CHAPTER 20:14

PARKS AND WILD LIFE ACT

Acts 14/1975, 42/1976 (s. 39), 48/1976 (s. 82), 4/1977, 22/1977, 19/1978, 5/1979, 4/1981 (s. 19), 46/1981, 20/1982 (s.19 and Part XXVI), 31/1983, 11/1984, 35/1985, 8/1988 (s. 164), 1/1990, 11/1991 (s. 24), 22/1992 (s. 14); 19/2001; 22/2001; R.G.Ns 1135/1975, 52/1977, 126/1979, 294/1979, 265/1979, 294/1979, 748/1979; S.Is 675/1979, 632/1980, 640/1980, 704/1980, 773/1980, 781/1980, 786/1980, 139/1981, 140/1981, 181/1981, 183/1981, 639/1981, 860/1981, 139/1982, 140/1982, 337/1983, 454/1983, 123/1991

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AN ACT to establish a Parks and Wild Life Board; to confer functions and impose duties on the Board; to provide for the establishment of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks; to make provision for the preservation, conservation, propagation or control of the wild life, fish and plants of Zimbabwe and the protection of her natural landscape and scenery; to confer privileges on owners or occupiers of alienated land as custodians of wild life, fish and plants; to give certain powers to intensive conservation area committees; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st November, 1975.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Parks and Wild Life Act [*Chapter 20:14*].

2 Interpretation

In this Act—

"alienated land" means—

(*a*) private land; or

(*b*) State land held in terms of an agreement of purchase or lease; or

(*c*) trust land held in terms of an agreement of lease;

"animal" means any kind of vertebrate animal and the eggs and young thereof, whether live or dead, other than domestic animals and fish;

"appointed day" means the 2nd February, 1979;

"appropriate authority"—

(*a*) in relation to any land, means—

(i) in the case of alienated land—

A. the owner thereof; or

B. where the land is held under an agreement of purchase or lease, the purchaser or lessee unless the agreement otherwise provides;

and includes any person appointed to be an appropriate authority for the land by such owner, purchaser or lessee, as the case may be;

(ii) the case of unalienated land which is—

A. forest land, the Forestry Commission;

B. parks and wild life land or State land other than forest land, the Authority;

[Definition amended by Act 19 of 2001]

C. an area of Communal Land for which the Minister has, in terms of section *one hundred and eight*, appointed a rural district council to be the appropriate authority, that rural district council;

D. an area of Communal Land not referred to in subparagraph C, the Minister;

(*b*) in relation to any waters, means—

(i) the person specified in a notice made in terms of section *eighty-three* as the appropriate authority for such waters; or

(ii) if no person has been specified in a notice made in terms of section *eighty-three* as the appropriate authority for such waters, the appropriate authority for the land riparian to such waters;

"Authority" means the Parks and Wild Life Management Authority established by section *three;*

[Definition inserted by Act 19 of 2001

"authority in terms of this Act" means an authority, permit or licence in terms of this Act;

"Board" means the Parks and Wild Life Management Authority Board referred to in section *five*;

[Definition amended by Act 19 of 2001]

"botanical garden" means a botanical garden constituted in terms of Part V;

"botanical reserve" means a botanical reserve constituted in terms of Part V;

"by-laws" means by-laws made in terms of section *one hundred and twenty-nine*;

[Definition inserted by Act 19 of 2001]

"Committee" …..

[Definition repealed by Act 19 of 2001]

"conservation committee" means—

(*a*) a conservation committee appointed for an intensive conservation area in terms of the Natural Resources Act [*Chapter 20:13*]; or

(*b*) a rural district council declared to be a conservation committee for a council area in terms of the Rural District Councils Act [*Chapter 29:13*];

"dangerous animal" means an animal declared to be a dangerous animal in terms of section *one hundred and twenty-one*;

"dealer in specially protected indigenous plants" means any person who sells specially protected indigenous plants in the ordinary course of his business in a shop, stall or other fixed place of business;

"Department" . . . . .

[Definition repealed by Act 19 of 2001]

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"designated animal" means an animal declared in terms of section *thirty-one* to be a designated animal in a sanctuary;

"Director General" and "Director" means the Director-General or any Director of the Authority appointed in terms of section *ten*;

[Definition amended by Act 19 of 2001]

"employee" means an employee of the Authority designated as an officer in terms of section *eleven*;

[Definition amended by Act 19 of 2001]

"fish" includes vertebrate fish, and aquatic molluscs and crustaceans, both indigenous and non-indigenous, but does not include the bilharzia snail (*Biomphalaria pfeifferi* and *Bulinus Physopsis globusus*) and the liver fluke snail (*Lymnea natalensis*);

"fishing-net" means any gill-net, seine-net, draw-net or ring-net, including the open-work material knotted or otherwise formed into meshes which is used to manufacture such nets or any other nets designed or adapted for catching fish, but does not include a throw-net, landing-net or keep-net normally used by fishermen;

"honorary officer" . . . . . .

[Definition repealed by Act 19 of 2001]

"horn" includes rhinoceros horn;

"hotel" includes a motel or a boatel;

"hunt" means—

(*a*) to kill, injure, shoot at or capture; or

(*b*) with intent to kill, injure, shoot at or capture, to wilfully disturb or molest by any method; or

(*c*) with intent to kill, injure, shoot at or capture, to lie in wait for, follow or search for;

"indigenous plant" means any plant indigenous to Zimbabwe whether or not it is or has been cultivated or whether it is or is no longer growing in the wild state or has from time to time not been growing in the wild state, and includes any part of such plant but does not include any weed;

"inspector" means an employee of the Authority designated as an inspector in terms of section *eleven;*

[Definition amended by Act 19 of 2001]

"Inyanga Estates" . . . . . .

[Definition repealed by Act 19 of 2001]

"Inyanga Fund" . . . . . .

[Definition repealed by Act 19 of 2001]

"ivory" means elephant ivory which is a trophy;

"jig" means any contrivance, other than a conventional line, to which more than two hooks are attached and which is used for jigging;

"jigging" means capturing or attempting to capture fish by dragging or jerking in water, in a manner designed to foul-hook the fish, one or more unbaited hooks attached to a line or other fishing device;

"learner professional hunter's licence" means a learner professional hunter's licence issued in terms of section *sixty-nine*;

"local authority" means a municipal council, town council, local board or rural district council;

"Matopos Estates" . . . . . .

[Definition repealed by Act 19 of 2001]

"Matopos Fund" . . . . . .

[Definition repealed by Act 19 of 2001]

"meat" means the flesh, including the fat, of any animal, whether fresh, dried or tinned or otherwise preserved;

"member" means a member of the Board;

"Minister" means the Minister of Environment and Tourism or any other Minister to whom the President may, from time to time, assign the administration of this Act;

"national park" means a national park constituted in terms of Part IV;

"night" means the space of time between half-an-hour after sunset and half-an-hour before sunrise;

"occupier", in relation to land, means the person in lawful occupation of the land who has the right to exercise general control over the land and resides thereon;

"officer" means an employee of the Authority designated as an officer in terms of section *eleven*;

[Definition amended by Act 19 of 2001]

"park area" means any botanical garden, botanical reserve, national park, recreational park, safari area or sanctuary;

"Parks and Wild Life Estate" means the Parks and Wild Life Estate specified in section *seventeen*;

"parks and wild life land" means parks and wild life land specified in section *eighteen*

"pick" includes cut, take, gather, pluck, uproot, break, remove, damage or destroy;

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"plant" means any vegetation;

"prescribed road" means a road declared to be a prescribed road in terms of section *one hundred and twenty-two*;

"private land" means land the ownership of which is vested in any person other than the President;

"problem animal" means an animal declared to be a problem animal in terms of section *eighty;*

"professional guide's licence" means a professional guide's licence issued in terms of section *sixty-nine*;

"professional hunter's licence" means a professional hunter's licence issued in terms of section *sixty-nine*;

"protected animal" means an animal declared to be a protected animal on land in terms of subparagraph (i) of paragraph (*a*) of subsection (1) of section *seventy-seven*;

"protected indigenous plant" means an indigenous plant declared to be a protected indigenous plant on land in terms of subparagraph (i) of paragraph (*a*) of subsection (1) of section *seventy-seven*;

"purchase" includes barter or exchange;

"recreational park" means a recreational park constituted in terms of Part VIII;

"registered dealer in or manufacturer of fishing nets" means a person who is registered as a dealer in or manufacturer of fishing nets in terms of section *ninety-two*;

"regulations" means regulations made in terms of section *one hundred and twenty-nine*;

[Definition inserted by Act 19 of 2001]

"remove" includes drive or entice;

"Rhodes Estates"…..

[Definition repealed by Act 19 of 2001]

"safari area" means a safari area constituted in terms of Part VII;

"sanctuary" means a sanctuary constituted in terms of Part VI;

"sell" includes—

(*a*) barter, exchange or hawk; or

(*b*) offer, keep, possess or expose for sale;

"specially protected animal" means any animal declared in terms of Part IX to be a specially protected animal;

"specially protected indigenous plant" means any indigenous plant declared to be a specially protected indigenous plant in terms of Part X;

"State land" means land vested in the President other than Communal Land or trust land vested in the President;

"State trophy" means anything which in terms of this Act is deemed or declared to be a State trophy;

"trophy" means—

(*a*) any horn, ivory, tooth, tusk, bone, claw, hoof, hide, skin, hair or other durable portion whatsoever of any animal, whether processed or not, which is recognizable as the durable portion of any animal; and

(*b*) the egg of any animal; and

(*c*) any thing of which the durable portion of any animal forms a part, which is declared to be a trophy in terms of section *seventy-six*;

"trust land" means any land, other than Communal Land held in trust by the President or a statutory body or by a person, whether solely or jointly with others, by virtue of his being the holder of some office in a statutory body;

"unalienated land" means—

(*a*) forest land; or

(*b*) State land which is not forest land and which is not held under an agreement of purchase or lease;

(*c*) Communal Land;

"water installation" means a canal, channel, reservoir, embankment, weir, dam, borehole, well, pipeline, pumping plant, filterbed, filter, purification plant, machinery, appliance, apparatus, fitting or accessory or anything constructed, erected or used for or in connection with the impounding, storage, passage, drainage, control or abstraction of water, the development of water power, the filtration or purification of water, the use of water or the conservation of rainfall;

"waters" means any river, stream, watercourse, lake, swamp, pond, dam, reservoir, pan, furrow or other collection of water, whether natural or artificial, together with the foreshores or banks thereof, but does not include—

(*a*) water in aquaria or ornamental ponds unconnected with any natural water; or

(*b*) water the sole and exclusive use of which under any law belongs to any person;

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"weed" means any plant defined as a noxious weed in terms of section 2 of the Noxious Weed Act [*Chapter 19:07*];

"wild life" means all forms of animal life, vertebrate and invertebrate, which are indigenous to Zimbabwe, and the eggs or young thereof other than fish.

