo nezilwanyana, 2004 (uMithetho 10 ka-2004);
- 55 “Umthetho weNkqubo yolwaphulomthetho” uthetha uMithetho weNkqubo yolwaphulomthetho, 1977 (uMithetho 51 we-1977);
- “Umthetho woCwangciso lweSithuba noLawulo loSetyenziso loMhlaba” uthetha woCwangciso lweSithuba noLawulo loSetyenziso loMhlaba, 2013 (uMithetho 16 ka-2013);
- Umthetho wola wulo lweMali kaRhulumente” uthetha umthetho wola wulo lweMali kaRhulumente, we-1999 (uMithetho woku-1 we-1999);

- “Umlithetho wolawulo oludibeneyo loNxweme” uthetha ulawulo lokusiNggongileyo kweSizwe: Umlithetho wolawulo oludibeneyo lweNxweme, wama-2008 (Umlithetho wama-24 wama-2008); uthetha—
- (a) i*Environment Conservation Act, 1989* (Umlithetho wolondolozo lweNdalo, we-1989) (Umlithetho wama-73 we-1989);
- (b) i*National Water Act, 1998* (Umlithetho walwazi wesizwe, we-1998) (Umlithetho wama-36 we-1998);
- (c) i*National Environmental Management: Air Quality Act, 2004* (ulawulo lokusiNggongileyo kuzwelonke: Umlithetho woMigangatho woMoya, wama-2004) (Umlithetho wama-39 wama-2004);
- (d) i*National Environmental Management: Waste Act, 2008* (ulawulo lokusiNggongileyo kuzwelonke: Umlithetho weNkunkuma, wama-2008) (Umlithetho wama-59 ka-2008);
- (e) Umlithetho weMimandla eKhuselweyo, 2003 (Umlithetho 57 ka-2003);
- (f) i*Biodiversity Act, 2004* (Umlithetho weNdlondolozo zezilwanyama nezityalo) (Umlithetho 10 ka-2004);
- (g) i*Integrated Coastal Management Act, 2008* (Umlithetho oHlanganisweyo wolawulo lwaMlanxweme) (Umlithetho 24 ka-2008); kunye
- (h) i*World Heritage Convention Act, 1999* (Umlithetho weNggungquthela yeLifa leMveli yeHlabathi, we-1999) (Umlithetho wama-49 we-1999);
- “umzila wamanzi” uthetha—
- (a) umlambo okanye umthombo;
- (b) umjelo wendalo ohamba amanzi oko okanye ngamazeshisa athile;
- (c) umgqobhozo, ichibi okanye idama elihamba amanzi; kunye
- (d) nayiphi ingqokelela yamanzi ebhengewe ngokweNational Water Act, 1998 (Umlithetho 36 ka-1998) ukuba ingumzila wamanzi;
- yaye ubhekiso kumzila wamanzi lubandakanya, intsele nodonga lomlambo; “umzingeli oqeqeshelwe ukuzingeli” kuthetha nawuphi na umntu othi, nangayiphi na indlela, avume ukukhapha iklayenti ukuze iklayenti leyo ikwazi ukuzingela izilwanyana sasendle okanye izilwanyana esiphunncule kuqhekelelo; “uphuhliso” luthetha nayiphi inkqubo eqalwe ngumntu ukutsshintsha usegyenziso, indalo, ubunjani benkangeleko yento, imilo okanye umsebenzi wendawo, yaye lubandakanya—
- (a) Ulwakhiwo, umiso, utshintsho, udliizo okanye ukususwa kweSakhiwo;
- (b) Naluphi utshintsho kubume bomhlaba;
- (c) Nawuphi umsebenzi owenziwa phantsi okanye phezu kwezisa;
- (d) utshatyalaliso okanye ukususwa kolyani bemveli; kunye
- (e) inkqubo yokucana kwakhona, ukwahlulahlula okanye ukudibanisa umhlaba;
- “uqoqosho lweendibondolobo zezityalo nezilwanyana” luthetha amashishini noshishino oluxhomkekeke ngqo kwiindibondolobo zezityalo nezilwanyana kushishino okanye lawo anegalelo kulondolozo lweendibondolobo zezityalo nezilwanyana ngenisebenzi yawo;
- “Ushlalo” uthetha ushlalo otyunjwe ngokwecandelo 16(1)(a);
- “uthungelwano lwendalo” sisixokelelwano sezilwanyana, izityalo nezidalwa ezincinci nendawo eziphila kuzo ezisebenza njengeyunithi esebenzisanayo esemhlabeni, elwandle okanye emanzini; okanye inlangano yayo;
- “utshintsho lweemozulu” luthetha utshintsho kubume bezulu obuthi bubonakale ngokutshintsho kwimo yezulu oluthi luqhubeka ixeshana, iminyaka okanye ixesha elide;
- “uvalelo” lwezilwanyana zasendle kwindawo ebiyelweyo luthetha ukubiyelwa ngalo naluphi na ucingo okanye nanto esisinda kuphuma ngendlela yokuba izilwanyana sasendle singakakwazi ukuzihoya ngokwaso ngokwendalo
- “uvimba wamanzi” ubandakanya umzila wamanzi, amanzi angaphezulu, ichweba, okanye amanzi aphakathi kwamalye;
- “Uwiso mthetho lwabangezantsi” luthetha naluphi na—
- (a) ummiselo olwenziweyo; okanye
- (b) isaziso esikhutshwe kwi*Gazeti yePhondo, ngokoMphathiswa wePhondo ngokwemigaqathango yalo Mithetho; “ummandla wogokelelo lwamanzi osezintabeni”* uthetha ummandla oxelewe kwicandelo 40;
- “umntu” uthetha ukuthi—
- (a) umntu wemvelo, kunye

- (b) umntu womthetho, kubandakanya nayiphi na—
 (i) ibhodi ebandakanyiwayo okanye engabandakanywanga esekwe ngokomthetho
 (ii) uhlelwanano okanye ukuthembana; okanye
 (iii) icandelo likarhulumente elisekwe njengejingu lezomthetho;
 5 “UMphathiswa kaZwelonke” ithetha iingqubo leSigqeba sombuso kaZwelonke elinoxanduva kwimicimbi yezandalo;
 “UMphathiswa wePhondo” kuthetha iingqubo lePhondo, iSigqeba sombuso esijongene nemicimbi yendalo kwiphondo;
 10 “Mountain Catchment Areas Act, 1970” ithetha uMithetho weMimandla yoQokelelo lwaManzi ezintabeni, we-1970 (uMithetho wama-63 we-1970);
 “ummandla okhuselweyo wephondo” ithetha ummandla okhuselweyo wePhondo njengoko lichazwe kuMithetho weMimandla ekhuselweyo, ezibandakanya indawo yolondolozo lwendalo kwiphondo lichazwe
 15 ngokwemigaqo yecandelo lama-23(1) loMithetho weMimandla ekhuselweyo okanye ulondolozo lwendalo ePhondweni elithathwa ngokuba libhengezwe ngokwecandelo lama-23(5) lwalo Mithetho.

Iinjongo

2. Iinjongo zalo Mithetho kukwenza oku—

- (a) ukpumelela kumbopheleleko karhulumente ngokomthetho wesizwe ukuba ube ngumphathiswa ngokumalunga nokusungungileyo;
 (b) ukpumelela icandelo 81(m) loMgaqosiseko weNtshona Koloni Constitution lokhusela nokulondolozwa indalo esingqongileyo kwiphondo, kubandakanya iindobonlebo zezityalo nezilwanyana ezizodwa, ukuze kuzwe uluntu olukhoyo ngoku nesizukulwana sexesha elizayo;
 25 (c) ukqimisekisa uzinziso lwekhesha elide lendalo nozinziso lweendobonlebo zezityalo nezilwanyana, uqhubeke indawo zokungelwano zezityalo zezityalo lwendalo nezibonelelo zendalo ngokumiselela kweziziso lwendalo
 30 (d) ukqimisekisa intlalo yolutu nozinziso lwekhesha elide loluntu noqoqosho ngokuthi kukhuselwe kulondolozwe indawo zendobonlebo zezityalo nezilwanyana, uqhubeke indawo zokungelwano lwendalo
 35 (e) ukwenza ukuba abantu bakwazi ukufikelela kwizinziso namathuba aphuma kuzinziso olondolozo lwemimandla ekhuselweyo, iindobonlebo zezityalo, indalo, nezilwanyana neenkonzozo zokungelwano lwendalo kunye nasikhiwo sendalo;
 (f) ukumiselela amaziko olawulo ngempumelelo lweendobonlebo zezityalo nezilwanyana nolondolozo lwendalo kwiphondo;
 (g) ukphekama ucwanqiso olululo lweendobonlebo zezityalo nezilwanyana nokufikelela kwithagethi zenkqubo yolondolozo lweendobonlebo zezityalo
 40 (h) ukkuthaza inkqubo ezibekwe kwisicwanqiso soMhlaba weendobonlebo zezityalo nezilwanyana yeSicwanqiso sonatyo weMimandla ekhuselweyo;
 45 (i) ukulawula imisebenzi ethile ngenlela ekhuthaza nekhusela isidima nempiyo yokusungungileyo;
 (j) kulandela icandelo lama-23 l loMgaqosiseko, ukumiselela nokuphumelela izivumelwa zehlabathi nokusebenzisa inkqubo ezisebenze ngempumelelo
 50 kwimiba yokusungungileyo nakulondolozo lweendobonlebo zezityalo nezilwanyana;
 (k) ukusungulela uzinziso lwezimali noqoqosho kumaziko achaphazekayo ajongene nolondolozo lweendobonlebo zezityalo nezilwanyana; kunye
 (l) nokusungulela nokuphuhlisa uqoqosho olunobungisa noluzinzileyo lweendobonlebo zezityalo nezilwanyana kwiphondo.
 55

Umiselelo

3. Lo Mithetho ubophelela urhulumente kunye nabantu bonke.

Ungquzulwano nemnye imithetho

4. (1) Ukuba kukho unquzulwano phakathi kwemiqathango yalo Mithetho kunye—
- (a) nemithetho yesizwe, olo unquzulwano kufuneka lusonjululwe ngokwe-candelo 146 yoMgaqosiseko;
 - (b) nomnye uMithetho Wephondo, umqathango walo Mithetho nguw osebenezayo xa unquzulwano lumentho yokwenza nemiqathango yolondolozo lweentlobozintlobo zezityalo nezilwanyana lweentlobozintlobo kamasiyala, imiqathango walo Mithetho xa unquzulwano lumentho yokwenza nemiqathango yolawulo—
 - (i) lwemiba ekubhekiswe kuyo kwisigendu A seshedyuli 4 okanye kwisigendu A seshedyuli 5 kuMgaqosiseko; okanye
 - (ii) kwimiba ekubhekiswe kuyo kwisigendu B seshedyuli 4 okanye kwisigendu B seshedyuli 5 kuMgaqosiseko yaye lo mqathango usebenzisa ngokukuko amagunya okanye imisebenzi yePhondo phantsi kwecandelo 155(6)(a) no-(7) oMgaqosiseko
- (2) Ukuba kukho unquzulwano phantsi komithetho ovele owenziwe ngokwalo Mithetho kunye—
- (a) uvisu mthetho lukaZwelonke, unquzulwano kufuneka lusonjululwe ngokwecandelo 146 yoMgaqosiseko;
 - (b) nomithetho wephondo, eso senzo siyaqhubeka;
 - (c) owunye umithetho wephondo ovele ngenxa yalo nguw oya kusebenza, xa unquzulwano lumentho yokwenza nemibandela elawula ulondolozo lwezintlobo ezihlilayo;
 - (d) nomithetho kamasiyala, umithetho ovele ngenxa yalo nguw oya kusebenza, xa unquzulwano lumentho yokwenza nemiba exelwe kwicandela 1(1)(c).

**ISAHLUKO 2
IMISEBENZI NEMITHETHOSISEKO ENGUNDOO**

Umisebenzi karkhulumente

5. Naliphi iziko likarkhulumente eligunyaziswe ngumthetho karkhulumente okanye nangowuphina umthetho ukusebenzisa igunya elinokuba nesiphumo esibi kokusingqongileyo, kufuneka xa lisebenzisa loo magunya eSebe—
- (a) lijongise iziphumo zekhesha elide zesenzo ngasinye okanye isigqibo ngasinye oko okuya kuba naso kokusingqongileyo; yaye
 - (b) lisebenzise iziseko zozinziso zokusingqongileyo ezixelwe kwicandelo 6.
- Iziseko zozinziso lwendalo esingqongileyo

6. Naliphi iziko likarkhulumente ezinokuthi izigqibo zalo okanye izenzo zalo zichaphazele okusingqongileyo kwiPhondo kufuneka lisebenzise iziseko zozinziso lwendalo esingqongileyo ezizazi—
- (a) ukuthathela ingqalelo linzuzo nexabiso elibalulekileyo lezibonelelo zendalo nothungelwano lwendalo;
 - (b) ukugqinisekisa ukuba ininzi lwendalo zezityalo nezilwanyana nothungelwano lwendalo ziyakhuselwa, ziyamemeyinwa, ziyahlaziywa ngenjela eyenza ukuba kufikelele kwiithagethi zenkqubo yolondolozo lweentlobozintlobo zezityalo nezilwanyana zolondolozo olwenziwa liPhondo;
 - (c) ukukhuthaza ukhulala ixesha elide kweentlobozintlobo zezityalo nezilwanyana, uthungelwano lwendalo nezibonelelo zendalo;
 - (d) ukugqinisekisa ukuba uphuhliso alujongeli phantsi uzinziso lwekhesha elide lweentlobozintlobo zezityalo nezilwanyana, uthungelwano lwendalo nezibonelelo zendalo;
 - (e) ukugqinisekisa ukuba ukuzinza kwendalo kunye nokugqina kwezintlobo ezihlilayo ukuze kuzuze uluntu olukhoyo ngoku nesizukulwana sexesha elizayo kubekwa phambili ukulingiselela nawuphi na umntu okanye uluntu olusekohlaleni;
 - (f) ukuphepha, okanye ukucutha nokulingisa uphazamiseko lothungelwano lwendalo nelahleko yeanlulokwano yendalo; kunye

- (g) ukugqinisekisa ukuba izibonelelo zebhayoloji zimeveli zisetyenziswa ngendlela ezinzileyo kwindalo, kwaye zithathela ingqalelo impilo yaso nasiphi na isibonelelo sebhayoloji yendalo esibandakanyekayo; kwaye
- (h) nokugqinisekisa ukuba kuseyenziswa iinkqubo eziphapha imingcipheko nezisetyenziswa ngobulumko ze apho kukho ubungqina obunganelanga kuphetshwe ukwenziwa komsebenzi onokuba nesiphumo esibi sexesha elide.

ISAHLUKO 3 ULAWULO

Imisebenzi yoMphathiswa wePhondo

7. (1) UMphathiswa wePhondo kufuneka—
- (a) abeke iliso kwiNtloko yeSebe, iCapeNature, kunye nebhodi xa besenza imisebenzi yabo
- (b) ukuphuhlisa nokuphunyezwa komgaqonkqubo wephondo kwizinto eziphilayo kunye nemcimbi ehambelana nayo;
- (c) xa esamkela, ephonononga okanye enika uluvo lwakhe kwisicwangciso somthetho okanye somgaqonkqubo, makugqinisekise ukuba eso sicwangciso sihambelana nesicwangciso soMhlaba weendibonobobo zezityalo nezilwanyana; yaye
- (d) emana ehlola ukusebenza ngempumelelo komisele nonyanzeliso lwalo Mithetho.
- (2) UMphathiswa wePhondo unako—
- (a) enze eminye imithethwana ephantsi kwalo enikezwe kulo Mithetho;
- (b) ukuseka, ngokuvumelana noMphathiswa wePhondo onoxanduva lwezemali, amasishini asemthethweni karhulumente njengoko achazwe kuMithetho wola walo lweMali karhulumente ukuthekisa iinjongo zalo Mithetho;
- (c) akhuphe imiyalelo kwiBhodi ukugqinisekisa ukuba isebenza ngempumelelo ekwenzeni umsebenzi wayo;
- (d) ukumiselela ibhodi yophando ukugqinisekisa ukuziphatha kweingxubelelo okanye iBhodi kwaye kuthathe amananyathelo afanelekileyo njengoko kucatsheangelwe kwicandelo 21 okanye 32, ngokulandelayo; kunye
- (e) Nokwenza nayiphi na enye imisebenzi eyabelwe Umphathiswa wePhondo okanye phantsi kwalo Mithetho.

Imisebenzi yeNtloko yeSebe

8. Ntloko yeSebe kufuneka kuxhomekeke kwicandelo 7(1)(a) kunye (b)—
- (a) Ukusebisa uMphathiswa wePhondo, xa kucelwa nguMphathiswa wePhondo ukuba enze njalo emva kokubonisana neCapeNature, kwimicimbi yomthetho, umthetho ongaphantsi, kunye nomgaqonkqubo wephondo ngokubhekisele kwendalo, ulwahlulo lwezinto eziphilayo, kunye nolawulo lwamanxweme kunye nolawulo lwe-esuarine;
- (b) emva kokubonisana ngokuvumelana neCapeNature, uququzelele umgaqonkqubo wephondo, izicwangciso kunye neenkqubo ezivunyiweyo nguMphathiswa wePhondo lokulondolozwa kwendalo, ukusetyenziswa kwezinto eziphilayo kunye nolawulo lwamanxweme kunye nokuhlaziywa kwezilwanyana, kunye nokukhuthazwa nokuphuhliswa kooqoqosho lwezinto eziphilayo;
- (c) ngokuhambelana noMithetho wola walo lwezeMali zikaRuhulumente; sebenzisa amagunya egosa elijongene neengxowamali ezihlanjiswa kwiCapeNature nakwamananye amasishini ekuphunyezweni kwalo Mithetho; ukumiselela inkqubo—
- (i) ukulungelelaniswa kwezicwangciso zesisicwangcisoqinnga kunye nonyaka kunye nohlalolwabiwo lwenkqubo omdibeneyo lokulondolozwa kwendalo, ulwahlulo lwezinto eziphilayo kunye nolawulo lwamanxweme kunye nokuhlaziywa kwezilwanyana, kunye nokukhuthazwa nokuphuhliswa kooqoqosho lwezinto eziphilayo kwiPhondo; kwaye
- (ii) ukubeka iliso kunye nokumika ingxelo malunga nokusebenza kweemali ezihlanjiswa njengoko kuchaziwe kumhlathi (c) kwaye njengoko kucetywayo ngokuhambelana nomhlathi (i);

- (e) ukugwalasela nokubeka izimvo kwipiani ezisemthethweni kunye nezicwangciso ezilungiselelwe ngokwalo Mithetho;
- (f) xa iNtloko yeSebe ilungiselela, iphonononga okanye imika uluvo ngomthetho okanye umgaqonkqubo, makaqinisekise ukuba eso sicwangciso sihambelana nesomhlaba weentlobo zezityalo nezilwanyana;
- (g) ukuxhasa iCapeNature ekumiseleleni iSicwangciso sonatyo lweMimandla eKhuseleweyo yePhondo; kunye
- (h) nokwenza izindululo kuMiphathiswa wePhondo ngendlela yokuphucula umiselo nonyanzeliso lwalo Mithetho.