PART II

PARKS AND WILD LIFE MANAGEMENT AUTHORITY

(Part II sections 3 – 11 substituted by Act 19 of 2001]

3 Establishment of Parks and Wild Life Management Authority

There is hereby established a body corporate, to be known as the Parks and Wild Life Management Authority, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

4 Functions of Parks and Wild Life Management Authority

(1) Subject to this Act, the functions of the Authority shall be—

(*a*) to control, manage and maintain national parks, botanical reserves and botanical gardens, sanctuaries, safari areas and recreational parks for the purposes set out in subsection (1) of section *twenty-one*, subsection (1) of section *twenty-five*, subsection (1) of section *thirty*, subsection (1) of section *thirty-five* and subsection (1) of section *forty*, respectively, and, so far as is reasonable, practicable and compatible with such purposes, to provide facilities for visitors thereto;

(*b*) to examine and report to the Minister from time to time upon—

(i) the policy which should be adopted to give effect to the objects and purposes of this Act; and

(ii) the conservation and utilisation of the wild life resource of Zimbabwe; and

(iii) the conservation and utilisation of the fish resource of Zimbabwe; and

(iv) the preservation and protection of natural landscapes, wild life and plants and the natural ecological stability of wild life and plant communities in national parks; and

(v) the preservation and protection of rare or endangered plant communities growing naturally in the wild in botanical reserves; and

(vi) the propagation and cultivation of exotic and indigenous plants in botanical gardens; and

(vii) the protection of animals or particular species of animals in sanctuaries; and

(viii) the preservation and protection of the natural habitat and wild life in safari areas and the facilities and opportunities given to the public for camping, hunting, fishing, photography, viewing of animals, bird watching and such other pursuits that may be permitted therein in terms of this Act; and

(ix) the preservation and protection of the natural features of recreational parks; and

(x) plans for the development of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks;

taking into account in particular the geography and geology of each area reported upon, research and management therein, the enjoyment, education, inspiration, benefit and recreation afforded to the public thereby, progress in implementation of land use in surrounding areas;

(*c*) to determine whether the President should exercise any of his powers in terms of subsection (2) of section *twenty-two*, subsection (2) of section *twenty-six*, subsection (2) of section *thirty-one*, subsection (2) of section *thirty-six* or subsection (2) of section *forty-one*;

(*d*) to investigate any matter relating to the use or occupation of the Parks and Wild Life Estate and to make a recommendation thereon to the President where it considers such use or occupation is inconsistent with this Act; and

(*e*) to do such other things, not inconsistent with this Act, as may be required by the Minister;

(*f*) to exercise any other function assigned to the Authority by or under this Act or any other enactment.

(2) In the exercise of its functions referred to in subsection (1) the Authority shall, when examining and reporting upon any particular national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, have regard to the policy determined by the Minister in respect thereof.

(3) The Authority shall not recommend to the President that he exercise his powers to constitute any land a park area or a part thereof where the recommendation relates to land which is—

(*a*) forest land, unless the Minister responsible for the administration of the Forest Act [*Chapter 19:05*] has been consulted;

(*b*) Communal Land, unless the Minister responsible for the administration of the Communal Land Act [*Chapter 20:04*] has been consulted;

(*c*) within the area under the jurisdiction of a local authority, unless the local authority has been consulted.

(4) Where any recommendation has been made to him in terms of paragraph (*d*) of subsection (1) the President may—

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(*a*) direct any Minister to take such action as may be necessary to comply with the recommendation of the Authority; or

(*b*) reject the recommendation and, in such event, the reasons therefor shall be communicated in writing to that Authority.

(5) Subject to this Act, for the better exercise of its functions the Authority shall have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Eleventh Schedule, either absolutely or conditionally and either solely or jointly with others.

5 Establishment and composition of Parks and Wild Life Management Authority Board

(1) The operations of the Authority shall, subject to this Act, be controlled and managed by a board to be known as the Parks and Wild Life Management Authority Board.

(2) The Board shall consist of not fewer than six members and not more than twelve members appointed by the Minister, after consultation with the President and subject to such directions as the President may give, for their ability and experience in matters relating to wild life conservation or for their suitability otherwise for appointment.

(3) Of the members appointed in terms of subsection (2)—

(*a*) five shall be chosen for their experience or professional qualifications in the following fields or areas of competence —

(i) wild life conservation; and

(ii) environmental conservation; and

(iii) tourism; and

(iv) financial and business management; and

(v) human resources management;

and

(*b*) one shall be a legal practitioner registered in terms of the Legal Practitioners Act [*Chapter 27:07*].

(4) The Twelfth Schedule shall apply to the qualifications of members of the Board, their terms and conditions of office, vacation of office, suspension and dismissal, and to the procedure to be followed by the Board at its meetings.

6 Minister may give Board policy directions

(1) Subject to subsections (2) and (3), the Minister may give the Board such directions of a general character relating to the policy which the Authority is to observe in the exercise of its functions, as the Minister considers to be requisite in the national interest.

(2) Before giving the Board a direction in terms of subsection (1), the Minister shall inform the Board, in writing, of the proposed direction and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible effects which the proposal may have on the finances and other resources of the Authority.

(3) Where the Board maintains, in its views submitted to the Minister in terms of subsection (2), that the proposed direction will have a material effect on the finances of the Authority, the Minister shall not proceed to give the direction until he has consulted the Minister responsible for finance.

(4) The Board shall, with due expedition, comply with any direction given to it in terms of subsection (1).

(5) When any direction has been given to the Board in terms of subsection (1), the Board shall ensure that any direction and any views it has expressed thereon in terms of subsection (2), are set out in the Authority's annual report.

7 Minister may direct Board to reverse, suspend or rescind its decisions or actions

(1) Subject to subsection (2), where the Minister, after consultation with the President, is of the view on reasonable grounds that any decision or action of the Board is not in the national or public interest, the Minister may direct the Board in writing to reverse, suspend or rescind such decision or to reverse, suspend or rescind such action.

(2) Before making any direction in terms of subsection (1), the Minister shall inform the Board in writing of his intention to do so, setting out the purport of the proposed direction and his grounds for making it, and the Board may, within fourteen days of being so informed, make written representations to the Minister on the matter.

(3) The Board shall, with due expedition, comply with any direction given to it in terms of subsection (1).

8 Execution of contracts and instruments by Authority

Any agreement, contract or instrument approved by the Board may be entered into or executed on behalf of the Authority by any persons generally or specially authorised by the Board for that purpose.

9 Reports of Authority

(1) In addition to the annual report which the Authority is required to submit to the Minister in terms of paragraph 18 of the Twelfth Schedule of the Audit and Exchequer Act [*Chapter 22:03*], the Authority—

(*a*) shall submit to the Minister such other reports as the Minister may require; and

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(*b*) may submit to the Minister such other reports as the Authority considers advisable;
in regard to the operations and property of the Authority.

(2) The Minister shall, within six months of the end of the Authority's financial year, lay before Parliament the annual report of the Authority and any report submitted to him in terms of subsection (1), together with the statement of accounts and auditor's report for the preceding financial year of the Authority referred to in sections *sixteen* and *sixteen A*.

10 Appointment and functions of Director-General and Directors of Authority

(1) For the better exercise of the functions of the Authority, the Board shall appoint for a fixed term of office, and on such other terms and conditions as the Board may fix, a person to be the Director-General of the Authority and such number of persons to be Directors of the Authority as may be necessary to assist the Director-General in the performance of his functions.

(2) Without the authority of the Minister, no person shall be appointed as Director-General or as Director and no person shall be qualified to hold office if¾

(*a*) he is not a citizen of Zimbabwe; or

(*b*) he has been adjudged or otherwise declared insolvent or bankrupt in terms of a law in force in any country, and has not been rehabilitated or discharged; or

(*c*) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, the arrangement or composition has not been rescinded or set aside; or

(*d*) within the period of five years immediately preceding his proposed appointment, he has been sentenced¾

(i) in Zimbabwe, in respect of an offence involving dishonesty; or

(ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence involving dishonesty.

(3) A Director-General or Director shall vacate his office and his office shall become vacant¾

(*a*) one month after the date he gives notice in writing to the Board of his intention to resign his office or after the expiry of such other period of notice as he and the Minister may agree; or

(*b*) on the date he begins to serve a sentence of imprisonment in Zimbabwe or in any other country.

(4) The Board may require a Director-General or Director to vacate his office if he—

(*a*) has been guilty of conduct which renders him unsuitable to continue to hold office;

(*b*) has failed to comply with any condition of is office;

(*c*) has ceased to possess any qualification by reason of which he was appointed;

(*d*) is mentally or physically incapable of efficiently performing his duties;

(*e*) or his spouse engages in any occupation, service or employment, or holds any asset, which in the Board's opinion is inconsistent with his duties.

(5) The Director-General shall, subject to the direction of the Board, be responsible for—

(*a*) supervising, managing and controlling the operations of the Authority;

(*b*) carrying out any directions given to him by the Board; and

(*c*) performing such other functions as the Board may assign to him or as may be conferred or imposed upon him by or under this Act or any other enactment.

(6) An assignment of functions in terms of paragraph (*c*) of subsection (5)—

(*a*) may be made generally or specially and subject to such conditions, restrictions, reservations and exceptions as the Board may determine;

(*b*) may be revoked by the Board at any time;

(*c*) shall not preclude the Board itself from exercising the functions.

(7) The Director-General may, with the consent of the Board, delegate to Directors such of the powers and duties conferred upon or delegated to him in terms of this Act as he thinks fit.

(8) All powers and duties delegated to Director by the Director-General shall be exercised subject to the directions of the Director-General.

(9) The Board may engage persons otherwise than as employees, to perform services of a specialised, technical or professional nature for the Authority.

(10) The Director-General shall be an ex officio member of the Board and shall act as its secretary but he shall not have a vote on any question before the Board.

(11) Any remuneration, allowances, pensions and other benefits to which the Director-General and any Director is entitled shall be chargeable to the funds of the Authority.

11 Appointment of other staff of Authority

(1) The Director-General may, on behalf of and with the concurrence of the Authority, employ, on such terms and conditions as he may determine, such officers, inspectors or other employees as may be necessary for the purpose of exercising the powers and performing the duties conferred and imposed upon officers, inspectors

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and employees in terms of this Act, and generally for the conduct of the affairs of the Authority, and may suspend, discipline or discharge any such persons.

(2) An officer, inspector or employee shall be furnished with a certificate signed by or on behalf of the chairman of the Board which shall state that the holder has been designated as an officer, inspector or employee for the purposes of this Act.

(3) An officer, inspector or employee exercising any power or performing any duty conferred or imposed upon him in terms of this Act or about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection (2).

(4) The Director-General may delegate to officers, inspectors and employees such of the powers conferred upon him in terms of this Act as it thinks fit.

(5) Any remuneration, allowances, pensions and other benefits to which officers, inspectors or other employees of the Authority are entitled shall be chargeable to the funds of the Authority.

[Sections 3 – 11 substituted by Act 19 of 2001]

PART IIA

FINANCIAL PROVISIONS

12 Funds of Authority

The funds of the Authority shall consist of—

(*a*) all fees payable in terms of this Act and the proceeds from the sale of any State trophies; and

(*b*) fines and amounts payable in terms of sections *one hundred and three* and *one hundred and four*; and

(*c*) such moneys as may be payable to the Authority from moneys appropriated for the purpose by Act of Parliament; and

(*d*) such other moneys as may vest in or accrue to the Authority, whether in the course of its operations or otherwise.

13 Financial year of Authority

The financial year of the Authority shall be the period of twelve months ending on the 31st December in each year.

14 Annual programmes and budgets of Authority

(1) On or before such date before the beginning of every financial year as the Minister may direct, the Board shall prepare and submit to the Minister for his approval—

(*a*) a programme of the projects and activities which the Board intends the Authority to undertake during that financial year; and

(*b*) a budget showing the expenditure which the Board proposes that the Authority will incur in respect of that financial year.

(2) During any financial year the Board may submit to the Minister for his approval a supplementary budget relating to expenditure which¾¾

(*a*) was not, for good reason, provided for in the annual budget; or

(*b*) was inadequately provided for in the annual budget due to unforeseen circumstances.