**ISAHLUKO 4
ICAPENATURE**

Isigandu I

Umiselo nemisebenzi yeCapeNature

Umiselo

9. Ibhodi yokulondolozwa iNdalo yeNtshona Koloni njengoko isungulwe nguMithetho weBhodi yeNtshona Koloni yokulondolozwa kweNdalo, yolondolozo lweMvelo iyaghubeka ikhona njenjengomntu onomthetho kunye nephondo loluntu elijongene nokulondolozwa kwezinto eziphilayo kwiphondo, kwaye liyaziwa njenjengeCapeNature.

10. (1) Kulondolozo lweentlobo zezityalo nezilwanyana yaye kulandela

- icandelo 7(1)(a), iCapeNature kufuneka—
- (a) ukucebisa uMiphathiswa wePhondo, indawo eziza kubengezwa njengeendawo ezikhuselekile zephondo, indawo ekhuselekileyo, indawo zokugcina izinto ezizimeleyo, indawo zokugokelel' amanzi ezintabeni kunye neendawo eziphahlekayo; loPhuhliso lweNdawo eziPhhezulu;
- (b) lawula imimandla ekhuseleweyo yephondo kunye nezinye indawo apho zikhethiwe njenjengegunya lolawulo;
- (c) ukuphakamisa nokulungiselela inkqubo yolondolozo lweentlobo zezityalo nezilwanyana;
- (d) ukugcina irejista yephondo, yendalo ekhuseleweyo, indawo ezizimeleyo, indawo yokugokelel' amanzi entabeni kunye neendawo eziphahlekayo; zolawulo lweengingqi;
- (e) ukwenza izindululo okanye ukunika uluvo uMiphathiswa ngezimvo okanye izichaso ezibhalweyo ezitunyenwe ngokwecandelo 33 loMithetho weNdawo ezikhuselekileyo ngesibhengezo okanye ngorhoxiso lweSibhengezo sommandla okhuseleweyo;
- (f) emveni kokubonisana kunye neNtloko yeSebe, ucebise uMiphathiswa kwezi nguMiphathiswa wePhondo ngemida yeenlobo zezityalo nezilwanyana; kunye
- (ii) nokusebenzisa amgunya woMphathiswa wePhondo ngokwecandelo lesi-7(1)(b), (c), (d) no-(e);
- (g) ukumiselela inkqubo yokubeka illiso nokunika ingxelo—
- (i) ngemo yeenlobo zezityalo nezilwanyana kwiphondo;
- (ii) ngemo yohlobo lweSidalwa esingeneleleyo;
- (iii) ukusetyenziswa ixesha elide kwe mithetho yendalo yemveli;
- (iv) ngolawulo lweMimandla ekhuseleweyo nenkqubo yolondolozo lweentlobo zezityalo nezilwanyana, indawo zokugokelel' amanzi ezintabeni; kunye
- (v) nokubeka illiso kuthotyelo logunyaziso lwalo Mithetho,

ukuze—

- (aa) kubonwe kwangethuba yaye kungandwe izinto ezinokudala iziphumo ezibi; kunye
- (bb) nokugquzelela uvavanyo lokusebenza ngempumelelo kwalo Mithetho;

- (h) lungisa izicwangciso zolawulo lweendibonolobo zezityalo nezilwanyana njengoko kuxelwe kwicandelo lama-43 kuMithetho wezinto eziphilayo;
- (i) ukunka iingcebiso kubani bomhlaba ngokuphucula iindibonolobo zezityalo nezilwanyana okanye ngolondolozo lokusungongileyo kuloo kwimihlaba yabo okanye ngendlela yokulawula intsebenziswano phakathi koluntu nemithombo yendalo yemveli;
- (f) ukucobisa uMphathiswa ngothumelo kwamanye amazwe kwemithombo yendalo yemveli yePhondo ukuzekwenziwe uphando ngayo;
- (k) nokwenza izindululo kuMphathiswa ngenzima edinga uphando;
- (l) yenza ingxelo kuMphathiswa wephondo kwimeko zezilwanyana ezablukeneyo kuPhondo ngaphantsi kweminyaka emibini yalo Mithetho uqala ukusebenza kunye nexesha elingekho ngapheszu kweminyaka emine emva koko, njengoko kufunwa nguMphathiswa wePhondo;
- (m) kumhlaba ulawula yiCapeNature nolawulo, ulondolozo nokuphakanjiswa kwizibonolelo zelifa lemveli zenkcubeko kulandelela inkqubo ezisebenzayo, ufkheleko nolwabiwo lweenzuzo kunye nezinto ezenziwayo ezihlala ixesha elide;
- (n) uphonononge kwaye enze izimvo ngokuhambelana kwezakhelelo zophuhliso lomhlaba kunye nezicelo zokusungongileyo, amanzi, ezolimo kunye nokugunyaziswa kwemigodi ngeenjongo zesiCwangciso seNdawo seNdawo; kwimimandla ephantsi kolawulo lwayo, mayithathe amanyathelo ayimfuneko okanye anqwenekayo kulondolozo lweendibonolobo zezinto eziphilayo okanye ulawulo lweziphumo ezibi apho;
- (d) ahlole kwaye aphande ukungathobeli kunye namalyala ngokwalo Mithetho; kwaye
- (g) kwindawo eziphantsi kolawulo lwayo, thatha amanyathelo ayimfuneko kukhuselako lweendwendwe.
- (2) CapeNature kufuneka—
- (a) ilawule uphuhliso nophakamiso lwemisebenzi yokhetho oluvelisa imali nezibonolelo ezisemhlabeni ezilawulwa yiCapeNature;
- (b) iingquzelele uphando, ibeke iliso ze iqeqesho uluntu ukuba ulondolozo iindibonolobo zezityalo nezilwanyana; kwaye
- (c) ngokunxulumene nomhlaba ophantsi kolawulo lwayo, khuthaze—
- (i) ulondolozo olusisiseko loluntu lweendibonolobo zezityalo nezilwanyana
- (ii) ulondolozo kunye nodala lwemisebenzi evela kukhetho oluvelisa imali, amathuba ophuhliso loqoqosho lweendibonolobo zezityalo nezilwanyana;
- (iii) ufkhelelo kwimimandla ekhuselweyo ukulungiselela ulonwabo, ukufunsa, ukuphanda, inkcubeko, inkolo nesitfu; kunye
- (iv) nokwazisa uluntu ngokusungongileyo, imfuno nophuhliso lolusha.
11. (1) CapeNature ingazenzela ingeniso, ngokuxhomkeke kuMithetho woLawulo lweMali kaRhulumente, nangayiphi indlela esemthethweni, kubandakanywa—
- (a) imali zamangeno, izivumelwano zogunyaziso, nangokurenziswa;
- (b) ngezibonolelo zokhetho zendalo, iziganeko neenkonzo;
- (c) imisebenzi yooqoqosho yeendibonolobo zezityalo;
- (d) ukumeneyi nawa kweenkonzo zohungelwano lwendalo;
- (e) imithummo yamalungelo okuseleyenziswa kwezinto zayo; kunye
- (f) nolondolozo nezinye iinkonzo.
- (2) CapeNature ingathi ngeenjongo zokwenza umsebenzi wayo kunye nokufezekiswa iinjongo zalomthetho—
- (a) ngokuxhomkeke kwicandelo 27(1), iqesho abasebenzi bayo;
- (b) ngokuxhomkeke kuwo nawuphi na umgaqonkqubo ochazwe kwicandelo 7(1)(b), ukungene kwisivumelwano naye nawuphi na umntu;
- (c) ngokuxhomkeke ekuphuyezweni nguMphathiswa wePhondo kunye noMphathiswa wePhondo onoxanduva lwezemali, lokugashisa, lokunikizelela, lokuthenga okanye lokutumana ipropathi engatfudusekiyo okanye iilungelo lepropathi yezimbwiwa elingafudusekiyo;
- (d) iqesho, inikezele, iqashise, ngelungelo okanye ngepropathi ehambisekayo;
- (e) yenze uphando, okanye itune izimvo zoluntu;

Amagunya eCapeNature

- (f) ithethane yaye isebenzisana namaziko emfundo malunga noqeqesho loluntu ngamakhono akulondolozo lwendalo;
- (g) ibonise okanye ihambise ulwazi olumalunga nolondolozo olunokuncedisa ekuphumezeni injongo zalo Mithetho;
- (h) imakethe ze yazise ngenjongo, izinto ezenziwayo, iinkonzo nezibonelelo; ukumenteyina okanye ukwakhahla izibonelelo, okanye izinto ezidingekayo kwimimandla ephantsi kwayo;
- (f) vumele imisebenzi yezintengiso kunye noluntu ukuba zenzake kuyo nayiphi na indawo phantsi kolawulo lwayo, ukuba loo mi sebenzi ayimayo impembelelo embi kwizinto eziphilayo okanye izibonelelo zendalo kwindawo leyo;
- (k) ukwakhahla, ukwakhahla kwakhona, ukumenteyina nakwuphi na umhlaba okanye nawuphi umzila wamanzi njengeebhikhoni, izinto zokudada, iibhodi zezaziso, iimpawu okanye ezinye iimpawu ezidingekayo ukumiselela nawuphi umqathango walo Mithetho;
- (l) ingamiselela iikomiti zengencebiso ukuncedisa nokuzalisekisa imisebenzi yayo ngokwalo Mithetho;
- (m) ukuvula iikhawunti zebhanka zayo; kodwa kunye neziko kuphela elibhaliswe njengebhanki ngokwemiqathango yeBhanki, 1990 (uMithetho wama-94 ka-1990);
- (n) ityale imali, kulandela i-Candelo 5 kwezi Sahluko;
- (o) ngokuxhomekeke kuMithetho wolawulo lweMali kaRhulumente, ingavula i-inshorensi yokunceda xa kukho ilahleko, umonakalo okanye ingozi;
- (p) enze nasiphi na isenzo ngokuhambelana namagunya kunye nemisebenzi yayo; kwaye
- (b) ingqala okanye ilwe umangalelo.
- (3) Ukuba i-CapeNature iyaneliseka ngezizathu ezifanekileyo ukuba kuyimfuneko kwaye kuyimfuneko ukuba ithathe inyathelo lokongamelela iindobo zezinto eziphilayo, igosa okanye umntu ogunyazisisekileyo yi-CapeNature, angangena kumhlaba wabucala
- (a) ngenzuwe yomini-mhlaba; okanye
- (b) kwimiba ebanjela ingozi ebomini bumnthu okanye kwimimandla ezahlukeneyo zezinto eziphilayo ngaphandle kwemvume
- (4) I-CapeNature inako nanina, ngokumalunga nanoma yiyiphi na indobo, yenza okanye igunyaze naluphi na unyathelo, olubandakanywa nomsebenzi onqandayo okanye indlela ekhuselekileyo—
- (a) lidala ubungozi bomenzakalo okanye ukufa kwabantu okanye kohlobo lwesidalwa esiqhelisiweyo;
- (b) ukuba eso sidalwa senzakele okanye sine-sifo;
- (c) simosha izityalo kumhlaba olinyiweyo okanye kwenye ipropati;
- (d) iingenesiphumo esibi kwisidalwa semveli, uthungelwano lwendalo okanye okusingqongileyo; okanye
- (e) eso sidalwa kufuneka sibanjwe okanye sibulawe ngenxa yolondolozo.
- (5) Ukuba isilwanyana sasendle sidhunjwe okanye ngeksha lokuzingela, i-CapeNature inako ukuthi asikwazi ukusungula ubunikazi bomini, libulale isilwanyane kwaye litshabalalise isidumbu.
- (6) Phambi kokusebenzisa amagunya ngokwemiqathango yeli candelo, i-CapeNature kufuneka, ukuba kuyenzeka—
- (a) ibonise nomenzi womhlaba; kwaye
- (b) kufuneka i-ike isaziso sexesha elamkelekileyo kumini womhlaba esixela ngeksha, indawo nendlela i-CapeNature eza kusebenzisa ngayo amagunya ayo.

Isigendu 2
Ibhunga Lolawulo

Imisebenzi yebhodi

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12. (1) I-CapeNature ilawula yiBhodi, eliyigunya layo lokuphendula ingxelo kwaye kufuneka ihambisane neemfuno zomithetho wolawulo lweMali kaRhulumente.

(2) IBhodi kufuneka—

(a) igcine ulawulo olufanekileyo lweCapeNature;

15. (1) Umphathiswa wePhondo kutuneka akhethe amalungu ebhodi angagunyazisiyo achazwe kwicandelo 13(1)(a).
- (2) Xa umphathiswa wePhondo eyumba ilungu elingekho kwisigqeba solawulo webhodi, umphathiswa Phondo kutuneka—
- (a) athi esebenzisa isaziso *kwiGazethi yePhondo* nakumaphetha ndaba asasazwa kweliphondo, ngeelwimi ezisemthethweni zePhondo, acele uluntu ukuba lutyumbe abantu abatanekileyo; yaye
- (b) aqwalasale onke amagama atyunjliweyo alunyenweyo consider yaye emva kokubonisa nani eNdlako yeSebe neGosa eliyiNdlako yeSigqeba solawulo, atyumbe inani ePhondo lamalungu ebhodi.
- (3) Xa esenza idinga nebhodi ngokwecandelo 1, umphathiswa wePhondo kutuneka—
- (a) aqinisekise ukuba umntu owonjuliweyo ukulungele kwaye ukulungele ukqeshwa;

Ukutyunjelwa kwibhodi

14. Umntu akanakutyunjelwa kwibhodi ukuba—
- (a) ilungu lePalamente yesizwe, wephondo lomthetho okanye lebhunga likamasipala;
- (b) ilungusebenzi—
- (i) we CapeNature;
- (ii) kamaspala; okanye
- (iii) umsebenzi ngokwePublic Service Act, 1994 (Isibhengezo 103 ka-1994), ngaphandle kokuba ochazwe kwicandelo 12(1)(b) lalo Mithetho; ilungumtu okhe wabanjwa wagweyela ityala; bandakanye ubuxoki ukungathembeki;
- (c) linto engena kulungiswa njengontyumentha ematyaleni; okanye
- (d) likhe wabhengezwa njengochaphazeleke engqundweni yinkundla yomthetho.

Okungavumelekanga njelungu lebhodi

13. (1) Ibhodi iquka—
- (a) ubuncinane ngamalungu asixhenxe angaduli kwithoba aqashwe nje ngamalungu angagunyazwanga aye aqeshwa ngokwemigaqo yecandelo, kwaye
- (b) nje ngamalungu alawulayo—
- (i) iGosa leSebe elichongwe ngumphathiswa wePhondo; kwaye
- (ii) iGosa eLilawulayo leOfisi.
- (2) Umphathiswa wePhondo—
- (a) kutuneka inqume inani lamalungu ayo kuqeshwa ngokwecandelo 1(a); kwaye
- (b) inokutshintsha inani elinqunye ngokwemigaqo yomhlathi (a), kodwa inganciphisa inani kuphela xa isithuba sebhodi senzeka.
- (3) Amalungu angawona alawulayo angavota ngokwecandelo 25.

Isakhawo

- (3) Ibhodi kutuneka yenze imisebenzi yayo phantsi na imiyalelo ekhutshweyo nemiyalelo ekhutshwe ngumphathiswa.
- (a) inikele isikhokelo esicwangcisiweo kwiCapeNature; zeCapeNature
- (b) iumlele kwaye alandele ukuthotyelwa kwemigaqo kunye nezicwangciso ngokwemigaqo yalo Mithetho;
- (c) inikele isikhokelo esicwangcisiweo kwiCapeNature; zeCapeNature
- (d) iphuhlise i-Charter yeBhodi ukubonelela iMigaqo yokuphatha kwamalungu ebhodi, kunye neenkqubo zokudibana, kunye nokulawula imiba enxulumene nolawulo lwenkampani.
- (e) ichongwe nokubeka iliso indawo kunye nokusebenza ngokubhekiselele kwiCapeNature; kwaye
- (f) ikhuthaza ukubonelela okwanelayo kweCapeNature ukwenza imisebenzi yayo.

USihlalo webhodi

- (b) aginisekise ukuba umntu owonuyiweyo uneziqinisekiso ezifanelekileyo, ulwazi namava, njengoko kunokugqitywa nguMphathiswa wePhondo; kwaye (c) bayithathele ingqalelo imfuneko yokugqesha abantu—
 - (i) abambele ngokubanzi ubume bePhondo; kwaye
 - (ii) kwimibutho efanelekileyo esekwe kuluntu okanye emele iPhondo.
- (4) Akukho sigqibo sithathwe yiBhodi okanye intshukumo yebhodi engasayi kwamkela kuba kukho isithuba esikhoyo kwiBhodi okanye kuba umntu kuye kwahlala kwiBhodi umntu ebe ngatfanelanga kuhlala njengalungu lebhodi xa bekuthathwa isigqibo okanye kugunyaziswa intshukumo, ukuba isigqibo okanye intshukumo igunyaziswe ngamalungu angphezu kwehafu yamalungu ebhodi ebekhona nangamalungu ebhodi.

16. (1) UMphathiswa wePhondo, emva kokubonisana namalungu ebhodi—

- (a) kufuneka atyumbe okanye aphinde atyumbe ilungu lebhodi elingelolungu lesigqeba esilawulayo kwiBhodi njengosihlalo nelinye ilungu elingelolungu lesigqeba esilawulayo kwiBhodi njengosihlalo;
 - (b) angathi xa kukho isizathu esivakalayo, arhoxise naluphina unyulo. (2) USihlalo noSihlalo batyunjela isithuba esigqitywe simisela nguMphathiswa wePhondo esingenokuba ngaphenzu kwekhesha umntu alilungu ngalo esixele kwicandelo 17.
 - (3) UMphathiswa wePhondo angatyumba naliphina ilungu lebhodi njengosihlalo webhodi obambelayo ukuba—
 - (a) xa kunokwenzeka kubekho isithuba kwiofisi kasihlalo nesekela lakhe kungeka tyunjwa usihlalo noSihlalo; okanye
 - (b) ukuba usihlalo noSihlalo abekho kwimilanganis zebhodi ezimbini nangaphezulu ezilandelelanayo.

Ixesha eliseyenzwa ngalungu angekho kwisigqeba sebhodi

- 17. (1) Ilungu elingekho kwiBhodi—
 - (a) ityunjela isithuba seminyaka emithathu; kuxhomekeke kwicandelo 22(2);
 - (b) ukuphela kwekhesha elixele kumhlathi (a), Inqaphinde ityunjwe nguMphathiswa wePhondo, emva kokubonisana neNtoko yeSebe neGosa eliyiNtoko yeSigqeba solawulo, lisebenze esinye isithuba esinye seminyaka emithathu.
 - (2) UMphathiswa wePhondo angakwandisa ixesha lokugqesha kweilungu elingaganjwa elichazwe kwicandelwana (1)(a) okanye (b) ixesha elingaduli unyaka omnye.

Imiqabango yotyumbo neyentlawulo

18. (1) UMphathiswa wePhondo, ngokuvumelana noMphathiswa wePhondo onoxanduva lwezemali, kufuneka agqibe ngemiqabango yokutyunjwa kwamalungu angamalungu esigqeba esilawulayo ukuba abe ngamalungu ebhodi, kubandakanywa kuliandela iPublic Finance Management Act. (2) ICapeNature inoxanduva lokuhlawula imali nezibonelelo zamalungu ebhodi angengomalungu esigqeba solawulo.

Ukuziphatha kwamalungu

- 19. (1) Ilungu lebhodi—
 - (a) kufuneka lenze imisebenzi yalo ngokuthembeka nangokungoyiki, ngokungenamkhethe nangokungacaliliyo;
 - (b) kufuneka lithobele iMiqabango yokuziphatha exelwe ku-12(2)(e);
 - (c) kufuneka lithobele ngemali okanye ngamasishini elinawo, okanye angawomlingane walo, ilungu losapho yaye kufuneka lingabi yinxalenye yeengxoxo zebhodi xa kuqwalasela loo mba;
 - (d) alinakusebenzisa ulwazi olunhliweyo elilufunene njengalungu lebhodi alinakusebenzisa ulwazi olunhliweyo elilufunene njengalungu lebhodi okanye ngenxa yesikhundla salo nalungelo alo njengalungu lebhodi ukuze litumana inzuzo yalo okanye ukuzuzisa omnye umntu; yaye

(e) alinakuziphatha nangayiphi enye indlela echaphazela isidima seBhodi, edala umkhethe nechaphazela inkululeko nentlonipheko yeCapeNature okanye yeBhodi.
 (2) Ilungu leBhodi elaphula okanye elingathobeli icandelewana (1) linetyala lokuziphatha kakubi.

Ukuphelelwa kobulungu

20. Ilungu elingekho kwisigqeba solawulo liyayeka ukuba ilungu leBhodi ukuba—
 (a) ixesha elisetyenzwa lilungu elingekho kwisigqeba solawulo liphelile; okanye
 (b) ilungu elingekho kwisigqeba solawulo—
 (i) alisafanelanga ukuba lilungu ngokwecandelo 14(a) ukuya ku(e);
 (ii) ingenisa ileta yokuyeka kwinyanga ezintathu phambi kokuba ibeke uvumelela isithuba esitutsihane kwimeko ethile;

(iii) liyasuswa kwisikhundla ngokwecandelo 21.
 phantsi intambo, ngaphandle kokuba uMphathiswa wePhondo uvumelela isithuba esitutsihane kwimeko ethile;

Ukususwa nokumiswa

21. (1) UMphathiswa wePhondo angalikusa ilungu leBhodi kwisikhundla ngenxa yezizathu zilandelayo—

(a) yokuziphatha kakubi, nokungakwazi ukusebenza; ilungu elingekho kwilandelayo ezizathu zokungafumani mvume kusihlalo, ngaphandle kokuba kunikwa izizathu
 (b) ilungu elingekho kwilandelayo ezizathu zokungafumani mvume phambi kokungabikho; ezizathu zokungafumani mvume phambi kokungabikho;

(c) ukungabikho ukuphawula amatyala; okanye
 (d) isigqeba solawulo mthetho olubandekanya ukunganyaniseki.
 (2) UMphathiswa wePhondo—

(a) kufuneka alisuse ilungu leBhodi kwisikhundla njengoko kucacisiwe kwicandelewana (1) emva kweziphumo ezifunyaniswe yibhodi yophando etyunjwe nguMphathiswa njengoko kuxeliwe kwicandelo 7(2)(d); kwaye
 (b) unokumisa ilungu leBhodi eliphandwayo njengoko kuxeliwe kumhlathi (a).

Ukuzaliswa kwezithuba

22. (1) Isithuba kwibhodi siyazaliswa—

(a) sikaSihlalo okanye uSekela-Sihlalo, ngokutyunjwa kwelinye ilungu leBhodi njengoSihlalo okanye uSekela-Sihlalo, ngokwemeko leyo, njengoko kuxeliwe kwicandelo 16(1)(a); yaye
 (b) kwimeko yelungu leBhodi elingekho kwisigqeba solawulo, ngokulandela inkqubo exeliwe kwicandelo 15.

(2) Umntu otyunjwe ukuzalisa isithuba uba kwezo sithuba egqibezela inkalenge ebingekapheleli yesithuba ebesibanjwe ngobehilungu.

Isigqibo

Inkqubo zokusebenza zeBhodi

Intlanganiselo

23. (1) IBhodi kufuneka ubuncinane ihlangane kane kunyakamali ngamnye weCapeNature yaye uSihlalo unokwenza isicelo sesininzi lwamalungu eBhodi funekile lubambe intlanganiselo ekhethekileyo yokuxoxa umba othile.

(2) USihlalo kufuneka abize ze ahlalale intlanganiselo zeBhodi, kodwa ukuba akakho uSihlalo kwintlanganiselo, uSekela-Sihlalo kufuneka ibe nguye ohlalale intlanganiselo.

(3) Ukuba bobabini uSihlalo kunye noSekela Sihlalo abekho kwintlanganiselo amalungu akhoyo kufuneka akhethe elinye ilungu ukuba lichophele intlanganiselo, kulandelela icandelo 16(3).

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Iinkqubo

- 24. (1) IBhodi kufuneka igqibe ngeenkqubo zayo zokunqhuba imlanganiselo kwiimlanganiselo. (2) IBhodi kufuneka irekhodi zenlanganiselo nezezigqibo ezithathwe (3) IBhodi ingamema nawuphi umntu ukuba bazimase nayiphi imlanganiselo yebhodi.

Ikhoram nezigqibo

- 25. (1) Uninzi lwamalungu ebhodi angamalungu ngelo xesha enza ikhoram yentlanganiselo yebhodi. (2) Umba ocoxwa yibhodi ugqitywa ngeevoti zoninzi lwamalungu avotayo akhoyo (3) Ukuba kumba ocoxwa yibhodi ivoti ziyalingana, ilungu lebhodi walo ndlanganiselo kufuneka ibe lilo elinikeza enye ivoti yokunika isigqibo ngaphezu kokuba besele ivotile njengelungu.

Ikomiti

- 26. (1) IBhodi inokuseka iikomiti, kubandakanya ikomidi lokuphicothwa, ukukunceda ekufezeni imisebenzi yalo, equka enye okanye ngaphezulu kwezi zinto zilandelayo:

- (a) amalungu ebhodi;
 - (b) abasebenzi beCapeNature;
 - (c) abanye abantu ngokwebhodi banamava asondeleyo okanye ubuchule.
- (2) IBhodi—
- (a) kufuneka ichaze imisebenzi yekomiti nganye emisebenzi kwicandelwana (1);
 - (b) kufuneka ityumbwe usihlalo wekomiti namalungu ekomiti nganye;
 - (c) ingasusa ilungu layo nayiphi na ikomiti kwiofisi namini na; yaye
 - (d) kufuneka igqibe ngeenkqubo zekomiti nganye.
- (3) Ikomiti zenza kuphela izindululo emazamkeliwe yibhodi.
- (4) IBhodi ingayichitha namini na ikomiti ngaphandle kwekomiti yopichotho.
- (5) Kusebenza icandelo 18 kunye no 19 nezinto ezishintshileyo kumalungu ekomiti.

Isigqibo 4

Ulawulo lweCapeNature

Ukugeshwa kweGosa eliyiNtloko yeSigqeba soLawulo

- 27. (1) IBhodi, isebenzisana noMphathiswa, kufuneka igeshe umntu onezifundo ezifanelekileyo namava afanelekileyo njengeGosa eliyiNtloko yeSigqeba soLawulo leCapeNature.
- (2) IGosa eliyiNtloko yeSigqeba soLawulo—
 - (a) ligeshwa isithuba seminyaka emihlanu; yaye
 - (b) linokuphinda lihlaziyelwe ingqesho yibhodi eminye iminyaka emihlanu.
- (3) IGosa eliyiNtloko yeSigqeba soLawulo ligeshwa ngokwemiqathango yengqesho ebekwe yibhodi emva kokuvumelana noMphathiswa wePhondo.
- (4) IGosa eliyiNtloko yeSigqeba soLawulo linoxanduva lolawulo lweziko nolwezimali zeCapeNature yaye kufuneka—
 - (a) lincedise IBhodi ukuphumeza imisebenzi yayo njengogunyaziwe onika inkcaza weCapeNature nokuthobela iPublic Finance Management Act
 - (b) neze lo misebenzi yaye asebenzise loo magunya awanikwe yibhodi; okanye neengxelo ezifunwa yibhodi;
 - (c) anike ingxelo kwiBhodi ngemiba yolawulo, ukwenziwa kwemisebenzi nokusetyenziswa kwamagunya ngohlobo nanengenlela IBhodi egqibe ngayo; ukulingisa idrafthi zezicwangciso, zeenkcazelo neengxelo ezixelwe kwicandelo 28;
 - (d) aqeshe iGosa leZimali eliyiNtloko elinezifundo zokwenza oko;

- (f) aqeshe abasebenzi, ejonga imali ekhoyo ebekwe yiBhodi nangokomgaqomkqubo wengqesho weBhodi;
- (g) apathethe abasebenzi;
- (h) aqinisekise ukuba iCapeNature ithobela imiqathango yalo Mithetho, iPublic Finance Management Act kunye nawuphi omnye umthetho ofanelekileyo; kunye
- (i) ngukubanzi ugondise imicimbi yeCapeNature ukwenzela ukufezekisa iinjongo zalo Mithetho.
- (5) Ukuba iGosa eliyiNtloko yeSizigqeba solawulo alikho okanye alikwazi kwenza umsebenzi walo, okanye kukho isithuba sesikhundla seGosa eliyiNtloko yeSizigqeba solawulo, iBhodi ingathini, ngenzumelelwano noMphathiswa, iqeshe umsebenzi weCapeNature njengeGosa eliyiNtloko yeSizigqeba solawulo elibambelayo isithuba esingekho ngaphhezulu kwecinyanga ezintandathu ngeqesha—
- (a) iGosa eliphhezulu eliphhezulu ngaliphi na isizathu esingekho okanye engakwazi ukwenza imisebenzi yakhe; okanye
- (b) kukho isithuba kwiofisi yeGosa elilawulayo elilawulayo.
- (6) iGosa eliyiNtloko yeSizigqeba solawulo elibambelayo—
- (a) linamagunya nemisebenzi yeGosa eliyiNtloko yeSizigqeba solawulo; yaye
- (b) kufuneka liqeshwe ngokwemqathango exelwe kwicandaelwana (3).

Isiqendu 5

Imiba yezimali

Unikezomkcaza nonikezongxelo ngenemali

28. IBhodi kufuneka iqinisekise ukuba kulungiswe izicwangciso neengxelo zonyaka, iibhajeethi, iingxelo zonyaka neengxelo zemali eziphicothiweyo, ezamkkelwe zaze zangeniswa ngokwePublic Finance Management Act.

Imali

29. (1) Imali zeCapeNature zibandakanya—
- (a) ingeniso esuka ekwenzeni imisebenzi yayo; njengeko ichazwe kwicandelo 11(1);
- (b) imali eyabawe yiPalamente yePhondo;
- (c) iigranti neemali ezitunyenwe nakubanina;
- (d) amalizo namata ashiyelwe yona;
- (e) ingeniso esuka kutyalomali;
- (f) imidliwo etunyenweyo okanye ethathwe kumatyala phantsi kwalo Mithetho; kunye
- (g) nayiphi imali etunyenwe kweminye imithombo. Ngenzume yomPhathiswa wePhondo kunye neBhodi phantsi komthetho wolawulo lwemali kaRuhulumente;
- (2) ICapeNature kufuneka isebenzise imali zayo ukwenza imisebenzi yayo ecamngcwe kwicandelo le-10 nele-11 kunye—
- (a) igubungele iindleko zayo zokusebenza, IBhodi nezokulawula; kwaye
- (b) enze igalelo ekuxhasweni kwemali yenkunzi yakhe kunye neendleko zokugcina.
- (3) iGosa eliyiNtloko yeSizigqeba solawulo kufuneka liqinisekise ukuba zonke imali ezitunyenwe ngokwecandaelwana (1) zidiphoziwe kwi-akhawunti yebhanka yakwaCapeNature.

Imali ezibekliweyo

30. (1) IBhodi ingacina imali koozimba phantsi koMithetho wolawulo lwemali kaRuhulumente kwaye nangokuvumelana noMphathiswa wePhondo onoxanduva lwemali, ezitunyenwe ngokwecandelo 29(1) ukuze yenze imisebenzi yayo nokusebenzisa amagunya ayo.
- (2) Nayiphi imali efakwe okanye ekhutshwe kwaba zimba beemali kufuneka ivunyenwe yiBhodi.

Utyalomali

31. Ibhodi ingatyala naziphi imali zeCapeNature ezingazi kuseyenziswa ngokukhawuleza landela umgaqonkqubo woTyalomali obekileyo ngokwecandelo 7(4) loMthetho woLawulo lweMali karhulumente, kwaye nangokuvumelana noMphathiswa wePhondo onoxanduva lwezemali.

Isigendu 6

Ukuchithwa kweBhodi okanye CapeNature

Ukuchithwa kweBhodi

32. (1) Ukuba uMphathiswa wePhondo unezizathu ezivakalayo wokuBa Ibhodi ayiwenzi umsebenzi wayo ngokwecandelo 12, kufuneka ukhuphe umyalelo okhankanywe kwicandelo 7(2)(c)—

(2) Ukuba uMphathiswa akaneliSekanga ukuba Ibhodi iwuthobele umyalelo oxelwe kwicandela (1) uMphathiswa wePhondo angayichitha Ibhodi ngokukhupha isaziso *kwiGazethi yePhondo*.

(3) Mphathiswa wePhondo unokwenza imisebenzi yeBhodi ukusukela kumhla wopasho lwasaziso esixelwe kwicandela (2) de kube kumiselwa Ibhodi entsha exelwe kwisigendwana (4).

(4) UMphathiswa kufuneka ngexesha elamkelekileyo emva kokuchithwa kweBhodi aliyumbe amalungu kwiBhodi njengoko kuxelwe kwicandelo 15.

Ukuchithwa kweCapeNature

33. (1) CapeNature ayinakuvalelwa okanye ichithwe ngaphandle kokuba oko kwenziwe ngoMthetho wePalamente yePhondo

(2) Emva kokuchithwa kwayo, iCapeNature kufuneka idlulisele zonke iisethi zayo ezishiyekileyo kwisiSebe okanye kwelinye iziko lephondo elixelwe kumthetho woLawulo lwezimali zikaWonke wonke ngohlobo oluxelwe nguMphathiswa wePhondo.

**ISAHLUKO 5
UKWENZA IZICWANGCISO NOKUBEKA ILISO KWINTLOBO NTLOBO
ZEZITYALO NEZILWANYANA**

IsiCwangciso soMhlaba sendobonile zezityalo nezilwanyana

34. (1) ICapeNature, emva kothethathethwano neNtloko yeSebe, kufuneka iqulunge uyilo lweSiCwangciso soMhlaba seNtlobo zezityalo nezilwanyana kwisithuba sonyaka omnye wokqaliswa kwalo Mthetho lize iwungenise kuMphathiswa wePhondo ukuze awamkele.

(2) Phambi kokuba amkele isiCwangciso seNda wo yeNda lo, uMphathiswa wePhondo kufuneka—

(a) kwilwimi ezisemthethweni zePhondo, upapashwe isalathiso apho isiCwangciso seNda wo esingafaniyo sinokuthikelelwa luluntu—

(i) ngesaziso *kwiGazethi yePhondo*; kwaye

(ii) kumaphaphandaba amabini asasazwa kwiPhondo eli, elinye lawo ubuncinci kufuneka libe lishicilelwe;

(b) yenza ukuba uyilo oiyilileyo lweSiCwangciso soMhlaba seNtlobo zezityalo nezilwanyana lufumanekwe kwaye lufikeleleke kuluntu ngendlela efanelekileyo kwindawo echaziweyo ngokomhlathi (a); kwaye

(c) livumele ihubha lokumika ingxelo ubuncinane iintsuku ezingama-60 ukusukela kumhla wopasho lwasaziso *kwiGazethi yePhondo*.