(3) A supplementary budget approved by the Minister shall be deemed to form part of the annual budget of the Authority for the financial year to which it relates.

(4) The Board shall furnish the Minister with such additional information in regard to any budget submitted under subsection (1) or (2) as the Minister may require.

(5) In approving any budget under this section the Minister may impose such terms and conditions as he considers to be necessary or desirable.

(6) With the approval of the Minister, the Board may vary a budget approved under this section:

Provided that no variation may be made which has the effect of increasing the total amount of expenditure provided for in the budget.

(7) The Minister may withdraw, vary or modify his approval of any budget under this section or any of the terms and conditions of such approval.

15 Investment of moneys not immediately required by Authority

Moneys not immediately required by the Authority may be invested in such manner as the Board, in consultation with the Minister, may approve.

16 Accounts of Authority

(1) The Board shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Authority's activities, funds and property, including such particular accounts and records as the Minister may direct.

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(2) Not later than three months after the end of each financial year of the Authority, the Authority shall prepare and submit to the Minister a statement of accounts in respect of that financial year or such other period as the Minister may direct.

[Sections 12 – 16 substituted by Act 19 of 2001]

16A Audit of Authority's accounts

(1) Subject to the Audit and Exchequer Act [*Chapter 22:03*], the Authority shall appoint as auditors one or more persons approved by the Minister who are registered as public auditors in terms of the Public Accountants and Auditors Act [*Chapter 27:12*].

(2) The accounts kept by the Authority in terms of subsection (1) of section *sixteen* shall be examined by the auditors appointed in terms of subsection (1).

(3) The auditors appointed in terms of subsection (1) shall make a report to the Board and the Minister on the statement of accounts prepared in terms of subsection (2) of section *sixteen* and such report shall state whether or not in their opinion the statement of accounts gives a true and fair view of the Authority's affairs.

(4) In addition to the report referred to in subsection (3), the Minister may require the Board to obtain from its auditors appointed in terms of subsection (1) such other reports, statements or explanations in connection with the Authority's operations, funds and property as the Minister may consider expedient, and the Board shall forthwith comply with any such requirement.

16B Powers of auditors

(1) An auditor referred to in section *sixteen A* shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating to such accounts which are kept by the Authority or its agents and to require from any member of the Board or employee or agent of the Authority such information and explanations as in the auditor's opinion are necessary for the purposes of his audit.

(2) Any member of the Board or employee or agent of the Authority who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

16C Internal auditor

Section 19 of the Audit and Exchequer Act [*Chapter 22:03*] shall apply, *mutatis mutandis*, to the appointment of an internal auditor to the Authority in all respects as if the Authority were a department of the Ministry for which the Minister is responsible.

[Sections 16A – 16C inserted by Act 19 of 2001]

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PART III

PARKS AND WILD LIFE ESTATE AND PARKS AND WILD LIFE LAND

17 Parks and Wild Life Estate

(1) The Parks and Wild Life Estate shall consist of all land which is a park area.

(2) The Parks and Wild Life Estate shall be used for the purposes described in this Act.

18 Parks and wild life land

(1) Parks and wild life land shall consist of State land which is a park area and private land within an area which has been designated in terms of section *forty-two*.

(2) The total extent of parks and wild life land shall not be reduced by more than one per centum of the total extent of parks and wild life land on the appointed day.

19 Amendment of First, Second, Third, Fourth and Fifth Schedules

(1) The Minister may, on the recommendation of, or after consultation with, the Authority by notice in a statutory instrument, amend the First, Second, Third, Fourth or Fifth Schedules in order to—

[Subsection amended by Act 19 of 2001]

(*a*) more clearly describe such land; or

(*b*) correct any error in the description of or statement of extent of such land.

(2) No notice made in terms of subsection (1) shall have the effect of transferring any land to or from the Parks and Wild Life Estate.

20 Minister may fix full supply level of lakes

(1) Where the land inundated by any lake or part of a lake has been declared to be part of the Parks and Wild Life Estate, the Minister may, on the recommendation of, or after consultation with, the Authority by notice in a statutory instrument, fix the height above mean sea level of the full supply level of such lake and may, in like manner, amend such height.

[Subsection amended by Act 19 of 2001]

(2) Any land surface which is exposed at any time between a height fixed in terms of subsection (1) and the edge of the water of the lake concerned shall, for so long as it is exposed, be deemed to be part of the land abutting on to the lake and shall be subject to any enactment relating to such land.

PART IV

NATIONAL PARKS

21 Purposes of national parks and duties of Minister in relation thereto

(1) The purposes for which national parks are or may be constituted under this Act shall be—

(*a*) to preserve and protect the natural landscape and scenery therein; and

(*b*) to preserve and protect wild life and plants and the natural ecological stability of wild life and plant communities therein;

for the enjoyment, education and inspiration of the public.

(2) …….

[Subsection repealed by Act 19 of 2001]

22 National parks

(1) Each of the areas described in the First Schedule is hereby constituted a national park which shall be known by the name specified in the First Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice in a statutory instrument, amend the First Schedule for the purpose of—

(*a*) constituting a new national park and specifying the name thereof;

(*b*) changing the name of any national park;

(*c*) adding any area to a national park;

(*d*) subtracting any area from a national park;

(*e*) abolishing any national park.

[Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a national park or part of a national park in terms of subsection (2) unless it is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

(4) Any notice made in terms of paragraph (*a*), (*b*) or (*c*) of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the President to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument but without prejudice to the validity of anything previously done thereunder.

(5) No notice may be made in terms of paragraph (*d*) or (*e*) of subsection (2) unless the proposal to make such notice has been approved by Parliament.

23 Powers of Minister in relation to national parks

(1) For the purpose of giving effect to the provisions section *twenty-one* the Authority shall, with the concurrence of the Minister and subject to this Act, have power—

(*a*) to undertake scientific investigations within a national park; and

(*b*) to take or collect and remove for export or otherwise any specimen of wild life, fish or plant from a national park; and

(*c*) to authorize any person—

(i) to undertake any scientific investigations within a national park; and

(ii) for the purposes of scientific investigations, to take or collect and remove any specimen of wild life, fish or plant from a national park; and

(*d*) to set aside any area of a national park for special purposes; and

(*e*) to sell, donate or otherwise dispose of, any specimen of wild life, fish or plant taken from a national park; and

(*f*) to introduce into a national park any specimen of wild life, fish or plant:

Provided that the Authority shall not introduce into a national park any wild life or plant which is not indigenous to the area in which the park is situated except into a development area set aside in terms of paragraph (*k*); and

(*g*) to do all such things and to take all such steps as it may consider necessary or desirable, including management of the soil and plants, the construction of fireguards and the controlled reduction of wild life and fish populations, to ensure the security of the wild life, fish and plants within a national park and the maintenance of the wild life, fish and plants therein in a natural state; and

(*h*) to authorize the removal of any wild life, fish or plants which may be captured, killed or picked, as the case may be, as the result of any steps taken in terms of paragraph (*g*); and

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(*i*) if satisfied that it will not endanger the security of the wild life, fish or plants in a national park or the maintenance of the wild life, fish or plants therein in their natural state, and that it is in the interests of management of facilities for visitors within the park—

(i) to construct air strips, roads, bridges, soil conservation works and water installations, buildings, viewing platforms, harbours and fences and to carry out such other works as it may consider necessary or desirable;

(ii) to pick plants for use within the park;

and

(*j*) to authorize—

(i) such measures as it may consider necessary or desirable for—

A. the prevention and control of human and animal, including domestic animal diseases; or

B. the control and limitation of quelea birds and locusts; or

C. the eradication of weeds;

within a national park;

(ii) the killing or capture of any animal within a national park which is—

A. injured or sick; or

B. causing damage to property; or

C. considered to be a danger to humans;

and the disposal of such animal in such manner as he may in any particular case approve; and

(*k*) to set aside areas within a national park as development areas for—

(i) the housing of officers, employees and other persons lawfully residing in the park;

(ii) gardening, recreation and other like requirements and facilities;

(iii) the construction of offices, workshops, stables, pens, schools, clinics, churches and other buildings or installations that may be required in connection with the administration or maintenance of the park;

(iv) the construction of hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities for the accommodation, benefit or enjoyment of visitors;

and to restrict such housing, structures, buildings, installations or facilities in the park to such development area; and

(*l*) to authorize officers, employees or other persons lawfully residing in a national park—

(i) to keep domestic or domesticated animals of such classes as it may authorize in a development area referred to in paragraph (*k*); and

(ii) to use domestic animals of such classes as he may authorize for the purpose of travel or transport within the park or for such other purposes as it may specify;

and

(*m*) to regulate or restrict the construction and design of any building that may be constructed within a national park; and

(*n*) to restrict the use of vehicles and the speed at which vehicles may travel within a national park.

(2) For the purpose of providing facilities in a park for visitors the Authority may—

(*a*) within a development area set aside in terms of paragraph (*k*) of subsection (1)—

(i) construct, maintain and operate hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities and let accommodation therein; and

(ii) let hotels, restaurants, shops, service stations and other buildings and facilities and control the charges which may be made by the lessee thereof;

and

(*b*) provide interpretative services; and

(*c*) do all such other things and take all such other steps as it may consider necessary or desirable to provide facilities for visitors thereto.

(3) Where the Authority considers it necessary or desirable in order to preserve the security of the plants or wild life in a national park or the maintenance in the natural state of the plants or wild life therein or to ensure the enjoyment, education and inspiration of visitors to the park or any part thereof, it may, with the concurrence of the Minister—

(*a*) direct that no further facilities shall be provided;

(*b*) restrict or limit the number of persons or vehicles or types of vehicles which may be permitted entry at any one time and may, in by-laws, impose such restrictions or fix such limits.

[Section substituted by Act 19 of 2001]

24 Prohibition and regulation of certain acts in national parks

(1) Unless authorized thereto in terms of section *twenty-three*, no person shall—

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(*a*) pick any plant in a national park; or
(*b*) hunt any wild life or take or destroy the nest thereof in a national park; or
(*c*) sell—
(i) any animal or any part of an animal which has been hunted in or has died in or has been removed from a national park; or
(ii) any fish caught in a national park; or
(iii) any plant picked in a national park; or
(*d*) except in terms of such regulations as may be prescribed—
(i) introduce into or convey in a national park any weapon or explosive or any prescribed article; or
(ii) introduce into or convey or allow in a national park any animal, including a domestic or domesticated animal; or
(iii) remove from a national park any animal or any part of an animal; or
(iv) fish in any waters in a national park or remove from the park any fish caught in the waters of the park.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

PART V

BOTANICAL RESERVES AND BOTANICAL GARDENS

25 Purposes of botanical reserves and botanical gardens and powers and duties of Minister in relation thereto

(1) The purposes for which botanical reserves are or may be constituted in terms of this Act shall be to preserve and protect rare or endangered indigenous plants or representative plant communities growing naturally in the wild for the enjoyment, education and benefit of the public.

(2) The purposes for which botanical gardens are or may be constituted in terms of this Act shall be to propagate and cultivate exotic and indigenous plants for the enjoyment, education and benefit of the public.

(3) . . . . . .

[Subsection repealed by Act 19 of 2001]

(4) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of botanical reserves and botanical gardens to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1), (2) and (3).

[Subsection amended by Act 19 of 2001]

(5) Where he considers it necessary or desirable in the circumstances of a particular botanical reserve or botanical garden the Minister may, on the recommendation of, or after consultation with, the Authority, and after consultation with any other Minister, by notice in a statutory instrument, cede the Authority's powers, functions and duties in relation to that botanical reserve or botanical garden to any other Minister who shall thereafter have in relation to the botanical reserve or botanical garden concerned all the powers, functions and duties which are conferred or imposed upon the Authority in terms of this Act.

[Subsection substituted by Act 19 of 2001]

(6) The Minister may, with the consent of the Minister to whom a cession in terms of subsection (5) has been made, at any time, by notice in a statutory instrument, revoke the cession.

(7) Where any cession has been revoked in terms of subsection (6)—
(*a*) the powers, functions and duties which were ceded shall revert to the Authority; and
(*b*) the revocation shall not affect any thing done in terms of the cession and any such thing shall be deemed to have been done by the Authority.

[Subsection amended by Act 19 of 2001]

26 Botanical reserves and botanical gardens

(1) Each of the areas described in—
(*a*) Part I of the Second Schedule is hereby constituted a botanical reserve;
(*b*) Part I of the Second Schedule is hereby constituted a botanical garden;
which shall be known by the name specified in the Second Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice in a statutory instrument, amend the Second Schedule for the purpose of—
(*a*) constituting a new botanical reserve or a new botanical garden and specifying the name thereof;
(*b*) changing the name of any botanical reserve or botanical garden;
(*c*) adding any area to a botanical reserve or botanical garden;
(*d*) subtracting any area from a botanical reserve or botanical garden;

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(*e*) abolishing any botanical reserve or botanical garden.

[Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a botanical reserve or botanical garden or as part of a botanical reserve or botanical garden in terms of subsection (2) unless it is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

(4) Any notice made in terms of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the President to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument, but without prejudice to the validity of anything previously done thereunder.

27 Buildings may be let in botanical reserves or botanical gardens

The trustees of any trust land with the consent of the Authority may let any buildings in a botanical reserve or botanical garden.

[Section insertion by Act 19 of 2001]

28 Control of, introduction into or removal of plants from a botanical reserve or botanical garden

(1) No person shall—

(*a*) introduce any plant into a botanical reserve or a botanical garden; or

(*b*) pick any plant in a botanical reserve or a botanical garden;

except in terms of a permit issued in terms of section *twenty-nine*:

Provided that any person working on a road in a botanical reserve or a botanical garden may pick any plant on such road if it is necessary in the lawful performance of his duties.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

29 Permit to introduce plants into or pick plants in a botanical reserve or botanical garden

The Authority, with the concurrence of the Minister, may issue a permit authorizing the holder thereof—

(*a*) to introduce any plant into or pick any plant in a botanical reserve:

Provided that no such permit shall authorize—

(*a*) the introduction of any plant of a species not native to such reserve;

(*b*) the picking of a plant unless such picking is necessary, whether for export or otherwise, for—

(i) scientific purposes; or

(ii) providing specimens for a museum, herbarium or similar institution; or

(iii) introduction into another botanical reserve, botanical garden or similar such place or into horticulture; or

(iv) purposes connected with the management and control of such reserve;

(*b*) to introduce any plant into or pick any plant in a botanical garden for any purpose specified in the permit.

[Subsection amended by Act 19 of 2001]

PART VI

SANCTUARIES

30 Purposes of sanctuaries and duties of Minister in relation thereto

(1) The purposes for which sanctuaries are or may be constituted under this Act shall be to afford special protection to all animals or particular species of animals in the sanctuary concerned for the enjoyment and benefit of the public.

(2) . . . . . .

[Subsection repealed by Act 19 of 2001]

31 Sanctuaries and designated animals

(1) Each of the areas described in the Third Schedule is hereby constituted a sanctuary which shall be known by the name specified in the Third Schedule and in which the animals specified in the second column opposite the sanctuary shall be designated animals.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice in a statutory instrument, amend the Third Schedule for the purpose of—

(*a*) constituting a new sanctuary and specifying the name thereof;

(*b*) changing the name of any sanctuary;

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(*c*) adding any area to a sanctuary;
(*d*) subtracting any area from a sanctuary;
(*e*) abolishing any sanctuary;
(*f*) specifying any animals as being designated animals in relation to a particular sanctuary or removing any animal from the list of animals specially protected in a particular sanctuary.

[Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a sanctuary or as part of a sanctuary in terms of subsection (2) unless it is—

(*a*) State land; or
(*b*) trust land and the trustees thereof have consented thereto.

32 Powers of Minister in relation to sanctuaries

(1) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of sanctuaries to take such measures and to do such things which he considers necessary or desirable to give effect to section *thirty*.

[Subsection amended by Act 19 of 2001]

(2) For the purposes of providing facilities for visitors the Authority, with the concurrence of the Minister, may, within an area set aside for the purpose in a sanctuary—

(*a*) construct, maintain and administer hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities and let accommodation therein; and
(*b*) let hotels, restaurants, shops, service stations and other buildings and facilities and control the charges which may be made by the lessees thereof.

[Subsection amended by Act 19 of 2001]

(3) Where the Authority considers it necessary or desirable, it may—

(*a*) direct that no further facilities shall be provided in a sanctuary;
(*b*) restrict or limit the number of persons which may be permitted entry into a sanctuary at any one time and may, in by-laws, impose such restriction or such limits.

[Subsection amended by Act 19 of 2001]

33 Control of hunting in and removal of animals or animal products from a sanctuary and sale of animals or animal products

(1) No person shall—

(*a*) hunt any animal in a sanctuary; or
(*b*) remove any animal or any part of an animal from a sanctuary; or
(*c*) sell any animal or any part of an animal which has been hunted in or has died in or has been removed from a sanctuary;

except in terms of a permit issued in terms of section *thirty-four*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

34 Permit to hunt in or remove animals or animal products from a sanctuary and to sell animals or animal products

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person to—

[Subsection substituted by Act 19 of 2001]

(*a*) hunt any animal in a sanctuary; or
(*b*) remove any animal or any part of an animal from a sanctuary; or
(*c*) sell any animal or any part of an animal which has been hunted in or has died in or has been removed from a sanctuary:

Provided that the Authority shall not issue any such permit—

(*a*) to hunt or remove any designated animal or any part of such animal unless it is satisfied that the hunting or removal is necessary for—
  (i) scientific purposes; or
  (ii) the protection of human life or property;
(*b*) to hunt or remove any animal or any part of an animal other than a designated animal unless it is satisfied that the hunting or removal is necessary for—
  (i) scientific purposes; or
  (ii) educational purposes; or
  (iii) providing specimens for a museum, zoological garden or similar institution; or
  (iv) the taking of animals live for the purpose of export or restocking; or
  (v) the management and control of animal populations; or

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(vi) the protection of human life or property; or
(vii) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

[Subsection amended by Act 19 of 2001]

PART VII

SAFARI AREAS

35 Purposes of safari areas and powers and duties of Minister in relation thereto

(1) The purposes for which safari areas are or may be constituted under this Act shall be to preserve and protect the natural habitat and the wild life therein in order that facilities and opportunities may be afforded to the public for camping, hunting, fishing, photography, viewing of animals, bird-watching or such other pursuits that may be permitted therein in terms of this Act.

(2) . . . . . .

[Subsection repealed by Act 19 of 2001]

(3) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of safari areas to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1) and (2).

[Subsection amended by Act 19 of 2001]

36 Safari areas

(1) Each of the areas described in the Fourth Schedule is hereby constituted a safari area which shall be known by the name specified in the Fourth Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice in a statutory instrument, amend the Fourth Schedule for the purpose of—

(*a*) constituting a new safari area and specifying the name thereof;
(*b*) changing the name of any safari area;
(*c*) adding any area to a safari area;
(*d*) subtracting any area from a safari area;
(*e*) abolishing any safari area.

[Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a safari area or as part of a safari area in terms of subsection (2) unless it is—

(*a*) State land; or
(*b*) trust land and the trustees thereof have consented thereto.

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37 Lease of sites and grant of hunting rights in safari areas

The Authority, with the concurrence of the Minister, may—

(*a*) lease sites in a safari area to such persons and for such purposes as it deems fit;
(*b*) grant hunting or other rights over or in a safari area to such persons as he deems fit;

subject to such terms and conditions as he may impose:

Provided that—

(*a*) the period of a lease in terms of paragraph (*a*) shall not exceed twenty-five years;
(*b*) the period of hunting or other rights in terms of paragraph (*b*) shall not exceed ten years;
(*c*) a grant of hunting or other rights in terms of paragraph (*b*) shall not prohibit persons from entering into the safari area concerned for purposes other than those for which the rights have been granted.

[Subsection amended by Act 19 of 2001]

38 Control of hunting in and removal of animals or animal products from a safari area and sale of animals or animal products

(1) No person shall—

(*a*) hunt any animal in a safari area; or
(*b*) remove any animal or any part of an animal from a safari area; or
(*c*) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area;

except in terms of—

(i) such regulations as may be prescribed for such safari area; or
(ii) a permit issued in terms of section *thirty-nine*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

39 Permit to hunt in or remove animals or animal products from a safari area and to sell animals or animal products

(1) Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit—

(*a*) to any person to—

(i) hunt any animal in a safari area; or

(ii) remove any animal or any part of an animal from a safari area; or

(iii) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area:

Provided that the Authority shall not issue any such permit to hunt or remove any animal or any part of an animal unless it is satisfied that the hunting or removal is necessary for—

(*a*) scientific purposes; or

(*b*) educational purposes; or

(*c*) providing specimens for a museum, zoological garden or similar institution; or

(*d*) the taking of animals live for the purpose of export or restocking; or

(*e*) the management and control of animal populations; or

(*f*) the protection of human life or property; or

(*g*) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

(*b*) to any person as the guest of the State to—

(i) hunt any animal in a safari area; or

(ii) remove any animal or any part of an animal from a safari area; or

(iii) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area.

(2) A permit issued in terms of subsection (1) may authorize the holder thereof to allow any person nominated by him to do in his stead, but subject to his direction or the direction of his deputy, anything which the holder may do in terms of the permit.

PART VIII

RECREATIONAL PARKS

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40 Purposes of recreational parks and powers and duties of Minister in relation thereto

(1) The purposes for which recreational parks are or may be constituted under this Act shall be to preserve and protect the natural features therein for the enjoyment, benefit and recreation of the public.

(2) . . . . . .

[Subsection repealed by Act 19 of 2001]

(3) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of recreational parks to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1) and (2).

[Subsection amended by Act 19 of 2001]

41 Recreational parks

(1) Each of the areas described in the Fifth Schedule is hereby constituted a recreational park which shall be known by the name specified in the Fifth Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice in a statutory instrument, amend the Fifth Schedule for the purpose of—

(*a*) constituting any new recreational park and specifying the name thereof;

(*b*) changing the name of any recreational park;

(*c*) adding any area to a recreational park;

(*d*) subtracting any area from a recreational park;

(*e*) abolishing any recreational park.

(3) No land shall be constituted as a recreational park or as part of a recreational park in terms of subsection (2) unless it is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

[Subsection amended by Act 19 of 2001]

(4) Any notice made in terms of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the Minister to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument, but without prejudice to the validity of anything previously done thereunder.

42 Designation of land within recreational park which may be alienated or leased

(1) Subject to subsections (2) and (3), the Minister, on the recommendation of the Authority may, by notice in a statutory instrument, designate within a recreational park any area or areas of land which may be alienated or leased for the erection of hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities for the accommodation, recreation, enjoyment or convenience of visitors or for such other purpose as he deems fit and may in like manner revoke such designation.