(3) UMphathiswa wePhondo kufuneka—

(a) ziqwalasise zonke izimo ezithe zafunyanwa;

(b) abonisane noMphathiswa kaZwelonke ngesiCwangciso sokuGqibela soMhlaba weNtlobo zezityalo nezilwanyana eyahlukeneyo yeNda lo;

(c) zingaphelanga iintsuku ezili-150 zokuphela kwexesha lokukhankanya njengoko kuxelwe kwisigendwana sesi-2(c), amkele isiCwangciso

sokugqibelo soMhlaba weNtlobo ntlobo zezityalo nezilwanyana, aze asipapashe ngesaziso kwiGazethi yePhondo.

Injongo yesiCwangciso soMhlaba seNtlobo ntlobo zezityalo nezilwanyana yeNdale

35. Injongo yesiCwangciso seMhlaba yeNtlobo ntlobo zezityalo nezilwanyana — kukuba—

(a) misela iithagethi zezinto eziphilayo;

(b) ichonge ngokwendawo enye okanye ezinye iindi zemimandla ephambili yendalo eya kuqinisekisa ubukho obughubekayo kunye nokusebenza kwendalo kunye neenkqubo zezinto eziphilayo, kubandakanya ukuhanjiswa kwenkonzozo zendalo;

(c) inike isikhokelelo esichazisa injongo zolawulo ezinqwenelekayo zokusetyenziswa komhlaba kunye nezixhobo kwicandelo ngalinye lendawo ephambili yezendalo;

(d) ukubonelela ngocwangciso lomhlaba kunye nezikhokelelo zokwenza izigqibo ngokusetyenziswa komhlaba ukuqinisekisa uphuhliso oluzinzileyo lokusiqingqongileyo kunye nokusetyenziswa kobutyebi kunye nokomelela kwendalo kunye nephondo kwiphondo; kwaye

(e) iqinisekise ukuba iziseko zondalo kwiphondo zigcinwa, ukwahlulwa kwendalo kunye nelahleko kuthintelwe, kunye nokomelela kwendalo kunye poluntu loluntu kwimpembelelo zotshintsho lwemozulu.

Umxholo wesicwangciso soMhlaba weNtlobo ntlobo zezityalo nezityaloye

36. Isicwangciso soMhlaba seNtlobo ntlobo zezityalo nezilwanyanaNdalewo seNdale

kufuneka—

(a) kufuneka iphuhlise kusetyenziswa imigango-nkqubo kunye nendlela zokucwangciswa kwendalo eyahlukeneyo kwaye kufuneka isekwe kwesona sayensi kunye nedatha efunanekayo;

(b) usete injongo ekujoliswe kuzo zezinto eziphilayo ekufuneka zenze iindi zemimandla ephambili yezendalo;

(c) ichonge indawo ezahluka-hlukeneyo ngokubaluleka kwamacandelo kunye neethagethi ezichazwe kumhlathi (b);

(d) ibandakanye ukumelwa komhlaba kunye nedatha yendawo yemimandla ephambili yezendalo; kwaye

(e) ibandakanye izikhokelelo zeejongo zolawulo ezinqwenelekayo zodidi ngalinye lwenkalo ephambili yezendalo echongweyo ngokomhlathi (c).

Ukuseetyenziswa nosetyenziso kweSicwangciso soMhlaba weNtlobo ntlobo zezityalo nezilwanyana seNdalewo

37. (1) Isicwangciso soMhlaba seNtlobo ntlobo zezityalo nezilwanyana

sisicwangciso sephondo njengoko kuchazawe—

(a) amacandelo elama-25(1)(e), 26(d), 27(2)(a) nelama-29(1)(c) kaLocal Gov-ernment: Municipal Systems Act;

(b) amacandelo e-12(4), 15(3)(b) ne-16(c) oMithetho woCwangciso lweNdalewo nolawulo lokuseetyenziswa komhlaba, 2013 (uMithetho we-16 wama-2013); kwaye

(c) icandelo le-4(3)(c) (ii) kunye (iii) noMithetho wokuCwangciswa kokuSetyenziswa komhlaba weNtshona Koloni, 2014 (uMithetho we-3 wama-2014), othi umisele izinto eziphambili ngokubaluleka, injongo nezicwangciso-qhinga zezinto ezohlukeneyo eziphilayo, izibonelelo zendalo kunye nezinye ezinxulumene noko. Ushintsho lwemozulu.

(2) Isicwangciso soMhlaba seNtlobo ntlobo zezityalo nezilwanyana kufuneka sazise—

(a) isicwangciso-buchule soLwandiso lweNdalewo eziKhuselweyo zePhondo kunye nolawulo lwendalo;

(b) ukuchongwa kwendalo kunye nolwahliwe lwendalo kunye nokudweliswa kweNtlobo ngokwemigathango yalo Mithetho kunye neminye imithetho yendalo esingqongileyo;

(c) ucwangciso lokuseetyenziswa komhlaba kunye nokwenza izigqibo;

- 55 apho kutumaneke khona iSicwangciso soNatyiso lweMimandla eKhuselweyo
 (a) athi ngelwimi ezisemthethweni zePhondo, apapasho isalathiso esikhomba
 lweeNdawo ezikhuselekileyo zePhondo uMphathiswa kufuneka—
 (3) Ngaphambi kokuba kagaliswe ukuseyenziswa iSicwangciso soKwandiso
 kuMphathiswa ozowamkela wenziwe.
 50 eliphakathi kweminyaka emibini kokugaliswa kwalo Mithetho; yaye ukuqinisekisa
 iingcisi zeSicwangciso soNatyiso lweMimandla eKhuselweyo kwiPhondo
 (2) ICapeNature, funeka emva kokubelawano neNdlalo yeSebe, kufuneka
 kwicandelo lama-42(1)(a).
 45 (b) iGosa eliyiNdlalo seSizigqeba soLawulo lIngathatha amanyathelo
 afanelekileyo, kulondolozo lweNdlolobobobozo zezityalo udid olichazwe
 (i) ekwamkeleni iSicwangciso soNatyiso lweMimandla eKhuselweyo
 sePhondo; sokwandiswa kwemithetho yomandla okhuselweyo
 (ii) ukubhengeza imimandla eKhuselweyo ngokomithetho weMimandla
 eKhuselweyo; kwaye
 40 (i) ekwamkeleni iSicwangciso soNatyiso lweMimandla eKhuselweyo
 sePhondo; sokwandiswa kwemithetho yomandla okhuselweyo
 abandakanya kodwa angaphelanga—
 (a) uMphathiswa wePhondo angathatha amanyathelo afanelekileyo,
 39. (1) Ukuze kuphunyezwe iinjongo exelwe kwicandelo 2(g)—

Iisicwangciso sonatyiso lweMimandla eKhuselweyo yePhondo

35 *Unatyiso lweMimandla eKhuselweyo*

Isahluko 1

NGAZO

30 **IMMANDLA EKHUSELWEYO, IMMANDLA YOQOKELILO LWAMANZI
 ESEZINTABENI, AMATHALA ENDALO ABUCALA, INKQUBO
 YOLONDOLOZO LWEENTLOBO ZEZITYALO NEZILWANYANA
 NAMATHALA ENDALO EZIDALWA EZIDALWA EKWENZWA UPHANDO**

ISAHLUKO 6

- 20 38. (1) ICapeNature, emva kothethathethwano neNdlalo yeSebe, kufuneka isijonge
 kwakhona iSicwangciso seNdawo eyahlukeneyo seNdalo ubuncinci rhoqo
 emva kweminyaka emihlanu okanye xa iyalelwa njalo nguMphathiswa wePhondo.
 (2) Icandelo 34 liyasibenza, kunye nothintsho oluyimfuneko, kuphononongo
 nakwisilungiso soCwangciso lweNdawo yeNdalo.
 25 (3) UMphathiswa wePhondo kufuneka ukuba avaranye iSicwangciso seMihlabha
 eyahlukeneyo seNdalo ukuze aqinisekise ukuba ingaba iinjongo zomfuzo ziye
 zafikelelwa kubungakanani na.

yeNdalo

Uphengululo lweSicwangciso soMhlabha weNdlolobobobozo zezityalo nezilwanyana

- 15 zebhayoloji ezibanga ezo mfuno.
 yendawo ethile, iSicwangciso seNdawo yeNdalo sichonga imkalo eziphambili
 ngokomthetho wezandalo ngenxa yefuthe lokwenza okunjalo kwiyanludkwanano
 10 (4) Ngeenjongo zayo nayiphi na imfuneko yesigunyaziso somsejenzana ochazweyo
 ezinqwenelekayo kwizikhokelo ezichazwe kwicandelo lama-36(e).
 (3) Xa umasipala esamkela okanye esenza izilungiso kumgaqo-sikhokelo wophuhliso
 lomhlabha ngokwemigaqo yeLocal Government: Municipal Systems Act: iindi
 ezikwisakhelo sophuhliso lomhlabha zithathelwe ingqalelo iinjongo zolawulo
 (g) izinto eziphilayo ezahlukeyo.
 5 (f) izigqibo namanyathelo alo nayiphi na iziko likarhulumente elinemigaqo-
 ezizingqongileyo;
 (e) nayiphi na inkqubo yenkxaso yeziqibo, isixhobo solawulo
 lokusiqongileyo okanye nvaanyo lobuchule lokusiqongileyo
 oluphuhlisiweyo okanye oluseyenzisiweyo ngokomthetho wendalo
 (d) imigaqo-inkqubo nezikhokelo eziquinqwene ngokwemigaqo yemithetho
 yendalo esingqongileyo;

- (i) ngesaziso *kwiGazethi yePhondo*; kunye
 (ii) kumaphaphandaba amabini afundwa kwiphondo yaye elinye lawo
 kufuneka ibe liphaphandaba elikwifomti eprintiweyo;
 (b) wenze isicwangciso solungiso lweNda wo zolondolozo lwePhondo
 ezifumanekayo kwaye zihleleleke kuluntu ngenjengelela ethelekileyo
 (c) avumele isithuba seenzuzo ezingama-60 ukususela kumhla wokupapashwa
 kwesaziso *kwiGazethi yePhondo*.
 (4) Umphathiswa wePhondo funeka—
 (a) athathele ingqalelo zonke izimvo ezifunyenweyo; yaye
 (b) kwintusuku ezingama-90 zokuphela kwekhesha lokunika izimvo ezixelwe
 kumhlathana (4)(c), amkele isicwangciso soNatyiso lweMimandla
 ekhuseleweyo yePhondo kwaye asipapashwe ngokukhupha isaziso *kwiGazethi*
yePhondo.

15

Isahlulo 2

Iimandla yogokelelo lwamanzi esezintabeni

Isibhengezo semimandla yogokelelo lwamanzi esezintabeni

40. (1) Umphathiswa wePhondo angathi ngokukhupha isaziso *kwiGazethi*
yePhondo—
 (a) abhengeze ummandla ukuba ibe—

- (i) ngummandla wogokelelo lwamanzi esezintabeni; okanye
 (ii) inkxalenye yommandla okhoyo wogokelelo lwamanzi esezintabeni; ze
 (b) athiye igama loo mmandla wogokelelo lwamanzi esezintabeni.
 (2) Umphathiswa wePhondo angenza isibhengezo ngokwecandawana (1)(a), ukuba
 ulawulo lwezinto ezenziwayo apho nezibonelelo zidinga oko, ukuz—
 (a) kumenleyinwe iintlobo nezizinye nezizinye nophungelwano
 lwendalo kummandla;
 (b) kugcinwe imiqathango yeenkonzo zophungelwano lwendalo ingakumbi
 amanzi; nezibonelelo
 (c) ukugqinisekisa ukuba usetyenziso lweenkonzo zophungelwano lwendalo kuloo
 mmandla zizinzile.

- (3) Umphathiswa wePhondo angenza isibhengezo ngokwecandawana (1) malunga
 nowuphi na umhlaba kunye nomhlaba womntu.
 (4) Ukuba umphathiswa wanelisekile ukuba kukho ubungqina bokuba ummandla
 wogokelelo lwamanzi esezintabeni, okanye inkxalenye yawo, awudingeki, angathi,
 ngokukhupha isaziso *kwiGazethi yePhondo*, njengoko kunjalo mhlawumbi—
 (a) ukuthoxisa isimembezelo saloo ndawo yogokelelo lwamanzi esezintabeni,
 okanye utshintshelwano yaloo ndaba;
 (b) ukungaquki nayiphi na indawo yogokelelo lwamanzi esezintabeni.

- (5) Ngaphambi kokuba kukhutshwe isaziso esichazwe kwicandawana (1)(a), (3)
 okanye (4), Umphathiswa wePhondo kufuneka, ngokuchanekileyo, achazele abantlwa
 bomhlaba isaziso esicetywayo kunye nemiphumo yesaziso.
 (6) Indawo apho ekugaleni kwalo Mithetho, yindawo yemimandla yogokelelo
 lwamanzi esezintabeni ngeka yesibhengezo phantsi kwecandawana 2 leMountain
 Catchment Areas Act yendawo ithathwa njengokuba ibhengezwe njengendawo
 yogokelelo lwamanzi esezintabeni phantsi kwecandawana (1).

- (7) Ummandla uyayeka ukuba ngummandla wogokelelo lwamanzi esezintabeni
 ukuba loo mmandla ubhengezwe, okanye ubandakanywe nolondolozo lwendalo
 olukhethekileyo, ipaki yesizwe okanye ihala lendalo lesizwe okanye kwinkxalenye yalo
 ngokwemigaqo yecandawana 18, 20 okanye 23 woMithetho weNda wo ezikhuselekileyo.

Ulawulo lwemimandla yogokelelo lwamanzi esezintabeni

41. Umphathiswa wePhondo unokunika umyalelo—

- (a) ngeemfuno ezingqalileyo zolawulo lwemimandla yogokelelo lwamanzi
 esezintabeni; okanye
 (b) imisebenzi ethile engavumelekanga kwimimandla yogokelelo lwamanzi
 esezintabeni ngokwenjongo yecandawana 40(2).

Isahlulo 3

Amathala endalo abucala

Inkqubo yolondolozo lweentlobo zezityalo nezilwanyana

42. (1) Ukuze kuphunyezwe isicwangciso Sokwandiso lweNdawo ezikhuselekileyo zePhondo uMphathiswa unokunika umyalelo—
- 5 (a) ngezindlu ezahlukelelyo zenkqubo yolondolozo lweentlobo zezityalo nezilwanyana;
- (b) inkqubo nemiqathango esebenza kuluhlu loomandla ngamnye wenkqubo yolondolozo lweentlobo zezityalo nezilwanyana;
- (c) isicelo, inkqubo yokubhalisa, utshintsho okanye urhoxiso lwenkqubo yolondolozo lweentlobo zezityalo nezilwanyana;
- (d) ngamalunga imisebenzi namagunya malunga nenkqubo yolondolozo lweentlobo zezityalo nezilwanyana;
- (e) inkqubo neenjongo zezicwangciso zolawulo lwenkqubo yemmandla yolondolozo lweentlobo zezityalo nezilwanyana; kunye
- 15 (f) nawuphi omnye umda oyimfuneko ekulawuleni kakuhle immandla yolawulo lwezinto eziphilayo.
- (2) iGosa leOfisi Elingumphathi ingangena kwisivumelwano salawulo lwezinto eziphilayo kunye nabani na ongunini Mhlaba.
- 20 (3) ICapeNature kufuneka ike iliso kwimo yezivumelwano zenkqubo yolondolozo lweentlobo zezityalo nezilwanyana nemimandla yenkqubo yolondolozo lweentlobo zezityalo nezilwanyana ze inike ingxelo qho ngonyaka kuMphathiswa wePhondo.
- (4) Ukuba ummi Mhlaba uyinxalenye kwisivumelwano sokuphatha izinto eziphilayo ezizindobono zezilwanyana, uye waphula eso sivumelwano, uMphathiswa wePhondo angahlawulisa, ngokwecandelo 73.
- (5) Ukumisela kwesohlwayo sokulawula njengoko kuchazwe kwicandelwana (4) akuchaphazeli amalungelo omntu nawuphina oqhelekileyo.