[Subsection amended by Act 19 of 2001]

(2) The layout of any development within a designated area referred to in subsection (1) shall be approved in terms of the Regional, Town and Country Planning Act [*Chapter 29:12*].

(3) No notice revoking any designated area referred to in subsection (1) shall affect the right of any person who, before the date of such revocation, acquired title to or a lease over any land therein.

(4) Notwithstanding the alienation or lease of any land within a designated area referred to in subsection (1) such land shall continue to form part of the recreational park concerned.

PART IX

SPECIALLY PROTECTED ANIMALS

43 Specially protected animals

The animals specified in the Sixth Schedule are hereby declared to be specially protected animals.

44 Minister may amend Sixth Schedule by notice in statutory instrument

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Sixth Schedule by adding thereto or removing therefrom the name of any animal.

[Subsection amended by Act 19 of 2001]

45 Control of hunting of specially protected animals and possession or sale of specially protected animals and products thereof

(1) No person shall—

(*a*) hunt any specially protected animal; or

(*b*) keep, have in his possession or sell or otherwise dispose of any live specially protected animal or the meat or trophy of any such animal;

except in terms of a permit issued in terms of section *forty-six*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

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46 Permit to hunt and to sell live specially protected animals and products thereof

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person—

(*a*) to hunt any specially protected animal on any land other than in a national park; or

(*b*) to keep, have in his possession or sell any live specially protected animal or the meat or trophy of any such animal:

Provided that the Authority shall not issue a permit in terms of paragraph (*a*) unless it is satisfied that the hunting is necessary for—

(*a*) scientific purposes; or

(*b*) educational purposes; or

(*c*) providing specimens for a museum, zoological garden or similar institution; or

(*d*) the taking of animals live for the purpose of falconry, captive breeding, export or restocking; or

(*e*) the management and control of animal populations; or

(*f*) the protection of human life or property; or

(*g*) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

[Section amended by Act 19 of 2001]

47 Trophies of specially protected animals which are State trophies

(1) Subject to subsection (2), the trophy of any specially protected animal killed or found dead shall be deemed to be a State trophy.

(2) Subsection (1) shall not apply in respect of the trophy of any specially protected animal which—

(*a*) has been killed in terms of a permit issued in terms of section *forty-six*; or

(*b*) was in lawful captivity immediately before its death.

(3) Subject to the proviso to subsection (1) of section *sixty-three*, any person who takes possession of any trophy which is a State trophy in terms of subsection (1) shall, as soon as possible and in any event within seven

days, surrender such trophy to the appropriate authority for the land on which it was found or to the nearest convenient office of the Authority or police station or to the local authority for the area concerned.

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(5) The burden of proof of any matter referred to in subsection (2) which would make lawful the failure to surrender any trophy in terms of subsection (3) shall, in any prosecution relating to such failure, lie upon the person charged.

PART X

SPECIALLY PROTECTED INDIGENOUS PLANTS

48 Specially protected indigenous plants

The plants specified in the first column of the Seventh Schedule are hereby declared to be specially protected indigenous indigenous plants.

49 Minister may amend Seventh Schedule by notice a statutory instrument

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Seventh Schedule—

[Subsection amended by Act 19 of 2001]

(*a*) in the first column, by adding thereto or by removing therefrom the name of any indigenous plant;

(*b*) in the second column, by adding thereto, opposite the name of any indigenous plant specified in the first column, any area, or by removing therefrom any area.

50 Control of picking of specially protected indigenous plants

(1) Subject to subsections (2), (3) and (4), no person shall pick any specially protected indigenous plant except in terms of a permit issued in terms of section *fifty-one*.

(2) Subsection (1) shall not apply to the picking of any specially protected indigenous plant in any area which may be specified opposite the name of such plant in the second column of the Seventh Schedule.

(3) An owner or occupier of land or a person acting under his authority may cut or gather the flower of a specially protected indigenous plant on the land for use in the home of such owner or occupier.

(4) An owner or occupier of land or a person acting under his authority may pick a specially protected indigenous plant on the land which is—

(*a*) needed for cultivation, forestry operations, the erection of a building or structure, the construction of a fireguard, road or airport or other development, or the extraction of sand, stone, gravel or other materials; or

(*b*) used for the cultivation of such specially protected indigenous plants.

(5) Any person , who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

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51 Permit to pick specially protected indigenous plants

Subject to this Act, the Authority with the concurrence of the Minister, may issue a permit authorizing the holder thereof to pick a specially protected indigenous plant for—

(*a*) export;

(*b*) cultivation and propagation;

(*c*) scientific purposes;

(*d*) providing specimens for a museum, herbarium, botanical garden or similar institution;

(*e*) such other purpose as the Authority deems fit.

[Subsection amended by Act 19 of 2001]

52 Sale of specially protected indigenous plants controlled

(1) No person shall sell any specially protected indigenous plant—

(*a*) except in terms of a permit issued to him in terms of section *fifty-three*; or

(*b*) unless he is a dealer in specially protected indigenous plants; or

(*c*) unless he is a member of a recognized horticultural society and the sale is to a member of the same or any other recognized horticultural society.

(2) No person shall purchase a specially protected indigenous plant—

(*a*) except from a person who is the holder of a permit issued in terms of section *fifty-three*; or

(*b*) except from a dealer in specially protected indigenous plants; or

(*c*) except from a stall at any fete, bazaar or other like function open to the public; or

(*d*) unless he is a member of a recognized horticultural society and the purchase is from a member of the same or any other recognized horticultural society.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(4) In this section—

"recognized horticultural society" means a society, club, association or body of persons which is formed for the purpose of propagation of plants and which is recognized for the purposes of this section by the Authority.

[Subsection mended by Act 19 of 2001.]

53 Permit to sell specially protected indigenous plants

The Authority, with the concurrence of the Minister, may issue—

(*a*) a permit to a cultivator of specially protected indigenous plants to sell specially protected indigenous plants;

(*b*) a temporary permit, free of charge—

(i) to an owner or occupier of any land or a person nominated by such owner or occupier to sell to a person who is the holder of a permit issued in terms of paragraph (*a*) a specially protected indigenous plant which has been picked on the land in terms of paragraph (*a*) of subsection (4) of section *fifty*; or

(ii) to any other person to sell specially protected indigenous plants in such other cases and for such other purposes as may be specified in the permit.

[Section amended by Act 19 of 2001]

PART XI

INDIGENOUS PLANTS

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54 Application of this Part

This Part shall not apply to national parks or botanical reserves or botanical gardens,

55 Control of picking of indigenous plants

(1) Subject to section *fifty-six*, no person shall—

(*a*) without reasonable excuse, the proof whereof lies on him, pick any indigenous plant on any land; or

(*b*) sell any indigenous plant picked on any land;

except in terms of a permit issued in terms of paragraph (*c*) of section *fifty-six*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

56 Permission to pick indigenous plants

Subject to this Act and Part VI of the Forest Act [*Chapter 19:05*] the appropriate authority for any land may—

(*a*) pick any indigenous plant on the land; or

(*b*) sell any indigenous plant picked on the land; or

(*c*) issue a permit to any person—

(i) to pick any indigenous plant on the land; and

(ii) to sell any indigenous plant picked in terms of the permit.

57 Minister may prohibit persons from picking indigenous plants

(1) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any indigenous plants within Zimbabwe or any area of Zimbabwe, it may, by notice in writing served on any person, specifying such indigenous plants, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following—

(*a*) picking such indigenous plants;

(*b*) selling such indigenous plants;

(*c*) authorizing any person to do anything referred to in paragraph (*a*) or (*b*);

whether on alienated or unalienated land, within the area specified in the notice.

[Subsection amended by Act 19 of 2001]

(2) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (1).

[Subsection amended by section 4 of Act 22 of 2001]

(3) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (1) or (2).

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes a notice issued in terms of subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

58 Appointment of commissioner

(1) If a person upon whom a notice has been served in terms of subsection (1) or (2) of section *fifty-seven* requests an inquiry within thirty days after such notice, the Authority shall, within twenty-one days of such request, refer the matter for inquiry to a commissioner appointed by the Authority for the purpose.

[Subsection amended by Act 19 of 2001]

(2) For the purposes of an inquiry held in terms of subsection (1), the Authority may appoint as a commissioner any person who—

(*a*) is or is qualified to be a registered legal practitioner; or

(*b*) in the opinion of the Authority has knowledge and experience in the preservation, conservation, propagation or control of indigenous plants.

[Subsection amended by Act 19 of 2001]

(3) A commissioner appointed in terms of subsection (1) shall—

(*a*) subject to any regulations made in terms of section *one hundred and twenty-nine*, conduct due inquiry into the matter; and

(*b*) report to the Authority on the existence of grounds that might justify the retention, revocation or amendment of the notice that is the subject of the inquiry.

[Subsection amended by Act 19 of 2001]

(4) The powers, rights and privileges of a commissioner appointed in terms of subsection (1) shall be the same as those conferred upon a commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 18 of that Act shall apply, *mutatis mutandis*, in relation to an inquiry in terms of this section and to a person summoned to give evidence at the inquiry.

(5) The identity of any police officer or any officer, inspector, employee or honorary officer by whom a report is made concerning a person upon whom a notice has been served in terms of subsection (1) or (2) of section *fifty-seven* shall not be disclosed at an inquiry held in terms of this section to any person other than the commissioner, if the Authority certifies that its disclosure would not be in the public interest.

[Subsection amended by Act 19 of 2001]

(6) Upon receiving the report of a commissioner appointed in terms of subsection (1), the Authority may, after giving due consideration to the recommendations contained therein—

(*a*) confirm the notice that was the subject of the inquiry; or

(*b*) amend or revoke the notice; or

(*c*) give such other direction in the matter as it thinks appropriate;

and the decision of the Authority shall be final.

[Subsection amended by section 4 of Act 22 of 2001]

(7) Where a person who is—

(*a*) the appropriate authority for any land; or

(*b*) the holder of an authority in terms of this Act;

is served with a notice in terms of subsection (1) or (2) of section *fifty-seven*, his rights as such appropriate authority or holder shall be suspended, to the extent that they are inconsistent with the notice, while the notice remains in force.

PART XII

HUNTING, REMOVAL, VIEWING AND SALE OF ANIMALS AND ANIMAL PRODUCTS

59 Control of hunting, removal and sale of live animals and animal products

(1) This section shall not apply to national parks, sanctuaries or safari areas.

(2) Subject to subsection (4), no person shall—

(*a*) hunt any animal on any land; or

(*b*) remove any animal or any part of an animal from any land or from one place to another on any land;

except in terms of a permit issued in terms of paragraph (*c*) of subsection (4).

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(3) Subject to this Act, no person shall sell any live animal or the trophy of any animal except in terms of a permit issued in terms of section *seventy-five*.

(4) Subject to this Act, the appropriate authority for any land may—

(*a*) hunt any animal on the land; or

(*b*) remove any animal or any part of an animal from the land or from one place to another on the land; or

(*c*) issue a permit to any person allowing him or any other person or any class of persons to hunt any animal on the land or to remove any animal or any part of an animal from the land or from one place to another on the land.

(5) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

60 Minister may prohibit or restrict hunting and removal of animals in defined areas

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, prohibit or restrict either indefinitely or for such period as may be specified in the notice the hunting or removal of any animal or any specimen or sex of any animal or any part thereof in or from any area or areas which are defined in the notice where it deems it necessary to do so for all or any of the following purposes—

(*a*) the control of the spread of disease;

(*b*) the protection of human life and property;

(*c*) conservation or management of animal populations;

(*d*) administrative purposes.