Isahlulo 4

Inkqubo yolondolozo lweentlobo zezityalo nezilwanyana

- Isicelo kwUNESCO ukuba ibhengxe ihlala njengehlala lendalo lezidalwa ezizodwa ekwenzwa uphando ngazo
- 30 (1) Nawuphi na umntu okanye iziko likarhulumente lingenza isicelo kuMphathiswa wePhondo ukuba aqhube nesicelo se-UNESCO sokubaluleka kwe-biosphere.
- 35 (2) Isicelo esixelwe kwicandelwana (1) kufuneka—
- (a) kugale kube khona indibano zokubonisana nabantu,
- (b) sibe kwitomathi ebekiweyo kunye;
- (c) sibandakanye ubume behlala lendalo lezidalwa ezizodwa ekwenzwa uphando ngazo ikomiti yethu yana emele ngokubanzi bonke abantu, abanomdla, amaziko kunye noluntu.
- (3) UMphathiswa wePhondo angasivuma isicelo anike izizathu zoko njengoko kuxelwe kwicandelwana (2). Kunye okanye ngaphandle kwezizathu, okanye angasivumi.
- (4) Ukuba uMphathiswa wePhondo uvuma isicelo, ihlala lendalo lezidalwa ezizodwa ekwenzwa uphando ngazo ikomiti yethu yana kufuneka—
- 45 (a) kusekwe ngenjela echanekileyo
- (b) ukulingiselela isicelo esihambelana neemfundo zeUNESCO ngokuchongwa kwe-biosphere egcinwe kwitomati njengoko ichazwe yiUNESCO, inkqubo yeMan and Biosphere Reserve;
- (c) lingenise isicelo kuMphathiswa wePhondo kwisithuba esibekiweyo okanye esongezwe nguMphathiswa; kanaanjalo;
- (d) lenze izilungiso kwisicelo esingenisweyo njengoko kuxelwe kumhlathi (b) ngokwemyalelo yoMphathiswa wePhondo.
- (5) Ukuba uMphathiswa wePhondo wanelisekile ukuba—
- 55 (a) isicelo siyahambelana ngokuphathalele nenkqubo yeUNESCO Man and the Biosphere Programme;

- (b) siyahambelana neenjongo zalo Mithetho; yaye
(c) ukuba kubandakanya, izilungiso ezixelwe kwicandawana (4)(d);
UMphathiswa wePhondo angasamkela isicelo ngokuhambelana neemfundo zeUNESCO ze asithumele kuMphathiswa weSizwe ukaze siqwalasalelwe ukuba sidunyelewe kwiiUNESCO.
- (6) Ukuba iUNESCO ichonga ithala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo, uMphathiswa wePhondo kutuneka apapashe isaziso solo chonngo *kwiGazethi yePhondo* kwintusku ezingama-90 emva kokuba iUNESCO yenze olo chonngo.
- (7) UMphathiswa wePhondo kutuneka athi qho kwiminyaka 10 ubuncinane ukususela kwixesha lokuchongwa kwethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo, aphonononge imo, ukusebenza nesicwangciso sesikhokelo sethala nezikhokelo zeUNESCO Man and the Biosphere Programme.
- (8) Ukuba uMphathiswa wePhondo ucinga ukuba emva kokubonisana nekomiti yolawulo echazwe kwicandelo 45 kunye namaqela anomdla kunye nabadintekayo, ukuba ibiosphere igcinwe ayithabelani nemisebenzi ephambili ye-UNESCO yoluntu neBiosphere Programme, kwaye ayinayo lithemba lokuthobela, uMphathiswa wePhondo unokucebisa uMphathiswa kaZwelonke ukuba angenise isicelo sokuthoxiswa kokutyunjwa kwaloo ndawo yokugcina indawo yebiosphere kwi-UNESCO.
- (9) Indawo yokugcina kwezinto eziphilayo kwezinto eziphilayo ezimiselwe kwiphondo ngaphambi kokugqibela kwalo Mithetho kuthathwa njengokuba isungulwe ngokuhambelana nalo Mithetho.
- Ulawulo lwethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo**
44. (1) Emva kopapashe lochongwo lwethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo *kwiGazethi yePhondo*, kutuneka kumiselwe ikomiti yolawulo ngendlela exelweyo ze emva koko ikomiti yethutyana yethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo ichithwe.
- (2) Ikomiti yolawulo kutuneka—
- (a) igqimisekise ukuba ithala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo yena umsebenzi wayo wolondolozo, uphuhliso oluzinzileyo yaye iyasebenza; yenze isikhokelo sethala lendalo lezidalwa ezizodwa;
- (b) njengoko kuchazwe kwicandelo 46; kwaye
- (c) ingxelo kuNggogqoshe wephondo ngonayaka, okanye ngeexesha elifutshane elimiselwe nguMphathiswa wephondo, ekuthezekiseni injongo kunye nokusebenza kwe-biosphere reserve.
- Isikhokelo sethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo**
45. (1) Isikhokelo sethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo kutuneka sithle wonke umhlaba okwithala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo njengommandla ongunodqo, owokhuselo lwendalo nowethutyana ze uchonge ukuba umhlaba ngamnye uza kusetyenziselwa ntoni okuhlulile ngalunye.
- (2) Isikhokelo sethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo kutuneka sihambelane—
- (a) neUNESCO Man and Biosphere Programme;
- (b) ukuba i-biosphere igcinwe kwindawo ekhuselekileyo icebo lolawulo kuloo ndawo ekhuselekile ngokwemiqathango yoMithetho weNdawo eziVinyo;
- (c) nesicwangciso soMhlaba weendobonolobo zezityalo nezilwanyana;
- (d) Isicwangciso soKwandiwo eziPhhezulu zePhondo;
- (e) neenjongo zalo Mithetho; kunye
- (f) nayiphi na enye emiselweyo.
- (3) UMphathiswa wePhondo unokunika umyalelo ngezinto emaziqukhalawe sisikhokelo sethala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo nesithuba etuneka eso sicwangciso siphononngwe ngaso yikomiti yolawulo ye-biosphere reserve.

Ukukhaswa ngezimali kwamathala endalo ezidalwa ezizodwa ekwenziwa uphando ngazo

46. (1) UMphathiswa wePhondo angathi ngolwabiwo lweFalamente yePhondo anike uncedo lwezimali okanye olunye uncedo lokumiselela, lokusebenza, lolawulo okanye lonabiso, okanye lolondolozo lwehala lendalo lezidalwa ezizodwa ekwenziwa uphando ngazo.

(2) Uncedo oluxelwe kwicandawana (1) lungenziwa phantsi kweinqanongo ebekwe nguMphathiswa wePhondo.

ISAHLUKO 7

UKHUSELO LOTHUNGELEWANO LWENDALO, IZIBONILELO ZENDALO 10

NEENTLOBO ZEZIDALWA

Uthungelwano lwendalo oluchongiweyo okanye izibonilelo zendalo ekutuneka zikhuselewe

47. (1) UMphathiswa wePhondo angathi, ngokukhupha isaziso kwigazethi yePhondo achongwe naluphi uthungelwano lwendalo okanye inxalenye yoko okanye indawo izibonilelo zendalo ezidinga ukhuselelo olulodwa ukugqinisekisa ukuba kumnteyinwa isidima salo okanye ukuhanjiswa kweenkonzozo zothungelwano lwendalo.

(2) Isaziwo esichazwe kwicandawana (1) sinokubonilela—

(a) ukungavumeli okanye ukuthintela nayiphi na imisebenzi; kunye

(b) ukusekwa kwemimiselelo yolawulo kuyo nawuphi na umninimhlaba kwisithuba sezinto eziphilayo ezichongiweyo okanye izibonilelo zendalo, ngokusisigxina okanye ngexeshe elithile.

(3) Ngaphambi kokukhupha isaziso esithongozwe kwicandawana (1), umpathiswa wephondo kutuneka, ngenjela echanekelelyo azise abanini mhlaba abachazelekileyo ngesaziso esicetywayo kunye nemiphumo yoko, kwaye baxoke nabo ithuba lokuphendula.

(4) UMphathiswa wePhondo angathi ngokukhupha isaziso kwigazethi yePhondo atshintshise okanye arhoxise isaziwo esixelwe kwicandawana (1) okanye inxalenye yaso, ukuba zishintshile imeko ebezenze ukuba UMphathiswa wePhondo asebenzise amagunya akhe ngokwecandawana (1).

(5) Noxa kusenokubakho eminye imithetho esebenzayo, kuthiyala ukungathobeli isaziwo esixelwe kwicandawana (1) okanye esenziwe izilungiso njengoko kukxelve kwicandawana (4).

Amanyathelo othintelo lwefuthe elibi kwintlobozobonelo zezityalo namanye amanyathelo okunganda ifuthe elibi

48. UMphathiswa wePhondo angamika umyalelo wamanyathelo othintelo lwefuthe elibi kwintlobozobonelo zezityalo nezilwanyana okanye amanye okunganda ifuthe elibi kwintlobozobonelo zezityalo nezilwanyana okanye amanye okunganda ifuthe elibi kwiphondo ukuthilela kwithagethi zenkqubo yolondolozo lweentlobozobonelo zezityalo nezilwanyana ezibekwe kwisicwangciso soMhlaba weentlobozobonelo zezityalo nezilwanyana.

49. (1) UMphathiswa wePhondo usenokuthi, ngesaziso kwigazethi yePhondo, apapashwe uluhlu lwemisebenzi ehlinteleweyo okanye indlela ezinesithintelo ngokubhekiselele kulo naluphi na uhlobo lwendidi okanye naluphi na udidi lweentlobo ezidweliswe ngokwecandawana (2).

(2) UMphathiswa wePhondo unokuthi, ngesaziso kwigazethi yePhondo, apapashwe uluhlu lweentlobo okanye indidi zezilwanyana:

(a) kuhlobo lweentlobo elingasekhoyo endle;

(b) kuhlobo lweentlobo olusemngciphekweni omkhulu;

(c) uhlobo lweentlobo olusemngciphekweni;

(d) uhlobo lweentlobo esibuthathaka;

(e) uhlobo lweentlobo ezituna ukukhuselela kwaye azidweliswanga ngokwemihlathi, (a), (b), (c); okanye

- (d) kubandakanywa uhlobo lwesidalwa olufakwe kuluhlu—
 (i) lweIUCN njengeziseNgezini, ezingenaVimba wazo okanye ezingaHloiwanga; okanye
 (ii) esifakwe kwizihlomo I, II, no-III zeCITES;
 (f) nasiphi esinye isidalwa semveli esingadweliswanga kumacandelwana (a), (b), (c), (d) okanye (e);
 (g) izidalwa ezingezozaloo ndawo;
 (h) uhlobo lwesidalwa esingeneleleyo;
 (i) indobo ezifuna amanyathelo okulawula okukhethekileyo; kwaye
 (j) nohlobo lwesidalwa zasekhayeni.
 (3) UMphathiswa wePhondo kutuneka qho emva kweminyaka emhlanu
 aphonononge uluhlu olucamngcwe kwicandelwana (1), (2) nele-(7).
 (4) UMphathiswa wePhondo unokumisela amanyathelo okulawula okukhethekileyo okufunekaya kwimindobo ezidweliswe kwicandelwana (2)(f).
 (5) Akukho mtu unokwenza umsebenzi onemigathango yokwenza okanye ekufuneka wenziwe ngendlela ethile wohlobo lwesidalwa esithile, ngaphandle kokuba ugunyazisiwe ukwenza njalo ngokwalo Mithetho kwicandelwo 51(1)(a).
 (6) Icandelwana (5) alichaphazeli uhlobo lwesidalwa olukhulu olusuka ngaphandle wePhondo oludlula kwiPhondo oluya ngaphandle kwePhondo kokuba olo hambu ludlula kwiPhondo luhamba ngokugunyaziso oluxelileyo.
 (7) UMphathiswa wePhondo unokuthi, ngesaziso *kwigazethi yePhondo*, apapashe-
 (a) uluhlu lwezinto eziphilayo; kwaye
 (b) uluhlu lwemisebenzi ethintelweyo okanye iindlela ezinesithintelo ezichazwe kwicandelwana (1) ezibandakanya iindobo ezichazwe kumhlathi (a), ekungagunyaziselwa ugunyaziso ngokwalo Mithetho.
 (8) Akukho mtu uvumelekileyo ukuba enze umsebenzi othintelweyo obandakanya uhlobo oludweliswe ngokwecandelwana (7).
- ISAHLUKO 8**
UGUNYAZISO
- Isicelo sogunyaziso**
50. Isicelo sogunyaziso esifunekayo okanye esikhutshwe ngokwalo Mithetho kutuneka side sibahliwe sitshunyelwe kwigosa eliyiNdlako yeSizigqeba solawulo ngendlela exelileyo.
- Isizigqibo ngesicelo sokugunyazwa**
51. (1) IGosa eliyiNdlako yeSizigqeba solawulo ngokwecandelwo lama-79—
 (a) linike imvume yesicelo sogunyaziso enemigathango okanye engenayo;
 (b) asikhabe isicelo sogunyaziso.
 (2) IGosa eliyiNdlako yeSizigqeba solawulo lingatuna ezinye iinkcukacha, kubandakanywa uvavanyo lwemingciphekho oluzimleleyo okanye ubungqina bengcali obuxelwe kwicandelwo 52, phambi kokuthatha isigqibo esixelwe kwicandelwana (1).
 (3) IGosa eliyiNdlako yeSizigqeba solawulo kutuneka hisikhabe isicelo ukuba asihambelani—
 (a) neziseko zozinziso lwendalo esingqongileyo ezixelwe kwicandelwo 6 okanye nawuphi na omnye umgathango walo Mithetho;
 (b) nazo naziphi izicwangciso ezifanelekileyo ezamkelwe ngokwalo Mithetho; okanye
 (c) kulandela icandelwo 231 loMgaqosiseko, nazo ziphi izivumelwano zehlabathi ezifanelekileyo ezihambelana noku.
- 35 45 40

Uvavanyo lwemingcipheko nobungqina beengcali

52. Phambi kokukhupha unike isicelo sogunyaziso, iGosa eliyiNtloko yeSizigqeba solawulo angathi ngeembalelwano acele umfakisicelo ukuba anikeze, ngenleko zakhe, uvavanyo lwemingcipheko oluzimeleyo okanye ubungqina beengcali ngokokucela kweGosa eliyiNtloko yeSizigqeba solawulo ukuze lenze isigqibo sesicelo oko—

(a) Iichongwe iGosa eliyiNtloko yeSizigqeba solawulo liyimfuneko ukuze kwenzwe isigqibo malunga nesicelo; okanye

(b) emiselwe.

Ubungqina bobunini obusemthethweni

53. Umntu oncutshulwa elithathwe kwisidalwa lesinye isidalwa esisiwanyaana sasendle kufuneka abe nexwebhu elichanekileyo elinika ubungqina bobunini obusemthethweni belo cunshulwa kwisidalwa

Ugunyaziso oluhlanganelweyo

54. (1) Ukuba iGosa eliyiNtloko yeSizigqeba solawulo ligunyaziswe ngomnye umthetho ukuba ikhuphe ugunyaziso ngokwalo mthetho umsebenzi ondinga ugunyaziso phantsi kwalo Mithetho, iGosa eliyiNtloko yeSizigqeba angakhupha ugunyaziso olunye oluhlanganelweyo.

(2) Ugunyaziso oluhlanganelweyo lukhutshwa kuphela xa isicelo esicaphazazelakayo sitobela imiqathango etanekileyo yalo Mithetho neyeminye imithetho.

Uphonomongo, uyekezo, urhoxiso nokshintsaho logunyaziso

55. (1) I-Gosa eliyiNtloko yeSizigqeba solawulo ingaphonononga ugunyaziso okanye inkxalenye yalo olukhutshwe nguye okanye angenza izilungiso kulo okanye aluthoxise ugunyaziso nanini na ukuba—

(a) unelisekile ngezizathu ezifanekileyo ukuba umsebenzi okanye imisebenzi engunyazisiwe ngokugunyazwa kubangela umphumo ongathintekiyo. Okanye kungabangela impembelelo ebalulekileyo kwimimandla engabonakaliyo ngeexsha okanye ukugunyazwa utumana inkcukacha ezimnaka isizathu sokukholelwa ukuba izinto ezigunyazisiweyo ziza kuba nesiphumo esibi kokusinqongileyo, nto leyo engakhange ibonwe ngeexsha logunyaziso;

(b) umntu wogunyaziso—

(i) ufake inkcukacha ezinngachanekanga nezilahlekisayo kuwo nawuphi na umba ebekufuneka afake inkcukacha ngawo ngokwalo Mithetho;

(ii) uyasilela ukutobela imiqathango yogunyaziso;

(iii) akathobeli nawuphi na umqathango walo Mithetho okanye uphantsi kophando ngenxa yokungathobeli nawuphi omnye umthetho olawula oko kugunyazisiweyo; okanye

(iv) ebekhe wawetyelwa ityala ngokwalo Mithetho okanye nawuphi omnye umthetho wephondo okanye imithetho yesizwe onento yokwenza nalo msebenzi awunikelwe isigunyaziso.

(2) I-Gosa eliyiNtloko yeSizigqeba solawulo ingalumisisa ugunyaziso okanye inkxalenye yalo phambi kokuthatha amanyathelo ngenoko kuxelwe kwicandawana (1).

(3) Ugunyaziso okanye inkxalenye yalo olumisweyo luhlala lumiswe de iGosa eliyiNtloko yeSizigqeba solawulo—

(a) liuphelise olo miso;

(b) lithintshwe ugunyaziso; okanye

(c) liphoxise ugunyaziso.

(4) I-Gosa eliyiNtloko yeSizigqeba solawulo ingathi—

(a) lithathe nawuphi amanyathelo avakalayo ukulungisa imeko edaleke ngenxa yomiso okanye urhoxiso logunyaziso okanye inkxalenye yalo ngenxa yosilelo lothobelo lomthetho ochaphazazelakayo ngulowo unogunyaziso; yaye

(b) ukubuyisela kumntu naziphi na indleko ezichithiweyo nebezimfuneko xa bekuhathwa amanyathelo axelwe kumhlathi (a).

ISAHLUKO 9

UTHOYELO NONYANZELISO

Isigendu 1

Amagosa othoyelo nonyanzeliso nemba yeenkundla zomthetho

5 Ukuchongwa kwegosa lolondolozo lwendalo, umakakeli wendalo kunye 5
nombcedisi wegosa lolondolozo lwendalo

56. Igosa eliyiNtloko yeSiqingqeba solawulo—

(a) Ingachongwa umntu ofanelekileyo nonezakho—
(i) oqeshwe yiCapeNature njengegosa lolondolozo lwendalo;

(ii) ngokuvumelana nomqeshi ochapazekayo, ukuba umntu 10

oqeshiweyo onesakho sesisikhundla aqeshwe ngumasipala
okanye iziko likarhulumente njengomakakeli wendalo; okanye

(iii) umntu oqeshiweyo onesakho sesisikhundla njengombcedisi
wegosa lolondolozo lwendalo;

(b) kufuneka, xa ukhetha umntu ngokomhlathi (a) uchaza amalungiselo alesi 15
senzo okanye nawuphi na omnye umthetho utyunjwe njengesinyanzeliso;

(c) kunokwenzeka nantini na lingarhoxisa uchongoluxelwe kumhlathi (a).