[Subsection amended by Act 19 of 2001]

(2) Where the area or any part thereof to which a notice referred to in subsection (1) relates is alienated land, the Minister shall, in addition to the publication of such notice in a statutory instrument, publish such notice in three consecutive issues of a newspaper circulating in the area in which such land is situated.

(3) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend or revoke any notice referred to in subsection (1) and if such notice relates in whole or in part to any area of alienated land, subsection (2) shall apply, *mutatis mutandis*.

[Subsection amended by Act 19 of 2001]

(4) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any wild life within Zimbabwe or any area of Zimbabwe, it may, by notice in writing served on any person, specifying such wild life, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following—

(*a*) hunting such wild life;

(*b*) conducting or taking part in any hunting, photographic or viewing safari;

(*c*) being in possession of or using any weapon ordinarily used for hunting, save for the defence of himself or any other person or for the protection of any livestock, crop or property on land owned, leased or occupied by him;

(*d*) authorizing any other person to do anything referred to in paragraph (*a*), (*b*) or (*c*);

whether on alienated or unalienated land, within the area specified in the notice.

[Subsection amended by Act 19 of 2001]

(5) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (4).

[Subsection amended by Act 19 of 2001]

(6) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (4) or (5).

[Subsection amended by section 4 of Act 22 of 2001]

(7) Section *fifty-eight* shall apply, *mutatis mutandis*, in relation to a notice issued in terms of subsection (4) or (5) and the person affected thereby.

(8) Any person who contravenes a notice issued in terms of subsection (1), (3), (4) or (5) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

61 Killing or injury of animals in self-defence

(1) Notwithstanding this Act, it shall be lawful for any person to kill or injure any animal on any land in defence of himself or any other person if immediately and absolutely necessary.

(2) The burden of proving that any animal has been killed or injured in accordance with subsection (1) shall lie on the person who killed or injured such animal.

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62 Destruction of dogs

(1) Subject to subsection (3), it shall be lawful for the appropriate authority for alienated land on which there are any animals to kill any dog found on such land if such dog is not in the keeping of or accompanied by a person who is lawfully upon such land.

(2) Subject to subsection (3), it shall be lawful for an officer to kill any dog found hunting any animal on unalienated land if such dog is not in the keeping of or accompanied by a person who is lawfully upon such land.

(3) Subsections (1) and (2) shall not apply in respect of land within—

(*a*) the area of a municipality or town or local government area in terms of the Urban Councils Act [*Chapter 29:15*]; or

(*b*) the town ward of a rural district council or an area that has been declared in terms of the Rural District Councils Act [*Chapter 29:13*] to be a specified area;

(*c*) the area of any township, village or business centre established in terms of any enactment.

(4) Nothing in this section contained shall be construed as in any way affecting or derogating from the right of any person to kill a dog in terms of any other law.

63 Report of killing of animals or injury of animals other than dangerous animals

(1) Where—

(*a*) any animal, other than specially protected animals, is killed or any animal, other than a dangerous animal or specially protected animals, is injured by any person—

(i) in the circumstances specified in section *sixty-one;* or

(ii) by accident or in error whilst he is hunting and he has no authority in terms of this Act to hunt such animal; or

(*b*) any specially protected animal is killed or injured by any person and he has no authority in terms of this Act to hunt or kill such animal;

that person shall as soon as possible and in any event within seven days make a report in person—

(i) to the appropriate authority for the land on which the animal was last sighted; or

(ii) at the nearest convenient office of the Authority or police station or at the office of the local authority for the area concerned;

that an animal has been killed or injured, as the case may be, on the land and where it was last sighted and shall, if so requested by the appropriate authority to which any such report is made, personally deliver to the appropriate authority so much of the meat or trophy of the animal concerned as is in his possession and as the appropriate authority may require:

Provided that, in the case of a specially protected animal, any meat or trophy thereof which is in such person's possession shall be delivered to the appropriate authority or the person in charge of the office or police station to which or at which, as the case may be, the report is made.

[Subsection amended by Act 19 of 2001]

(2) Where a report relating to a specially protected animal has been made in terms of subsection (1) to an appropriate authority other than the Director, the appropriate authority shall report the occurrence at the nearest office of the Department, police station or museum or at the office of the local authority for the area concerned and, if so requested by the person in charge of the office or place at which the report is made—

(*a*) accompany him or his representative to, and indicate there, the place of the occurrence and render such assistance in recovering the meat or trophy of the animal killed as may be required by that person or his representative;

(*b*) deliver to him so much of the meat or trophy of the animal as is in his possession and as may be required by the latter.

(3) Where any animal is killed by accident or in error by any person while he is hunting and that person has been authorized in terms of this Act to hunt such animal, the animal shall be counted as an animal killed in accordance with such authority.

(4) Where any animal is killed by accident or in error by any person while he is driving a vehicle on any road, that person shall, if he retrieves the animal or any part thereof, in person report the killing at the nearest office of the Authority, police station or museum or at the office of the local authority for the area concerned and shall, if so requested by the person in charge of the office or place at which the report is made, surrender to him the animal or such part thereof retrieved by him.

[Subsection amended by Act 19 of 2001]

(5) The meat or trophy of any animal which has been delivered to any office, station or museum in terms of subsection (1), (2) or (4) or which has been recovered by the person in charge of any such office, station or museum or by his representative following upon a report made in terms of this section shall be a State trophy and shall be disposed of in the prescribed manner.

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(6) Any person who contravenes subsection (1), (2) or (4) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by Act 19 of 2001]

64 Report of injury of dangerous animals

(1) Where a dangerous animal has been injured on any land by any person, that person shall, as soon as possible and in any case within twenty-four hours, make a report in person—

(*a*) to the appropriate authority for the land on which it was last sighted; or

(*b*) at the nearest convenient office of the Authority, or police station or at the office of the local authority for the area concerned;

that there is an injured dangerous animal on the land and where the animal was last sighted.

[Subsection amended by Act 19 of 2001]

(2) Where a report has been made in terms of subsection (1) to an appropriate authority, the appropriate authority shall, as soon as possible and in any case within twenty-four hours, report the occurrence at the nearest office of the Authority, or police station or at the office of the local authority for the area concerned.

[Subsection amended by Act 19 of 2001]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by Act 19 of 2001]

65 Control of safaris

(1) Subject to subsection (2), no person shall—

(*a*) conduct for reward—

(i) any hunting safari on any land; or

(ii) any photographic or viewing safari, either on foot or on horse-back, within any national park, sanctuary or safari area or on forest land or within any Communal Land for which the Authority is the appropriate authority;

unless he is the holder of a professional hunter's licence, learner professional hunter's licence or professional guide's licence authorizing such conduct; or

(*b*) offer to conduct for reward any safari referred to in paragraph (*a*) unless he is the holder of an appropriate licence authorizing such conduct; or

(*c*) publish or cause to be published in any way whatsoever any false or misleading statement relating to any hunting, photographic or viewing safari conducted or to be conducted in Zimbabwe.

[Subsection amended by Act 19 of 2001]

(2) Paragraphs (*a*) and (*b*) of subsection (1) shall not apply in respect of such area or areas as the Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify for the purposes of this subsection.

[Subsection amended by Act 19 of 2001]

(3) It shall be sufficient defence to a charge of contravening paragraph (*c*) of subsection (1) for the person charged to prove that he published or caused to be published the statement concerned in good faith and without having any reason to believe it was false or misleading.

(4) Paragraph (*b*) and (*c*) of subsection (1) shall extend to—

(*a*) acts, omissions, matters or things outside Zimbabwe;

(*b*) all persons irrespective of their nationality or citizenship.

(5) Notwithstanding anything to the contrary contained in any law relating to magistrates courts, any magistrates court shall have jurisdiction in respect of any contravention of paragraph (*b*) or (*c*) of subsection (1) or any act, omission, matter or thing forming part of or connected with such contravention wherever committed, whether in or outside Zimbabwe.

(6) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

66 Professional hunter's licence

(1) A professional hunter's licence shall authorize the holder thereof, subject to this Act—

(*a*) to conduct for reward—

(i) in such national park, sanctuary or safari area or on such forest land or in such area of Communal Land for which the Authority is the appropriate authority if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback;

(ii) on such land as may be specified in the licence, a hunting safari;

(*b*) to offer to conduct for reward any safari referred to in paragraph (*a*).

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[Subsection amended by Act 19 of 2001]

(2) The holder of a professional hunter's licence shall—

(*a*) supervise and control the hunting by every person who hunts during safaris conducted by him in terms of his licence; and

(*b*) take all reasonable steps—

(i) to ensure that every person who hunts during hunting safaris conducted by him clearly understands the terms and conditions of any permit or right which entitles him to hunt; and

(ii) to prevent any unlawful hunting by any person who hunts during safaris conducted by him.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by Act 19 of 2001]

(4) Where in any prosecution for an offence in terms of this section it is proved that a person hunted any animal in contravention of this Act during a safari conducted by the holder of a professional hunter's licence, the holder of the professional hunter's licence shall be presumed to have failed to take all reasonable steps to prevent the unlawful hunting of the animal unless the contrary is proved.

67 Learner professional hunter's licence

A learner professional hunter's licence shall authorize the holder thereof, subject to this Act—

(*a*) to conduct for reward under the instructions of the holder of a professional hunter's licence—

(i) in such national park, sanctuary or safari area or on such forest land or in such area of Communal Land for which the Authority is the appropriate authority, if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback;

[Paragraph amended by Act 19 of 2001.]

(ii) on such land as may be specified in the licence, a hunting safari;

(*b*) to offer to conduct for reward any safari referred to in paragraph (*a*).

68 Professional guide's licence

A professional guide's licence shall authorize the holder thereof, subject to this Act—

(*a*) to conduct for reward, in such national park, sanctuary or safari area or in such area of Communal Land for which the Authority is the appropriate authority if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback;

[Paragraph amended by Act 19 of 2001.]

(*b*) to offer to conduct for reward any safari referred to in paragraph (*a*).

69 Minister may issue professional hunter's, learner professional hunter's and professional guide's licence

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a professional hunter's licence, learner professional hunter's licence or professional guide's licence to any person whom it deems fit.

[Section substituted by Act 19 of 2001.]

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70 Lawful hunter may ask other hunter to produce authority

(1) Any person ,who is lawfully hunting on any land may require any other person found by him apparently hunting on such land either to produce evidence of his authority in terms of this Act to hunt on such land or to furnish him with his full name and address.

(2) Any person who—

(*a*) fails to comply with a request made in terms of subsection (1); or

(*b*) in response to a request made in terms of subsection (1) furnishes a false or incomplete name or address;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

71 Prohibition of sale of meat of animal unlawfully hunted

(1) Subject to this Act, no person shall sell the meat of any animal which—

(*a*) he has hunted; or

(*b*) he knows or has reason to believe has been hunted;

in contravention of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

72 Sale of animal born or hatched and held in captivity

(1) Subject to this Act, any person may—

(*a*) kill any animal;

(*b*) sell any live animal, or the meat or trophy of any animal;
which was born or hatched and has remained in captivity.

(2) The burden of proof of the matters referred to in subsection (1) which would make lawful a killing or sale referred to in that subsection shall, in any prosecution relating to such killing or sale, lie upon the person charged.

73 Sale and manufacture of articles from trophies

(1) No person shall—

(*a*) manufacture any article from a trophy or process any trophy; or

(*b*) sell, donate or otherwise dispose of any trophy or any article manufactured from a trophy;
which has been obtained from an animal which has been hunted in contravention of this Act:

Provided that this subsection shall not apply in respect of trophies lawfully acquired from the State.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

74 Purchase of live animals and trophies

(1) Subject to subsection (2), no person shall purchase any live animal or trophy unless he is satisfied that—

(*a*) the seller has authority in terms of this Act authorizing him to make the sale; or

(*b*) in the case of a live animal, the animal was born or hatched and has remained in captivity; or

(*c*) in the case of a trophy, the trophy has been obtained from an animal which was born or hatched and has remained in captivity.

(2) Subsection (1) shall not apply to the purchase of a trophy—

(*a*) from a stall at a fete, bazaar or other like function open to the public; or

(*b*) in the ordinary course of business from a person who carries on business in a shop, store or other fixed place of business other than domestic premises.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

75 General permit to sell live animal or trophy

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person to sell any live animal or the trophy of any animal.

[Section substituted by Act 19 of 2001.]

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76 Declaration of trophy

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare any thing of which the durable portion of any animal forms a part to be a trophy.

[Section substituted by Act 19 of 2001.]

PART XIII

PROTECTION OF ANIMALS AND INDIGENOUS PLANTS ON ALIENATED LAND

77 Minister may declare protected animals or plants or cessation of hunting of animals and picking of plants, authorize reduction of animals and specify hunting periods

(1) Subject to subsection (2), the Minister may, after consultation with the Natural Resources Board and the conservation committee concerned, by notice in a statutory instrument—

(*a*) declare—

(i) any animal, other than a specially protected animal which, in his opinion by reason of its scarcity or value deserves to be further protected, to be a protected animal;
or

(ii) any indigenous plant which, in his opinion by reason of its scarcity, over-utilization, utility or value deserves to be further protected, to be a protected indigenous plant;

within the area of a conservation committee;

(*b*) order that the hunting of animals or the picking of indigenous plants which, in his opinion, are being hunted or picked, as the case may be, on any alienated land within the area of a conservation committee on a scale which, in his opinion, is likely to be injurious to animal or indigenous plant populations in the area of the conservation committee, shall be restricted to the extent specified in such notice on the whole or part of the land concerned;

(*c*) authorize a conservation committee, notwithstanding subsection (2) of section *fifty-nine*, to reduce on any alienated land within its area to such extent as may be specified in the notice any problem animal where, in his opinion, the number of such animals on the land is such as to cause excessive damage or nuisance;

(*d*) specify periods during which any animal specified in such notice may not be hunted in the area of a conservation committee.

(2) No notice referred to in paragraph (*b*) or (*c*) of subsection (1) shall be made in terms of that subsection unless prior to the making of the notice the appropriate authority for the land concerned has been notified of the proposal to make the notice and afforded a reasonable opportunity of making representation in relation thereto.

(3) The Minister may, by notice in a statutory instrument, amend or revoke any notice made in terms of subsection (1).

(4) The Minister shall cause a copy of any notice which is made—

(*a*) in terms of subsection (1) or (3) to be published in three consecutive issues of a newspaper circulating in the area where any land to which the notice applies is situated;

(*b*) in terms of paragraph (*b*) or (*c*) of subsection (1) to be served on the appropriate authority for any land affected by the notice;

and any amendment or revocation of such a notice shall be published or served accordingly.

(5) Subject to subsections (6) and (7), no person shall—

(*a*) hunt a protected animal or pick a protected indigenous plant or permit any other person to do so on any land on which it has been declared a protected animal or protected indigenous plant, as the case may be, except in terms of a licence issued in terms of subsection (9); or

(*b*) hunt any animal or pick any plant or permit any other person to do so in contravention of a notice made in terms of paragraph (*b*) or (*d*) of subsection (1).

(6) An owner or occupier of land or a person acting under his authority may cut or gather the flower of a protected indigenous plant on the land for use in the home of such owner or occupier.

(7) An owner or occupier of land or a person acting under his authority may pick a protected indigenous plant on the land which is—

(*a*) needed for cultivation, forestry operations, the erection of a building or structure, the construction of a fireguard, road or airport or other development, or the extraction of sand, stone, gravel or other materials; or

(*b*) used for the cultivation of such protected indigenous plants.

(8) An owner or occupier of land who wishes to obtain a licence to hunt a protected animal or pick a protected indigenous plant on his land may apply therefor in writing to the conservation committee for the area within which his land is situated specifying the land on which he wishes to hunt such animal or pick such plant, his reasons therefor and by whom the hunting or picking will be done.

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(9) A conservation committee to which an application in terms of subsection (8) has been made may issue the applicant with an appropriate licence.

(10) Any person who is aggrieved by the refusal of a conservation committee to issue a licence in terms of subsection (9) or by the imposition of any terms or conditions upon such licence may appeal to the Natural Resources Board which may—

(*a*) confirm the decision of the conservation committee; or

(*b*) direct the conservation committee to issue a licence on such terms and conditions as the Natural Resources Board may specify;

and the decision of the Natural Resources Board shall be final.

(11) A conservation committee shall forthwith comply with any direction given to it in terms of paragraph (*b*) of subsection (10).

(12) A conservation committee shall appoint a person as its agent for the purpose of exercising any powers conferred on the committee in terms of paragraph (*c*) of subsection (1) and such person may for that purpose enter upon the land concerned with such assistants, vehicles, materials and apparatus as he may require.

(13) A conservation committee shall provide an agent appointed in terms of subsection (12) with a certificate of appointment.

(14) Any person who contravenes subsection (5) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

78 Powers of conservation committees and Natural Resources Board

(1) Any member of a conservation committee or any other person appointed by such committee for the purpose may—

(*a*) on giving notice to the occupier of alienated land within the area of the conservation committee, or if there is no such occupier, to the owner thereof, enter upon such land for the purpose of investigating and reporting upon animals and indigenous plants on that land:

Provided that this paragraph shall not authorize the entry of any dwelling-house without the consent of the occupier thereof;

(*b*) require the occupier of alienated land within the area of the conservation committee or, if there is no such occupier, the owner thereof, to answer any question relating to animals or indigenous plants on his land:

Provided that no person shall be required to answer any question put to him in terms of this paragraph if he would be entitled to decline to answer that question were he a witness giving evidence in a court of law

(2) Any member of the Natural Resources Board or any other person appointed by the Natural Resources Board for the purpose may exercise the powers conferred upon a conservation committee in terms of subsection (1) in respect of any alienated land.

79 Conservation committee may order cessation of hunting

(1) Where a conservation committee is of the opinion that on any alienated land within its area the hunting of animals is taking place on a scale which is, in its opinion, likely to be injurious to animal populations in the area, it may serve notice in writing on the appropriate authority for the land that—

(*a*) it proposes to recommend to the Natural Resources Board that measures be taken in terms of paragraph (*b*) of subsection (1) of section *seventy-seven* to restrict hunting on such land of animals generally or of the animals specified in the notice; and

(*b*) it prohibits, for a period not exceeding fourteen days from the date when the notice is served, the hunting of animals generally or of the animals specified in the notice, as the case may be, on the land concerned.

(2) If so directed by the Natural Resources Board, a conservation committee shall, by notice in writing served on the appropriate authority for the land concerned, extend the period of any prohibition on the hunting of animals on the land concerned in terms of paragraph (*b*) of subsection (1) for a further period not exceeding fourteen days.

(3) Any person who hunts any animal on any land in contravention of any notice served on him in terms of subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

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80 Problem animals

(1) The animals specified in the Eighth Schedule are hereby declared to be problem animals.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Eighth Schedule by—

(*a*) removing the name of any animal therefrom; or

(*b*) adding the name of any animal thereto.

[Subsection substituted by Act 19 of 2001.]

81 Obstruction, etc., of conservation committee and Natural Resources Board

Any person who—

(*a*) hinders or obstructs a member of a conservation committee, the Natural Resources Board or any person appointed by a conservation committee or the Board in the exercise of the powers conferred upon it or him, as the case may be, by or in terms of this Part; or

(*b*) fails to answer or gives any answer which he knows to be false or which he does not reasonably believe to be true to any question which he may be required to answer in terms of section *seventy-eight*;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Section amended by section 4 of Act 22 of 2001]

PART XIV

FISH CONSERVATION

82 Interpretation in Part XIV

In this Part—

"controlled fishing waters" means waters which have been declared in terms of section *eighty-four* to be controlled fishing waters.

83 Appropriate authority for waters

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare any person to be the appropriate authority for any waters and may in like manner amend or revoke any such notice:

Provided that before making any notice in terms of this section the Minister shall—

(*a*) cause notice of his intention to do so to be published in a statutory instrument and shall in such notice invite any person who wishes to make representations in regard to the matter to do so to him, in writing, on or before a date to be specified in the notice; and

(*b*) consider every representation made in terms of paragraph (*a*).

[Subsection amended by Act 19 of 2001.]

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any waters is changed, any permit issued by the previous appropriate authority which was of force and effect immediately before the date of commencement of the notice shall remain in force and effect and be subject to amendment or cancellation as if it had been issued by the new appropriate authority for the waters.

84 Controlled fishing waters and powers of Minister in relation thereto

(1) If the Minister is of the opinion that such action is necessary or desirable in the interests of fish conservation he may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare any waters to be controlled fishing waters and may in like manner amend or revoke any such notice:

Provided that before making any notice in terms of this subsection, the Minister shall—

(*a*) cause notice of his intention to do so to be published in a statutory instrument and shall in such notice invite any person who wishes to make representations in regard to the matter to do so to him, in writing, on or before a date to be specified in the notice; and

(*b*) consider every representation made in terms of paragraph (*a*).

[Subsection amended by Act 19 of 2001.]

(2) For the purposes of fish conservation within any controlled fishing waters the Minister may—

(*a*) make regulations in terms of section *one hundred and twenty-nine* regulating, controlling, restricting or prohibiting fishing in such waters;

(*b*) take such measures as he may deem necessary or desirable to—

(i) reduce or increase fish populations in such waters;

(ii) eradicate or encourage plant growth within such waters or on the banks thereof.

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85 Control of fishing

(1) Subject to section *eighty-six*, no person shall fish in any waters, other than those specified in a notice made in terms of subsection (2), except in terms of a permit issued in terms of section *eighty-six* by the appropriate authority for the waters.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify any waters for which a permit to fish, issued in terms of section *eighty-six*, shall not be required and may in like manner amend or revoke any such notice.

[Subsection amended by Act 19 of 2001]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

86 Permission to fish

Subject to this Act, the appropriate authority for any waters may—

(*a*) fish at any time in the waters; or

(*b*) issue a permit to any person allowing him or any other person or any class of persons to fish in the waters.

87 Use of explosives, etc., for fishing prohibited

(1) Subject to subsection (2), no person shall in any waters—

(*a*) without reasonable excuse, the proof whereof lies on him, kill any fish by means of an explosive charge, the discharge of a firearm or the introduction into the waters of any chemical, poison or intoxicating substance; or

(*b*) fish by jigging or by means of any jig or an electrical device; or

(*c*) wilfully injure or disturb the spawn of any fish or any spawning bed, bank or shallow whereon or wherein such spawn is deposited;

except in terms of a permit issued in terms of section *ninety-four*.

(2) Subject to this Act, the appropriate authority for any waters may introduce any chemical into such waters for the purpose of—

(*a*) rendering the water fit for human or animal consumption; or
(*b*) preventing and controlling human and animal diseases; or
(*c*) destroying aquatic growth.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

88 Control of introduction to waters of fish and aquatic growth and importation of live fish and fish ova

(1) No person shall—
(*a*) without reasonable excuse, the proof whereof lies on him, introduce into any waters any species of fish or any aquatic plant which is not native to such waters;
or
(*b*) import any live fish or the ova of any fish; except in terms of a permit issued in terms of section *ninety-four*.