Ubhengezo lwamagosa olondolozo lwendalo nabanakakeli bendalo njengamagosa 10
ocwangco

57. Igosa eliyiNtloko yeSiqingqeba solawulo lingacela uMphahiswa wePhondo 20
omxanduva lwezoBulumngisa ukuba abhengeze amagosa olondolozo lwendalo
nabanakakeli bendalo ukuba ibe ngamagosa ocwangco ngokwecandelo 334 leCriminal

Procedure Act ukuze amikezelweyo okanye benze nemisebenzi abayinikiweyo
ngokwalo Mthetho kunye nawuphi amanye ngokwamagunya abawamikiweyo okanye

imisebenzi enikwe iCapeNature phantsi kwawo nawuphi omnye umthetho.

Umsebenzi onikwe amagosa olondolozo lwendalo nabanakakeli bendalo

58. Igosa lolondolozo lwendalo okanye igosa elingumgcin iolondolozo

umokunyanzeliswa kwindawo yakhe yolawulo—

(a) ukuthotyela kwalo Mthetho kunye nokugunyaziswa okukutshwe 30
ngokwemiqathanga yalo; kwaye

(b) lowo umthetho uthenyelwe okanye or okanye unikezelwe kwiCapeNature.

Abancedisi bamagosa olondolozo lwendalo

59. (1) Igosa lokulondolaza kwemvelo ingahlonipha kuphela amgunya asekw 35
kumacandawana (2) kunye (3) kwaye kuphela kwindawo yendawo ekuchazwe ngayo
kwicandelo 56(a)(iii).

(2) Igosa lokulondolozwa kwendalo angacela nawuphi na umntu osebenzayo okanye
amcengcisa ukuba ebeke wenza umsebenzi apho bekye kwatunwa imvume, okanye
umyalelo okanye ebhaliweyo yomntu womhlaba okanye nayiphi na enye

umntu imfuneko phantsi kwalo naluphi na umqathanga walo Mthetho—
(a) unika imvume isigunyaziso, imvume, umyalelo okanye imvume; kwaye 40
(b) anikise ngegama lakhe kunye nedlisi.

(3) Igosa lokulondolaza indalo lingayinceda iCapeNature—

(a) ekuchongeni nasekunikeni ingxelo ngamatyala ngokwalo Mthetho; kunye 45
(b) ukusebenza nakuwuphi umsebenzi wolondolozo ngokuyalelwa ligosa
lolondolozo lwendalo.

Imisebenzi yamagosa olondolozo lwendalo nabanakakeli bendalo

60. Igosa lolondolozo lwendalo okanye umakakeli wendalo, ngenxa yecandelo 58—

(a) kufuneka abeke iliso ze anyanzelise uthotyelo lomthetho awuchongelweyo;

(b) angaphanda nasiphi isenzo okanye into engenziwayo enokuthi ibe—

(i) lityala ngokwalo mthetho;

(ii) ukophulwa komthetho; okanye

50

62. (1) Igosa lolondolozo lwendalo nomakakeli wendalo, kulandela icandelo 58, 60, 63, 64 kunye nemigango ebekelweyo ngokwengqesho phantsi kwecandelo 56 ngenjongo yokwenzisa imisebenzi yabo, ingathi—
- (a) luhlohisise naluphi na uxwebhu, incwadi okanye irekhodi okanye naluphi uxwebhu olubhalaliweyo okanye olukwisixhobo esi-elektroniki oluhambelana noluphando ngokwecandelo 60(b);
- (b) enze ikopi yalo okanye ucaphulo lwalo ze asuse olo xwebhu, loo ncwadi, elo rekhodi okanye iinkcukacha ezielektroniki asuse olo xwebhu, loo ncwadi, elo rekhodi okanye ucaphulo; ukuzey aye kwenzeka ikopi okanye ucaphulo;
- (c) atune loo mntu ukuba akhuphe okanye ase naluphi uxwebhu olubhalaliweyo okanye olukwisixhobo ezielektroniki, incwadi, irekhodi echazwe kumhlathi (a) kwindawo eziza kuhlolwa kuyo;
- (d) atune kuye nawuphi na umntu arhanelo kamqqa ngokufanekileyo—
- (i) sokwenzisa umsebenzi othintelweyo othi ugunyaziso okanye amaxwebhu njengoko kumisebenzi phantsi kwecandelo 53, atunekayo ngokwemigqaliselo yalo Mithetho okanye nawuphi na omnye umthetho anyanzelise ukuba awunyanzele; anyanzelise ukuba awunyanzele;
- (ii) ngokwaphula umthetho phantsi kwalo Mithetho okanye nawuphi na omnye umthetho abekelwe ukuba awunyanzele; okanye nawuphi na omnye umthetho anyanzelise ukuba awunyanzele;
- (iii) uya kuba nakho ukunika ubungqina ngokunxulumene neyala elenziweyo okanye ekutyholwa ukuba lenziwe phantsi kwalo Mithetho okanye nawuphi na omnye umthetho anyanzelise ukuba awunyanzele;
- (e) ukucela kuye nawuphi na umntu nayiphi na ingcaciso enxulumene nokwenziswa kwetyala okanye isenzo esikrokelwayo, kubandakanya igama naderesi yomntu orhanelwa ngokwenzisa olo lwaphulo-mithetho;
- (f) aphonomononge kwaye, ukuba kukho imfuneko, arhabelwe asuse nasiphi na izizekelo, isiyobisi okanye enye into athi aktoke ukuba isetyenziselwe ukwaphula umthetho ngokomthetho abekelwe wona;

Amagunya jikelele egosa lolondolozo lwendalo nawomakakeli wendalo

- (a) xa kunothi igosa lolondolozo lwendalo liwuyeka umsebenzi waseCapeNature;
- (b) xa kunothi umakakeli wendalo eyeka ukusebenzela umasipala, okanye elinye iziko likarhulumente ebelimqeshile ngenxeshana emikwa eso sikhundla ngokwecandelo 56(a) (ii);
- (c) xa umntu ethoxiswa kwezi sikhundla njengoko kuxelwe kwicandelo 56(c);
- (d) xa kuphela ixesha lokwenzisa lo msebenzi elichazwe kwikhadi lesazisi okanye kwileta echaza ngesikhundla.
61. (1) Igosa eliyiNtloko yeSigqeba solawulo kutuneka lenze ikhadi lesazisi neleta yesikhundla linike umntu ochongelwe oko ngokwecandelo 56 kutuneka, azeze ikhadi lakhe lesazisi xa ecelwe nguye nawuphi umntu.
- (2) Xa esebenzisa nawuphi amagunya okanye esenza nawuphi umsebenzi ngokwalo Mithetho, umntu ochongelwe oko ngokwecandelo 56 kutuneka, azeze ikhadi lakhe lesazisi neleta yeSigqeba solawulo kutuneka lenze ikhadi lesazisi neleta yesikhundla linike umntu ochongelwe ukuba ligosa lolondolozo nelonakakelo ngokwecandelo 56.
- (3) Igosa eliyiNtloko yeSigqeba solawulo kutuneka lenze ikhadi lesazisi neleta yesikhundla linawuphi amagunya kunye negosa lolondolozo lwendalo, umakakeli wendalo okanye umcedisi wegosa lolondolozo lwendalo yaye elo khadi kutuneka—
- (4) isikhundla siyaphela ngokwecandelo 56 xa—
- (a) xa kunothi igosa lolondolozo lwendalo liwuyeka umsebenzi waseCapeNature;
- (b) xa kunothi umakakeli wendalo eyeka ukusebenzela umasipala, okanye elinye iziko likarhulumente ebelimqeshile ngenxeshana emikwa eso sikhundla ngokwecandelo 56(a) (ii);
- (c) xa umntu ethoxiswa kwezi sikhundla njengoko kuxelwe kwicandelo 56(c);
- (d) xa kuphela ixesha lokwenzisa lo msebenzi elichazwe kwikhadi lesazisi okanye kwileta echaza ngesikhundla.

Ikhadi lesazisi neleta yesikhundla

- (i) ngokwemiyalelo ekhutsiwe yiCapeNature; yaye
- (ii) lilandele imiqathango ebekelweyo neenkqubo ezixelileyo: yaye
- (d) ingakhatsiwa yitoliki okanye nawuphi omnye umntu adinga uncedo lwakhe.
- (c) kutuneka lenze imisebenzi yayo—
- (i) ngokwemiyalelo ekhutsiwe yiCapeNature; yaye
- (ii) lilandele imiqathango ebekelweyo neenkqubo ezixelileyo: yaye
- (iii) ukophulwa komqathango wogunyaziso okanye wolunye uxwebhu olukhutsiwe ngokwalo Mithetho;

- (g) alibathe iifoto okanye enze ushicilelo olubukekelayo olubonakalayo nangayiphi na indlela yayo nayiphi na into okanye nawuphi na umntu ofanelekileyo ukulingiselela injongo zophando okanye uhlolo;
- (h) ngokuxhomekeke kweminye imithetho efanekileyo, sebenzisa inqwelo-moya ekude ekunhutywa kuyo inqwelo-moya ekude ngokuthatha iifoto okanye ukurekhoda izinto ezitekhodwayo nezibonwayo ezifanelekileyo ngenjongo yophando okanye yokuhlola;
- (i) ukumba okanye ukugqobhoza emhlabeni;
- (j) athathe isampulu zalo naluphi na uhlobo okanye into;
- (k) athabathe asuse nayiphi na inkunkuma okanye nayiphi na into ebekiweyo okanye ekhutsiweyo ngokuchasene nomthetho abekelwe wona;
- (l) ayalele nabani na ukuba amncede ekwenzeni uphando okanye ukuhlola;
- (m) angabamba asuse nawuphi na umgibe, ipeni yokubamba, iyhetu okanye nasiphi na isixhobo ekuthanelwa ukuba sisekyenziselwa ukuzingela okanye ukubamba isilwanyana sase ndle ngokungekho mthethweni okanye, ukuba asinakubanjwa sisuswe, sisishabalalise okanye singabindabungozi;
- (n) athimbe asuse nayiphi na imfuyo okanye nasiphi na isilwanyana esingena ngokungekho mthethweni emhlabeni ophanisi kolawulo lweCapelNature;
- (o) ayalele nawuphi na umntu ukuba ayeke kwangoko nawuphi na umsebenzi, isenzo okanye inkqubo enxulumene nokwaphula umthetho abekelwe wona;
- (p) enze naliphi na elinye iyathelo eliyimfuneko ngenjongo yokunyanzeliwa komthetho abekelwe wona.

Ukubhola rhoqo

- 63. (1) Igosa lolondolozo lwendalo, phantsi kwecandelo lama-58, linokuthi ngalo naliphi na ixesha elifanelekileyo lenze uhlobo oluqhelekileyo kwaye, ngaphandle kwesigunyaziso, iingene ihloli nasiphi na isakhilwo okanye isetye nasiphi na isikhwama, ibhokisi okanye enye into ngenjongo yokungimisekisa ukuthotyelwa lona ngomthetho elo igosa lolondolozo lwendalo lalinyulelwe lona ngokwesigqendu sama-58; okanye.
- (a) lo Mithetho kunye nexesha okanye imeko yesigunyaziso esikhutsiwe ngokwalo Mithetho.
- (2) Xa hisenza uhlobo oluqhelekileyo, igosa lolondolozo lwendalo linokuthi, ukuba, ngezizathu ezivakalayo, likrokrele ukuba iyala lenziwe ngokomthetho elonyulelwe wona—
- (a) athabathe kwaye asuse nawuphi na umzekelo okanye into enokusebenziswa ngokufanelekileyo ngokwenza oko.
- (b) ukuba uligosa loxolo, ubamba nawuphi na umntu othanelwa

Iziqinisekiso

- 64. (1) Igosa lolondolozo lwendalo okanye umlondolozo wendalo—
- (a) phambi kokuba asebenzise naliphi na igunya ngokwemigaqo yecandelo 62 lokungena nokusetsha nayiphi na indawo okanye yokuthimba nantoni na, enze isicelo kumantyi sokufumana isigunyaziso, echaza ngesifundo okanye isiqinisekiso sokuba kutheni kufanelekile ukungena nokukhangelwa izakhilwo ezichaziweyo okanye ukuthatha into ekhankanyiweyo; kwaye.
- (b) amcandelo elama-20 nelama-21 oMithetho weNkqubo yolwaphulo-mithetho okanye isiqinisekiso esichazwe kwicandela soku-(1).
- (3) Ukuba igosa lolondolozo lwendalo okanye umgqashi wolondolozo lwendalo unezizathu ezifanelekileyo zokuthanela ukuba kwenziwe iyala okanye ngayo nayiphi na indawo ngokuchasene nomthetho awonyulelwe wona, unokungena kwaye khangelwa kula maziko, ngaphandle kwemvume, kodwa kuphela ukuba—
- (a) uchaza injongo yophando kwaye umntu ophetheyo kuloo ndawo uyavuma ukungena nokugqogqa, emva kokwaziswa ukuba akukho sinyanzelo sokwamkela igosa okanye umlondolozo xa kungekho sigunyaziso; okanye
- (b) kukho izizathu ezisengqiqiweni zokukholelwa ekubeni isicelo siya kukhutsiwa, kodwa ukubiziseka okunokubangelwa kukufaka isicelo sokungunyazisa kungoyisa into yokufumana isigunyaziso.

(4) Ukuba igosa lolondolozo lwendalo okanye umlondolozo lwendalo unezizathu ezifanelekileyo zokuthanela into leyo—

(a) uchaphazelekayo ekomishini okanye ekurhanelwa ukuba ulwaphulo mthetho

ngokuchasene nomthetho abekelwe wona;

(b) anganika ubungqina bekhomishini okanye ekroketiwa ukuba unetyala; 5

(c) kujongwe ukuba useetyenziswe xa kusenziswa ulwaphulo mthetho, angathimba loo nto ngaphandle kwemvume egunyazisa oko, kodwa kuphela ukuba—

(i) ucasisa injongo yokuhlutha umntu kwaye umntu ophetheyo uyavuma ukuthathwa, emva kokwaziswa ukuba akukho sibophelelo sokuvumela ukuthimba xa kungekho sigunyaziso; okanye

(ii) kukho izizathu ezivakalayo zokukholelwa ukuba eso sigunyaziso siya kuthi sikhutshwe ngesicelo, kodwa ukulibaziseka okunokubangelwa kukufaka isicelo semvume kuya koyisa into yokufumana isigunyaziso. 15

Amagunya okumisa, okungena nokusetha izithuthi, izikhitsihane neengqwelontsaka kunye nezinye izinto zokuthutha

65. (1) Ukuba igosa lolondolozo lwendalo linezizathu ezivakalayo zokukrotra ukuba isithuthi, inganawe okanye inqwelontsaka okanye nezinye into zokuthutha—

(a) iyaseetyenziswa okanye isetyenziswe, okanye iqulethe into esetyenziswe ukwenza—

(i) ityala ngokomthetho igosa eliwuchongelweyo; okanye

(ii) ukophulwa komqathango wogunyaziso okanye wolunye uxwebhu olukhutshwe ngokwalo Mthetho;

(b) enokunika ubungqina bokwenziswa kwetyala okanye ulwaphulo mthetho olukroketiwayo;

(c) eza kuseetyenziselwa okanye ekukholelwa ukuba iza kuseetyenziselwa ukophula umthetho;

(d) esetyenziswa ngendlela enokubangelisa ityule eibi kwindalo esingqongileyo; okanye

(e) isetyenziswa ngendlela enokubangelisa ityule eibi kwindalo esingqongileyo; okanye

(f) iqulethe okanye idlulise into enokuthi ibonakalise njengebungqina bolwaphulo mthetho usenoku—

(i) ayalele umqhubi webhodi yesithuthi, inganawa okanye enye into yokuthutha ukuba ime, okanye umpathi wenqanawe amise ezibukweni okanye umqhubi wenqwelo-moya aye emhlabeni; kwaye

(ii) ukuba kufanelekile kwaye kunokwenzeka, anyanzele isithuthi, inganawa, inqwelo-moya okanye esinye isithuthi ukuba simise okanye simise idolophu okanye sithle, ngenzoko kunokubanda njalo.

(2) Icandelo lama-64 liyasobenza, kunye nozishintsho oluyimfuneko, mayela nokungena nokugqogqwa kwe-sithuthi, inganawa, inqwelo-moya okanye esinye isithuthi esixelwe kwicandelewana (1) nokuhluthwa kwaso nasiphi na isithuthi, inganawa, inqwelo-moya okanye esinye isithuthi na isithuthi, inganawa, inqwelo-moya okanye esinye isithuthi okanye namntu na equlethwe kuyo. 45

Isinyanzelo sokucwaza amaxwebhu

66. Nawuphi na umntu okhutshelwe ugunyaziso okanye naluphi olinye uxwebhu okanye ekufuneka enze oku ngokwalo mthetho okanye ngubani lo funekile abe negunya okanye umqhubi azeze ugunyaziso okanye uxwebhu olo xa ecelwa ligosa lolondolozo lwendalo, umakakeli wendalo okanye umcedisi wegosa lolondolozo lwendalo. 50

Ukuphathwa kwezinto ezibanjliweyo

67. (1) Xa igosa lokulondolozisa indalo okanye umgcinzi wolondolozo lwendalo lithatha kwaye icumtse elithathwe kwisidala okanye into libanjliwe yaze yathathwa ngumntu obengumphathi igosa lolondolozo lwendalo okanye umakakeli wendalo—

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(a) kufuneka limezezwe izithi yazo kumntu ebezizezakehe lo macuntsu alhathwe kwizidalwa;

(b) Ingathi—

(i) Ingasa icuntsu elithathwe kwisidalwa okanye into emapolisenti;

(ii) Iigame icuntsu elithathwe kwisidalwa okanye into; okanye

(iii) Iiyalele umntu obelawula icuntsu a ukuba alise kwindawo echazwe

Iigosa lolondolozo lwendalo okanye umngcini mlondoloz iwendalo

(2) Ukuba akukho nkundla yezobugcibezwe ngokukhethiselele kumboniso

okanye into echazwe kwicandela (1), icandelo 31 loMithetho weNkqubo

yoLwaphulomthetho isebenza ngeengqu ezifunekayo.

(3) Ukukhusela isithuthi, inganawe ingwelontaka okanye ezinye izithuthi

ebanjliweyo, igosa lolondolozo lwendalo okanye umngcini mlondoloz iwendalo

lingayikhonkxa ingahambi ngokuthi lisuse inkalanye yaso.

(4) Into ebanjliweyo yasuswa ngokwalo Mithetho, kubandakanywa inkalanye

yesithuthi, inganawe okanye ingwelontaka kunye nezinye izithuthi ekubhekiswe kuyo

kwicandela (3), kufuneka igcinwe ngendlela apha eza kuqinisekisa ukuba

ayimoshakali.

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Isibambiso sokukhululwa kwezithuthi, izikhitswane neengwelontaka nezinye izithuthi

68. (1) Ukuba isithuthi, inganawe okanye ingwelontaka okanye ezinye izithuthi

ibanjliwe ngokwalo Mithetho yaze yagcinwa ngeenjongo zokulinda ukuxoxwa kweyala

ezinkundleni, umntu okanye iarhente yomntu angafaka isicelo kwinkundla sokuba

sikhululwe isithuthi.

(2) Inkundla ingayalela ukuba sikhululwe eso sithuthi, inganawe ingwelontaka

okanye ezinye izithuthu ngokomqathango weendleko zobambiso ezigqitywe yinkundla.

(3) Iindleko zobambiso kufuneka zilingane nembali—

(a) Iexabiso lemarike lesithuthi, inganawe, ingwelontaka okanye ezinye izithuthi;

(b) eyona fayini exelwe yinkundla yeloo tyala ngokwalo Mithetho; ngenxa

yetyala lolwaphulo kunye

(c) neendleko ezichithiweyo okanye ekucingwa ukuba ziza kucithiwa

ngurhulumente ekuthuthiweni elo tyala neendleko ekufuneka zibuyiswe

ngokwe candela 55(4)(b) kunye 70(b).

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(4) Ukuba inkundla yanelisekile ukuba kukho ijimeko ezifuna ukuba kubhalwe

imali engaphantsi kwezi zikhankanyiveyo, ingayalela ukuba sikhululwe eso sithuthi,

inganawe, ingwelontaka okanye ezinye izithuthu ngokomqathango weendleko

zobambiso zaloo mali ingaphantsi kwexabiso laso.

Isahlulo 2

Iinkqubo zonyanzeliso nezohwayo

Iinkqubo zonyanzeliso

69. (1) Ukuba uMphathiswa wePhondo wanelisekile ngezizathu ezithile zokuba

nauphi na umntu wenza into eyaphula lo Mithetho, uMphathiswa wePhondo wenza

into eza kuba nesiphumo esibi kwimindobondo zezityalo nezilwanyana okanye

kwindalo okanye akathobeli miqathango okanye ugunyaziso olukhuthiswe ngokwalo

Mithetho, emva kokuba enikwe ithuba lokuba azithethelele, angakhupha umyalelo oya

kuloo mntu wokuba—

(a) ayeke loo nto ayenzayo;

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(b) alhathwe amanayathelo okuungisa ezo ziphumo ezibi kungaphelelanga ixesha

elithile; yaye

(c) ukuthobela isixhobo esifanelekileyo okanye ugunyaziso ngaphakathi

kwixesha elithile.

(2) Kwimeko exelwe kwicandela (1), ukuba kufuneka intshukumo

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ekhawulezileyo yokukhusela ummandla ochongwe ngokwecandelo 47(1),

uMphathiswa wePhondo angakhupha umyalelo engamnikanga loo mntu ithuba

lokuziphendulela ze emva koko anikwe ithuba kodwa umyalelo sele ukhuthiswe.

(3) Ukuba ngaba umyalelo okhuthiswe umntu ngokwecandela (1) okanye (2)

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unxulumene nento eyenzekayo okanye enokwenzeka kumhlaba lowo ingenguye umntu

wawo, uMphathiswa wePhondo angakhupha nomyalelo umntu-mhlaba, kwimeko apho

amacandela (1) kunye (2) asebenza kunye notshintsho olufunekayo.

Ukustilela ekuthobeleni umyalelo

70. Ukuba umntu uyasilela ukuthobela umyalelo ochazwe kwicandelo 69, uMphathiswa wePhondo angathi—
- (a) apho kusebenza khona aqinisekile ugunyaziso olo okanye omnye umba oyinxaxa yomyalelo; yaye
- (b) athathe nawaphi amanyathelo uchazwe kumyalelo kunye nawaphi na amanyathelo arandakileyo okulindelela impembelelo ezimbi kwizinto eziphilayo ezivela ngenxa yokungaphumeleli ukuthobela umyalelo, nokubuyisela iindleko zokwenza njalo kumntu ongenakuthobela.
- Izohlwayo**
71. (1) uMphathiswa wePhondo—
- (a) ukunyanzela izigwebo zolawulo—
- (i) ukuchasana okanye ukungathobeli umyalelo okhutshwe ngokwalo Mithetho;
- (ii) ukungathobeli umyalelo okhutshwe ngokwecandelo 42(4);
- (iii) ukungathobeli umyalelo okhutshwe ngokwecandelo 69(1);
- (iv) iyala elidweliswe kwicandelo lama-72; kwaye
- (b) imisele iindidi zezohlwayo zolawulo nenkqubo yokuwisa ezohlwayo.
- (2) Phambi kokubeka isohlwayo, uMphathiswa wePhondo kufuneka ngenbalelwano—
- (a) achazela umntu onikwe izigwebo ukuba uzakubekwa izigwebo;
- (b) achazela umntu onikwe izigwebo ukuba ubekwe izigwebo esiza kukhutshwa;
- (c) achaze imali eza kuhlawulwa yezohlwayo esiza kukhutshwa; yaye
- (d) anike ithuba umntu oxelwe kumhlathi (a)
- ngokutaka izimvo ezibhalileyo kwisithuba esixelwe nguMphathiswa wePhondo.
- (3) Ukuba umntu onomlinganiselo wokuphatha ohlawulwa imali yezohlwayo ngokwecandlwana (1) akayihlawuli, uMphathiswa wePhondo angataka iyala enkundleni kumntu lowo.
- (4) Izibonelelo zamacandelo 56, 57A zoMithetho weNkqubo yoLwaphulomithetho zisebenza, nengingqo ezizimfuneko kumatyala nezohlwayo kunye nezaziso ezibhalileyo ezicingwa leli candelo. woLwaphulomithetho ziyasebenza, ngeengingqo ezizimfuneko, kwizohlwayo, imdliwo nezaziso ezibhalileyo ezicingeleka kwelli candelo.
- ISAHLUKO 10**
- AMATYALA NEZOHLWAYO**
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- Amatyala**
72. (1) Umntu uneyala lolwaphulo-mithetho lodidi 1 ukuba loo mntu—
- (a) uyasilela ukuthobela isaziso esikhutshwe ngokwecandelo 47(1) okanye isilungiso njengoko kuchaziwe kwicandelo 47(4);
- (b) wophula okanye usilela ekuthobeleni icandelo lama-49(5) okanye (8);
- (c) uyasilela ekuthobeleni umyalelo okhutshwe ngokwecandelo 69(1), (2) okanye (3);
- (d) wenza ngokungokho mithethweni nasiphi na isenzo okanye into engenziwanga ebanjela okanye enokubanjela iziphumo ezinjalunganga;
- (e) ukutshintsha, ukwenza okanye ukugamba—
- (i) naluphi ugunyaziso okanye naluphi uxwebhu olukhutshwe okanye oludingekayo ukuzwe kwenzizwe umsebenzi ngokwalo Mithetho;
- (ii) nawuphina umqulu ilogo, ietahedi, istampu, uphawu olusemthethweni okanye umhla westampu seSebe okanye seCapeNature, okanye isigqibo yaye nawuphi na umntu oyathente okanye umsebenzi weSebe okanye weCapeNature;
- (f) unoxwebhu olufojweyo okanye lobuxoki ekuthiwa luginyaziso, okanye azame ukhambisa olo xwebhu njengogunyaziso olufanekileyo phantsi kwalo Mithetho okanye isaphulelo esikhutshwe phantsi kwalo Mithetho;
- (g) ufumana okanye atake isicelo sogunyaziso okanye soxwebhu ngokwalo Mithetho—
- (i) phantsi kwegama lobuxoki; okanye
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- (ii) ngesi lixa athintelwe ngumyalelo wenkundla ukuba angabi ngomini wolo gunyaziso okanye wolo xwebhu;
- (h) wenza ingxelo yobuxoki esazi kuso nasiphi isicelo esenziweyo okanye kuxwebhu olungenisweyo ngokwalo Mithetho;
- (i) uhlala, ususa nakusiphi isakhawo, utshabalalisa okanye alahle nantoni na ebuqungqina ukuze ingathathwa okanye ibonwe kulo naluphi na ulwaphulo-mthetho phantsi kwalo Mithetho, kubandakanywa naliphi icuntsu elithathwe kwisidalwa okanye ilungu lesinye isidalwa, okanye nayiphi incwadi, irejista, uxwebhu, isithuthi, oomatshini, izixhobo, ikhonkeyina, umpu isixhobo sokuhlaselela, ibhombu, okanye iyhefu;
- (f) uqhintela okanye uphazamisana nalo naliphi igosa elenza umsebenzi walo osemthethweni ngokwalo Mithetho okanye aphazamise isixhobo esisetyenziswa ligosa umsebenzi walo; okanye
- (k) ngobuxoki azenze ngathi uligosa lolondolozo lwendalo, umnakekeli wendalo, umcedisi wegosa lolondolozo lwendalo, umsebenzi okanye iarthente yeSebe okanye yeCapeNature.
- (2) Umntu unetyala lodidi lwesi-2 lolwaphulo-mthetho ukuba loo mntu—
- (a) unqumla ngokungekhomo mthethweni kumhlaba ekunokubakh kuwo nasiphi isilwanyana sasendle abe ephethe isixhobo sokuhlaselela, iyhefu, isixhobo esinokusetyenziswa ukuzingela, naphina eziphi izinto zokubamba okanye ukubalala isilwanyana sasendle;
- (b) utlunyana enalo naliphi icuntsu elithathwe kwisidalwa ngaphandle kobungqina bobumini obusemthethweni njengoko kuxelwe kwicandelo 53;
- (c) uhluma nawuphi omnye umntu okanye uvumela nawuphi na umntu ukuba enze into okanye angenzi into eyaphula yalo Mithetho;
- (d) unesigunyaziso okanye isaphulelo esikhutshwe phantsi kwalo Mithetho yaye—
- (i) waphula okanye uyasilela ukuthobela umqathango weso sigunyaziso okanye isaphulelo;
- (ii) akanasigunyaziso okanye isaphulelo ngesi lixa esena into enokwenziswa kuphela ngumntu onesigunyaziso okanye isaphulelo soko; okanye
- (iii) uvumela nawuphi omnye umntu ukuba enze okanye angenzi nantoni na elityala ngokwemihlathi (i) okanye (ii).
- (3) Umntu unetyala lolwaphulo-mthetho lodidi lwesi-3 ukuba loo mntu—
- (a) uyasilela ekuthobeleni umyalelo wegosa lolondolozo lwendalo, umlondolozisi wendalo okanye igosa elihloniphekileyo lolondolozo lwendalo elinikwe ngokwalo Mithetho okanye xa besenza amagunya abo ngokwalo Mithetho;
- (b) uyasilela ekuthobeleni uviso-mthetho oluthile olwenziwe ngokwalo Mithetho;
- (c) xa ecelwe ligosa lolondolozo lwendalo, umlondolozisi wendalo okanye igosa elihloniphekileyo lolondolozo lwendalo xa kusenziwa uphando okanye kuhlolwa ukunika ulwazi, imikezelela ngolwazi olungeyonyani okanye omlahlekisayo; okanye
- (d) ngaphandle kwezizathu esivumayo uyala okanye usilele kwimfuno yokunikezelela ngegosa lolondolozo lwendalo, umlondolozisi wendalo okanye igosa elihloniphekileyo lolondolozo lwendalo ngegama lakhe nedlisesi okanye ngalo naluphi na ulwazi okanye uxwebhu olufunwa ligosa lolondolozo lwendalo, umlondolozisi wendalo okanye elihloniphekileyo lolondolozo lwendalo, okanye igosa elihloniphekileyo lolondolozo lwendalo ngeenjongo zokwenza imisebenzi yalo ngokwalo Mithetho.
73. (1) Umntu ofunyenwe enetyala lolwaphulo-mthetho lodidi l olichazwe kwicandelo 72(1) unoxanduva lokuhlalawulisa okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka eli-10, okanye zombini izohlwayo kunye nokuvalelwa entolongweni.
- (2) Umntu ofunyaniswe enetyala lolwaphulo-mthetho lodidi 2 oluxelwe kwisigendu 72(2) usenokuhlalawulisa okanye avalelwe entolongweni kangangesithudaba esingagqithiyo kwiminyaka emihlanu, kwaye kwimeko yesibini okanye elandelayo isigwebho, isohlwayo okanye ukuvalelwa entolongweni ixesha ngapheszu kweminyaka eli-10, okanye kuzo zombini ezi meko, kuzo zozibini ezo zohlwayo kunye nokuvalelwa entolongweni.

Izohlwayo

73. (1) Umntu ofunyenwe enetyala lolwaphulo-mthetho lodidi 1 olichazwe kwicandelo 72(1) unoxanduva lokuhlalawulisa okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka eli-10, okanye zombini izohlwayo kunye nokuvalelwa entolongweni.
- (2) Umntu ofunyaniswe enetyala lolwaphulo-mthetho lodidi 2 oluxelwe kwisigendu 72(2) usenokuhlalawulisa okanye avalelwe entolongweni kangangesithudaba esingagqithiyo kwiminyaka emihlanu, kwaye kwimeko yesibini okanye elandelayo isigwebho, isohlwayo okanye ukuvalelwa entolongweni ixesha ngapheszu kweminyaka eli-10, okanye kuzo zombini ezi meko, kuzo zozibini ezo zohlwayo kunye nokuvalelwa entolongweni.

- (3) Umntu ofunyaniswe enetyala loiwaphulo-mithetho lodidi 3 oluxelwe kwisigqendu 72(3) unoxanduva lokuhlalawulisa imali okanye ukuvalelwa entolonqweni ixesha elingagqithiyo kwiminyaka emibini, kwaye kwimeko yesibini okanye elandelayo ukugwetywa, isohlwayo okanye ukuvalelwa entolonqweni ixesha ngaphenzulu kwiminyaka emihlanu, okanye kuwo omabini la matyala, kuzo zozibini ezo zohlwayo kanye nokuvalelwa entolonqweni.
- (4) Ukuba naluphi ulwaphulomithetho lubandakanya ukubanjwa, ukubulala, ukuloba, ukutunyanana unento ethile, ukuthengisa, ukuthumela okanye ukutumanisa icuntsu elithathwe kwisidalwa okanye kwilungu lesinye isidalwa inkundla ingathi, ngaphenzu kwezohlwayo ezixelwe kumacandelayana (1), (2) no (3), iphinde ikunike esinye isohlwayo, senlawayo yemali enexabiso elingekho ngaphenzulu kwe Sithathu sexabiso selo cuntsu lithathwe kwisidalwa.
- (5) Kulandelaya iCriminal Procedure Act, izohlwayo zemali ezikhutsiwe yinkundla ngokwalo Mithetho kunqathwa mazihlawulwe kuCapeNature.
- Ukuchinywa kogunyaziso**
- 15
74. Inkundla egweba umntu ityala ngokwalo Mithetho lingathi—
- (a) irhoxise naluphi ngunyaziso olukhutsiwe lo mtu;
- (b) ithintele loo mtu ukuba angatumanani naluphi na ngunyaziso kwisithubaba esingekho ngaphenzulu kweminyaka emihlanu;
- (c) ikhuphe umyalelo wokuba bonke oogunyaziswe bakhuphe ugunyaziso lokuba loo mtu angaze anikwe lugunyaziso ngokomhlathi (b).
- Ukugqiba ngomntu oza kuhlawula indleko**
75. Ukuba umntu ugwetyelwe ityala ngokwalo Mithetho ngokwemigaqo yalo Mithetho kunye nesenzo okanye ukungaphumaleli—
- (a) ethile lenza ukuba naluphi iziko hikhuthumene ithuba okanye iphande ze ithuba nayiphi na into, ihlazizwe nawuphi na umhlaba okanye iphande ze ligweba eso senzo solwaphulomithetho;
- (b) ukuba loo mtu ufumene inzuzo yemali, okanye uzofumana inzuzo yemali, inkundla inokugweba loo mtu ngaphandle kokucenga nokuthi, iphande ngemali ezuzwe nguloo mtu okanye imali aza kuyifumana ngenxa yolo lwaphulomithetho, yaye ngaphenzu kwaso nasiphi esinye isigweba esikhutsiwe olo lwaphulomithetho, ingalala ukuba ezo mali zihlawulwe ngqo kuCapeNature njengesohlwayo semali esongezelweyo, inlawulo yomomkalo okanye imbuyekazo, njengexalenye yesigweba esifikelelayo kwimani la lomali.
- Uphulukwano**
- 35
76. (1) Inkundla inokugweba umntu olwaphulo mithetho ngokwemigaqo yalo Mithetho—
- (a) inokumemezela nayiphi na into equka naluphi na umzekelo;
- (b) ingabhengeza nayiphi na into kuqoka isikhonqozeli, isithuthi, isitya, iingwptomoya, enye idluliselo okanye umgulu, kubandakanywa nomgulu wecomputer, ochaphazzelekayo, okanye owenzizwe injongo okanye malunga nokuthunyelwa kwecala, kwaye ithathwe phantsi kwalo Mithetho, ukuba ilahlekelwe kuCapeNature.
- (2) Ukuba nasiphina isidalwa esiyse salahlekelwa kuCapeNature kotuneka siqinisekisiwe, ngokwecandelayana (1) naluphi icuntsu elithathwe yiCapeNature kotuneka siqinisekise ukuba siso si—
- (a) apho kufanelekileyo, abuyiselwa kwilizwe ebeethathwa kulo okanye kwindawo avele kuyo ngeendleko zomntu ogwetyelwe olo lwaphulomithetho olubandakanya elo cuntsu lithathwe kwisidalwa;
- (b) elo cuntsu libekwa kwiziko elifanelekileyo, iziko lohlangulo okanye elimomntu oza kukwazi ukulikhathalela yaye aliqinisekile kakuhle kwindawo efanelekileyo; okanye
- (c) ilahlwe ngenjengelela efanelekileyo.
- (3) Ukuba kukho isampulu elileyo okanye nayiphi na enye into ilahlekelwe yi-CapeNature phantsi kwecandelayana (1), i-CapeNature inokuthi—
- (a) yenza ukuba isampuli okanye into ibekwe kwindawo efanelekileyo okanye kwimnyuziyam okanye
- (b) alahlwe isampulu okanye into ngenjengelela efanelekileyo.
- 55

ISAHLUKO II

IZIBHENO

Ukubhena kwizigqibo ezenziwe ngamagosa eCapeNature

77. (1) Nawuphi na umntu onomdla okanye ochaphazelekayo unokufaka isibheno kwiGosa eliyiNtloko yeSizigqeba soLawulo kwizigqibo esithathwe ligosa lokujondolozisa uluntu okanye nawuphi na umsebenzi leCapeNature ngaphandle kweGosa eliyiNtloko yeSizigqeba soLawulo elisebenza phantsi konikezozgunya ngokwalo Mithetho.

(2) Isibheno ngokwecandaelwana (1) kufuneka sifakwe kwaye sigcinwe ngendlela echanekileyo, ngokuhlalawula kwemithummo emiselweyo kunye nexesha elimiselweyo.

(3) IGosa eliyiNtloko yeSizigqeba soLawulo lingaqwalasela ze ligqibe ngesibheno okanye alyumbe iphaneli yokujongana nesibheno ukugqwalasela nokunika ingcebiso iGosa eliyiNtloko yeSizigqeba soLawulo ngesibheno.

(4) IGosa eliyiNtloko yeSizigqeba soLawulo lingathi, emva kokugqwalasela isibheno, liqinisekise, liyekise litshintshhe isigqibo, ugunyaziso, umqathango okanye lenze nasiphi esinye isigqibo esifanekileyo, okanye enze nasiphi esinye isigqibo esifanekileyo, kubandakanywa isigqibo inlawulo ebekiweyo ihlawulwe ngulowo ubhenayo ngokwecandaelwana (2) okanye nayiphi inxalenye yalo, ibuyiswe.

(5) Isibheno esiphantsi kwehli candaelwana (1) simisa nawuphi na ugunyaziso, okanye imeko enxulumene nayo.

Isibheno kuMphathiswa wePhondo

78. (1) Nawuphi na umntu onomdla okanye ochaphazelekayo unokubhena kuMphathiswa wePhondo malunga nesigqibo esithathwe iGosa eliyiNtloko yeSizigqeba soLawulo okanye umntu osebenza phantsi kwamandla anikwe nguMphathiswa wePhondo ngokwemqathango yalo Mithetho.

(2) Isibheno kwicandaelwana (1) kufuneka sifakwe sigcinwe ngendlela echanekileyo, ngokuhlalawula kwemithummo emiselweyo kunye nexesha elimiselweyo.

(3) UMphathiswa wePhondo unokugqwalasela nokugqiba isibheno okanye aqeshe iphaneli yesibheno ukuze acinge kwaye acebise uMphathiswa wePhondo kwisibheno.

(4) UMphathiswa wePhondo emveni kokugqwalasela nesigqibo sokuba imithummo ecaleni okanye ahluke isigqibo ngokubandakanywa nesigqibo sokuba imithummo emiselweyo ihlawulwe ngummanqali ngokubhekiselele kwicandaelwana (2), okanye nayiphi na inxalenye yayo, iya kubuyisela.

(5) Isibheno phantsi kwehli candela lixhoma ukuphumezwa kwesigqibo esichaphazelekayo kunye nasiphi na isigunyaziso okanye imeko ehambelana nayo kodwa kuphela apho kungekho nengozu yempembelelo embi kwimeko.

79. (1) IGosa eliyiNtloko lesigqeba sokulawula imokuthi, ngokuxhomekeke kuyo nayiphi na imiqathango njengoko iGosa eliyiNtloko lesigqeba imokucacisa, likhulule nawuphi na umntu kwimithummo ngokwalo Mithetho—

(a) isigunyaziso; okanye

(b) imeko yesigunyaziso.

(2) UMphathiswa wePhondo usenokuyalela inkqubo eza kulandela xa kusenziwa isicelo sokuxolelwa kwiGosa eliyiNtloko lesigqeba njengoko kuchaziwe kwicandaelwana loku-(1).

Ukunikezela

80. (1) Ngokuxhomekeke kwicandaelwana (3), UMphathiswa wePhondo usenokuthi abeke naliphi na igunya okanye uxanduva anikwe Iona ngokwalo Mithetho, ukuba—

(a) kwINtloko yeSebe;

(b) iBhodi;

(c) iGosa eliyiNtloko lesigqeba sokulawula;

(d) ICapeNature;

ISAHLUKO 12
AMALUNGISELELO JIKHELELE NAWETHUTYANA

- (c) makaqwalasela naziphi na izimvo azitumeneyo. ngulo *Mithetho*; kwaye
 55 *kwiGazethi yePhondo*, ngaphandle kwaya kuchazwe iksha elahlukileyo kangangesiithuba seenzuku ezingama-30 ukususela kumhla wopapashe
 (b) inike ithuba kumagela anomdla nasephazelekayo ukuuba amike izimvo zawo ubuncinci kutuneka libe lishicilelwe;
 50 (ii) amaphaphandaba amabini asasazwa kwiPhondo eli, elinye kuwo (i) *iGazethi yePhondo*; kwaye zephondo kwi—
 (a) apapashwe umgaqo oyilwayo okanye isaziso ngeelwimi ezisemthethweni uMphathiswa wePhondo kutuneka—
 45 84. (1) Phambi kokupapasha nayiphi na imimiselo okanye isaziso ngokwalo Mithetho,

Ukubonisana

83. UMphathiswa wePhondo angabeka imilinganiselo yokwenziswa komsebenzi wawo nawuphi na umsebenzi okanye imfuneko ecamngcwe kulo Mithetho.
 40 Iminganzatho yokusebenza

- (c) ukwazisa nawuphi na umcimbi onxulumene nokulawulwa kwalo Mithetho. sokuphunyezwa kwalo Mithetho;
 (b) equlathe isalathiso kwisicwangciso, ubuchule okanye isikhokelo okanye ekusetyenzwe ngawo ngenjela yesaziso;
 35 (a) ngokubhekiselele kuwo nawuphi na umcimbi ngokwalo Mithetho onokuthi 82. UMphathiswa wePhondo angasipapasha isaziso *kwiGazethi yePhondo*—

Izaziso zoluntu

81. UMphathiswa wePhondo—
 (a) kutuneka enze imigaqo apho kutuneka khona ngokwalo Mithetho;
 30 (b) unokwenzisa imigaqo kuwo nawuphi na umcimbi oyimfuneko okanye okhawulezileyo ukumisela ukuze kuphunyezwe imjongo zalo Mithetho.

Imigaqo

- (7) Amacandlwana (2) nele (3)(b) asebenza, kunye noisihintsho oluyimfuneko, kubathunywana ngokwecandlwana (4) okanye (5).
 25 (e) apfunenze uhlatho-lwabiwo mali neenkcazo zemali zonayaka zeCapeNature. (d) abeke imida yezemali njengoko kucamngcwe kwicandelo 27(4)(f); (c) ukumisela umgaqo-nkqubo wengqesho weCapeNature; (b) ichonge imeko zengqesho yeGosa eliyiNtloko lesiGqeba sokulawula; (a) onyule okanye abeke umntu njengeGosa eliyiNtloko lesiGqeba sokulawula;
 20 (6) IBhodi ayimakulimikezela igunya layo—
 (5) IBhodi okanye iGosa eliyiNtloko lesiGqeba sokulawula inokuthi, ngenzume ebhaliweyo yoMphathiswa wePhondo, lidlulisela nawuphi na amagunya okanye imisebenzi ngokwalo Mithetho kwigosa leCapeNature.
 15 (5) IBhodi okanye iGosa eliyiNtloko lesiGqeba sokulawula inokuthi, ngenzume igqithisele naliphi na kumagunya okanye nemiisebenzi ngokwalo Mithetho kwigosa leSebe.
 (4) INtloko yeSebe isenokuthi, ngenzume ebhaliweyo yoMphathiswa wePhondo, (b) ngenqwadi ebhaliweyo, angathoxisa naliphi na unyaziso.
 10 (a) akanakho ukudlulisela igunya okanye umsebenzi woMphathiswa wePhondo wokuba awise umthetho ongaphantsi; kwaye
 (3) UMphathiswa wePhondo—
 5 (a) uphantsi kwayo nayiphi na imiqobo okanye imiqathango enokubekwa nguMphathiswa wePhondo;
 (b) kutuneka ibhalwe phantsi;
 (c) inkubandakanya igunya lokunikizelela ezinye; kwaye
 (d) akamsusi uMphathiswa wePhondo uxanduva olumalunga nokusetyenziswa kwegunya elinikizelelweyo okanye ukwenziswa kokanduva olunikezeliweyo.
 (2) Unikezelo ngokwecandlwana (1)—
 (f) naliphi na elinye icandelo likarhulumente.
 (e) umasipala, ngokulawulwa yimithetho esebenzayo; okanye

(2) Umphathiswa wePhondo usenokuthi, apho kufanelekileyo, andise ixesha lokumika ingxelo ngokwesiqendwana (1)(b) kangangexesha elifanelekileyo.

(3) Xa ngaba ngokwalo Mithetho uMphathiswa wePhondo kufuneka ukuba abonisane naye nawuphi na umntu okanye icandelo likarhulumente, olo thethwano luthathwa njengolwanehlisekileyo ukuba isaziso esibhaliweyo esichaziweyo ngenjongo yokuthatha isenzo senziwe kuloo mntu okanye kwiziko likarhulumente. kwaye akukho mpendulo ifunyenweyo ngexesha elibekliweyo kwisaziso.

Izaziso, amaxwebhu asemthethweni kunye namanyathelo asemthethweni phantsi kweemeko ezithile 10

85. (1) Isaziso, ugunyaziso okanye olunye uxwebhu olukhutsiweyo okanye olupapashwe ngokwalo Mithetho—

(a) engathobeli nayiphi na inkqubo etunekayo, nangona kunjalo iyasebenza ukuba ukungathobeli akukho bungenakwaye akucalucali nawuphi na umntu;

(b) Inokulungiswa okanye lithatyathelwe indawo ngaphandle kokulandela imfuneko yenkqubo yalo Mithetho ukuba—

(i) injongo kukulungisa impazamo; kwaye

(ii) ulungiso aluwatshtshintshi amalungelo okanye uxanduva lomntu nawuphi na umntu.

(2) Ukusilela ekuthatheni nawuphi na amanyathelo alunwa ngulo Mithetho njengeemfuneko eegqithileyo kuso nasiphi na isigqibo okanye isenzo akusenzi singasebenzi isigqibo okanye isenzo ukuba ukusilela—

(a) ayisiyonto;

(b) akacalucali nawuphi na umntu; kwaye

(c) ayichanekanga ngokwenkqubo.

Umda woxanduva 25

86. Umphathiswa wePhondo, iNtloko yeSebe, iBhodi, iGosa eliyiNtloko lesiCqeba, iCapenature okanye nawuphina umntu othunye ngokwalo Mithetho akanabuyala ngomonakalo okanye ilahleko ebanjelwe ngumntu othe wasebenza ngendlela efanelekileyo ukholo olunqileyo—

(a) Iisebenzisa igunya okanye lenza umsebenzi ngokwalo Mithetho;

(b) akasebenzisi gunya okanye enze uxanduva ngokwalo Mithetho; okanye

(c) wenza umsebenzi ngaphandle kwegunya labo.

Ukurhoxiswa kwemithetho 35

87. Imithetho ekhankanywe kwisShedyuli iyabhangiswa ukuya kuthi ga kwinqanaba eliboniswa kwikhohlanu yesithathu yeShedyuli.

Izibonelelo zengqu

88. (1) Umntu owayeligosa lolondolozo lwendalo, umlondolozo lwendalo okanye umphathi ohloniphekileyo wolondolozo lwendalo njengoko kuchazwe kuMimiselo kwanjengoko phambi kokugqaliswa kwalo Mithetho uthathwa njengonyulwe njengegosa lolondolozo lwendalo, umlondolozo lwendalo, ngokwalo Mithetho.

(2) Ilayisenisi, iphephamvume, isatifikethi, igunya elibhaliweyo, ukukhululwa, umyalelo okanye nolunye ugunyaziso olukhutsiwe ngokwemigqathango yoMimiselo nesasebenza ngokusemthethweni phambi kokugqalisa kwalo Mithetho, luthathwa njengogunyaziso, uxolelo, umyalelo okanye umyalelo ityala imokubakho, ikhutsiwe ngokwalo Mithetho.

(3) Isicelo selayisenisi, imvume, isatifikethi, igunya elibhaliweyo, ukukhululwa, umyalelo okanye olunye ugunyaziso olungeniswe ngokwemigqathango yoMimiselo onggqityiwanxa xa lo Mithetho ugqaliswa ukusebenza, kufuneka, ngaphandle kokuthoxiswa koMimiselo licandelo 87 yalo Mithetho, umikezeliwe ngokwemigqaliselo yoMimiselo kwaye isigqibo esithathiweyo ngokwalo Mithetho.

(3) Isicelo selayisenisi, imvume, isatifikethi, igunya elibhaliweyo, ukukhululwa, umyalelo okanye olunye ugunyaziso olungeniswe ngokwemigqathango yoMimiselo onggqityiwanxa xa lo Mithetho ugqaliswa ukusebenza, kufuneka, ngaphandle kokuthoxiswa koMimiselo licandelo 87 yalo Mithetho, umikezeliwe ngokwemigqaliselo yoMimiselo kwaye isigqibo esithathiweyo ngokwalo Mithetho.

(4) Isazisi esidibeneyo kunye neesethi, amatyala, imali, amalungelo kunye noxanduva lwegumrhu likarhulumente lephondo elixelwe kwicandelo 9 alichaphazaleki kukutshintsha kwegama.

(5) Umntu owayelilungu lebhodi yolondolozo lweNdalo yeNtshona Koloni lebhodi leCapeNature ngesiqingatha esingaphelwanga sesikhundla sakhe. (6) USithalo webhodi yolondolozo lweNdalo yeNtshona Koloni phambi nje kokugaliswa kwalo Mithetho uqhathanisa njengonyulwe njengosithalo weCapeNature ngenxa lenye engaphelwanga yexesha lakhe le-osisi.

(7) Bonke abantu abaqeshwe yiBhodi yolondolozo lweNdalo yeNtshona Koloni bathathwa njengabanyulwe ngokwemiqathango yecandelo 27(4)(f) njengabababeni beCapeNature ngokukhokekela kwimiqathango etanayo yokusebenza ebisenza kubo ngokukhawuleza phambi kokuba ukutshintshiswa kwiMithetho webhodi yolondolozo lweNdalo yeNtshona Koloni.

(8) Icandelewana (7) alichaphazeli ipenshini, ikhetu kunye nezinye izibonelelo ezifumaneka kubasabeni ekuthethwe ngazo kweeli candelewana ngaphambi kokuthoxiswa kwiMithetho webhodi yolondolozo lweNdalo yeNtshona Koloni. (9) Ummandla owamiselwa njengendawo yolondolozo lwendalo ngokwecandelo lesi-6, 7 okanye le-12 loMimiselo nangaliphi na ixesha phambi kokugala kwalo Mithetho kwaye uqhathanisa njenge—

(a) ngokwemiqathango yecandelo lama-23(5) loMithetho weMimandla eKhuselelweyo njengoko ubhengeziwe njengolondolozo lwendalo ngokwecandelo 23 lalo Mithetho, uyaqhubeka nokubakho njengendawo yokugcina izilwanyana ngokwalo Mithetho; okanye (b) ngokwecandelo lama-28(7) loMithetho weNgingqi eziKhuselelweyo njengoko ubhengeziwe njengommandla okhuselelweyo ngokwecandelo lama-28 lalo Mithetho, uyaqhubeka ubukho njengommandla okhuselelweyo ngokwalo Mithetho.

Isihloko esitshane nokugaliswa

89. Lo Mithetho ubizwa ngokuba nguMithetho weNdlolobolob zezNdalo weNtshona Koloni, 2021, kwaye uza kugala ukusebenza ngomhla oya kumiswa yiNkulumbuso ngompoposho kwiGazethi yeRhondo.

ULUDWE LWENKQUBO: UKURHOXISWA KWEMITHEHO

Inombolo noNyaka	Isihloko lide	Ubungakanani bokurhoxiswa
21 we-1935	Sea Shore Act, 1935	Wonke
63 we-1970	Mountain Catchment Areas Act, 1970	Wonke njengoko unikezelwe kwiphondo ngesibhengezo u-R28 we-1995
19 we-1974	Nature Conservation Ordinance, 1974	Wonke
3 we-1982	Nature Reserves Validation Ordinance, 1982	Wonke
15 we-1998	UMthetho weBhodi yolondolozo lweNdalo yeNtshona Koloni, 1998	Wonke
8 we-1999	Western Cape Nature and Environmental Conservation Ordinance Amendment Act, 1999	Wonke
3 wama-2000	Western Cape Nature Conservation Laws Amendment Act, 2000	Wonke, ngaphandle kwecandelo lesi-2 noludwe lwenkqubo lwe-si-2.
6 wama-2011	UMthetho weNtshona Koloni wogcino lweNdalo, 2011	Wonke