(2) Paragraph (*a*) of subsection (1) shall not apply to the return to any waters of any fish immediately after it has been caught.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

89 Control of fish and aquatic growth

(1) Whenever the Authority is of the opinion that any fish or aquatic plant in any waters is injurious to fish populations in such waters, it may—
(*a*) by order in writing require the appropriate authority for such waters to take such steps as it may specify to kill such fish or such aquatic plant; or
(*b*) render to the appropriate authority for such waters such assistance as it may deem necessary to kill such fish or such aquatic plant; or
(*c*) take such steps as it may deem necessary to kill such fish or such aquatic plant.

[Subsection amended by Act 19 of 2001]

(2) Where the appropriate authority for any waters fails to comply with any order issued in terms of paragraph (*a*) of subsection (1), the Minister, after serving seven days' notice on such appropriate authority of its intention to do so, may at any time thereafter authorize an officer or inspector to enter upon such waters and the land riparian thereto with such assistants, vehicles and apparatus as he may require and carry out the steps specified in the order on behalf of and at the expense of such appropriate authority.

[Subsection amended by Act 19 of 2001]

(3) The Authority may, for the purposes of paragraph (*c*) of subsection (1) authorize an officer or inspector to enter upon any waters and the land riparian thereto with such assistants, vehicles and apparatus as he may require.

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes any order made in terms of paragraph (*a*) of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection Amended by section 4 of Act 22 of 2001]

90 Control of business of catching and selling fish

(1) No person shall carry on the business of catching fish in any waters and selling such fish except in terms of a permit issued in terms of section *ninety-four*:

Provided that the appropriate authority for any waters that are wholly surrounded by the land of that authority shall not be required to hold a permit in respect of the business of catching fish in such waters and selling such fish.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

91 Control of fishing nets

(1) No person shall possess a fishing net—
(*a*) unless he is a registered dealer in or manufacturer of fishing nets; or
(*b*) except in terms of a permit issued in terms of paragraph (*a*) or (*e*) of section *ninety-four*; or
(*c*) unless such person is an appropriate authority for any waters.

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(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

92 Registration as dealer in or manufacturer of fishing nets

(1) The Authority, with the concurrence of the Minister, may register as a dealer in or a manufacturer of fishing nets any person whom he deems fit.

[Subsection amended by Act 19 of 2001]

(2) The Authority may refuse to register or cancel the registration of any person as a dealer in or manufacturer of fishing nets.

[Subsection amended by Act 19 of 2001]

93 Authorized fishing gear

(1) No person shall, in any waters, use any fishing gear other than—

(*a*) a rod and line or hand line to which—

(i) not more than three single hooks are attached; or

(ii) not more than one conventional lure, having not more than three single, double or treble hooks, is attached;

or

(*b*) a spear; or

(*c*) a spear gun; or

(*d*) a basket trap;

except in terms of a permit issued in terms of section *ninety-four*:

Provided that an appropriate authority for any waters may use a fishing net in the waters for which it is the appropriate authority.

(2) The appropriate authority for any waters may, when issuing a permit to any person to fish, restrict the gear by which such fishing may be undertaken to one or more of the gear specified in subsection (1).

(3) Nothing in this section contained shall be deemed to prohibit the use of—

(*a*) any gaff or landing net to remove from the water any fish lawfully taken; or

(*b*) any form of keep-net to retain any fish lawfully taken;

or

(*c*) any throw-net or trap designed to catch bait.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

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94 Permits to carry on business of catching and selling fish, etc.

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person to—

(*a*) carry on the business of catching fish by means of a fishing-net or by other means in any waters and selling such fish;

(*b*) use an explosive charge, firearm, chemical, poison, intoxicating substance, jig or electrical device for the killing of fish:

Provided that such permit shall not be issued unless the Authority is satisfied that—

(*a*) the killing of the fish cannot effectively be achieved by any means other than by the means for which the permit is required; or

(*b*) is necessary for research purposes or scientific management of fish populations;

(*c*) introduce into any waters any fish or aquatic plant of a species which is not native to such waters or to water naturally connected thereto:

Provided that no such permit shall be issued in respect of any aquatic plant which is a weed;

(*d*) import live fish or the ova of any fish;

(*e*) catch fish in any waters by means of a fishing-net or by other means for scientific or other purposes.

[Subsection amended by Act 19 of 2001]

95 Possession of fish caught in contravention of this Act

Any person who—

(*a*) is found in possession of fish in circumstances which give rise, either at the time of possession or at any time thereafter, to a reasonable suspicion that such fish—

(i) were caught in contravention of this Act; and

(ii) are intended to be sold;

and

(*b*) is unable at any time to establish that—

(i) such fish were not caught in contravention of this Act; or

(ii) he had reasonable grounds for believing that such fish were not caught in contravention of this Act;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

96 Minister may prohibit persons from fishing

(1) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any fish within Zimbabwe or any area of Zimbabwe, it may, by notice in writing served on any person, specifying such fish, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following—

(*a*) fishing in any waters for such fish;

(*b*) being in possession of any equipment ordinarily used for fishing such fish on, in or near any waters;

(*c*) authorizing any person to do anything referred to in paragraph (*a*) or (*b*);

within the area specified in the notice.

(2) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (1).

[Subsection amended by Act 19 of 2001]

(3) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (1) or (2).

[Subsection amended by Act 19 of 2001]

(4) The provisions of section *fifty-eight* shall apply, *mutatis mutandis*, in relation to a notice issued in terms of subsection (1) or (2) and the person affected thereby.

(5) Any person who contravenes a notice issued in terms of subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by Act 22 of 2001.]

PART XV

EVIDENCE, PREVENTION AND DETECTION OF OFFENCES AND ADDITIONAL PENALTIES AND FORFEITURES

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97 Evidence and presumptions

(1) The possession of any animal or fish or the meat or trophy of a freshly killed animal shall be prima facie evidence against a person accused of contravening any provision of this Act that he has hunted such animal or caught such fish.

(2) The possession by any person of any ivory or rhinoceros horn shall, unless the contrary is proved, be evidence against such person that such ivory or rhinoceros horn was not registered under any regulations made in terms of paragraph (*t*) of subsection (2) of section *one hundred and twenty-nine*.

(3) If any person who has authority to hunt or fish in terms of this Act is found in possession of animals or fish in excess of the numbers so authorized or of any species or sex not so authorized, he shall be presumed, unless the contrary is proved, to have hunted such animals or caught such fish in contravention of this Act.

(4) If, within a botanical reserve or botanical garden, a person is found in possession of any plant or part of a plant it shall be presumed, unless the contrary is proved, that he picked such plant or part thereof in such reserve or garden.

(5) If, outside a botanical reserve or botanical garden, a person is found in possession of any freshly picked specially protected indigenous plant or is proved to have been in possession thereof, he shall, unless the contrary is proved, be deemed to have acquired such plant in contravention of this Act.

(6) Where any animal, fish or plant is found upon or in any vehicle, boat or aircraft or at any camping place, every person who is upon or in any way associated with such vehicle, boat or aircraft or who is at or in any way associated with such camping place, shall be presumed, unless the contrary is proved, to be in possession of such animal, fish or plant.

(7) Any person charged with doing any act which is an offence if done without authority in terms of this Act shall be presumed to have done such act without such authority unless it is proved that he had such authority when he performed the act in question.

(8) The burden of proving any fact which would be a defence to a charge of committing an offence in terms of this Act shall lie upon the person charged.

(9) Whenever in any prosecution in respect of an offence in terms of this Act—

(*a*) the question whether any flesh, whether fresh, dried, unprocessed or partly processed, is or was the flesh of any particular species of animal or fish, is relevant to the issue, such flesh shall be presumed to be or

to have been the flesh of the species of animal or fish stated in the indictment or charge, unless the contrary is proved;

(*b*) the question whether any unprocessed or partly processed hide or skin which has been rendered unidentifiable is or was the hide or skin of any particular species of animal, is relevant to the issue, such hide or skin shall be presumed to be or to have been the hide or skin of the species of animal stated in the indictment or charge, unless the contrary is proved.

(10) Any live animal, fish or trophy found in any shop, store or other fixed place of business shall be deemed to have been acquired for the purpose of sale and the person in whose possession such animal, fish or trophy is found shall be presumed unlawfully to have dealt therein unless the contrary is proved.

(11) Whenever in any proceedings against any person upon a charge alleging that he committed upon any particular piece of land or within any particular area any offence in terms of this Act, it is proved that any act constituting or forming an element of such offence was committed in or near the locality wherein such piece of land or area, as the case may be, is situated, such act shall be presumed, unless the contrary is proved, to have been committed upon such piece of land or area.

(12) Whenever the hunting of one or other sex or of any particular class of any species of animal is unlawful and the hunting of the other sex or of any other class of such animal is lawful, any carcass of such animal from which the distinguishing features of sex or of such particular class have been removed shall be presumed, unless the contrary is proved, to be the carcass of an animal of the sex or of a class which it is unlawful to hunt.

(13) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the offence was committed in connection with or in respect of any species of animal, fish or plant stated in such indictment or charge, it shall be presumed that the offence was committed in connection with or in respect of such species of animal, fish or plant unless the contrary is proved.

(14) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the offence was committed in, at or upon any place or area stated in the indictment or charge, it shall be presumed that the offence was committed in, at or upon such place or area unless the contrary is proved.

(15) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the person charged has failed to report any matter or to deliver any article or thing at the nearest office of the Authority, police station, or museum or at the office of the local authority for the area concerned or to an appropriate authority for any land, it shall be presumed, unless the contrary is proved, that such person has so failed to report such matter or to deliver such article or thing, as the case may be.

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

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(16) f any person is seen or found—

(*a*) on any land, on which there are animals, in possession of any weapon capable of killing any animal by the discharge of any missile or with a free ranging dog; or

(*b*) within one hundred metres of any waters in possession of any gear, device or appliance capable of being used for fishing;

he shall be deemed to have entered upon such land for the purpose of hunting or fishing, as the case may be, without authority in terms of this Act unless it is proved that he—

(i) had such authority to enter upon such land for the purpose of hunting or fishing; or

(ii) was not upon such land for that purpose.

(17) In any prosecution in respect of an offence in terms of this Act, any prescribed record, book or document kept by any person authorized by this Act in the course of his duty shall be prima facie evidence of the facts recorded therein upon its production by the person in whose custody it is.

(18) If the driver of any vehicle fails to stop when required to do so by any person authorized by this Act, it shall be presumed, unless the contrary is proved, that the person in whose name such vehicle is registered was the driver thereof at the time.

98 Powers of police officers, officers, inspectors and employees

(1) A police officer, officer or inspector or an employee authorized thereto by the Authority may—

[amended by Act 19 of 2001 with effect from the 1st June, 2002.]

(*a*) at all reasonable times enter upon and search any land, premises or place on or in which there is or is on reasonable grounds suspected to be any animal, fish, plant, meat, trophy, weapon, fishing net, article or thing which may afford evidence of the commission of an offence in terms of this Act;

(*b*) require any person found to be in possession of or using any animal, fish, plant, meat, trophy, weapon or fishing net to produce to him any authority required in terms of this Act in respect of the possession or use of such animal, fish, plant, meat, trophy, weapon or fishing net;

(*c*) subject to subsection (2), seize any animal, fish, plant, meat, trophy, weapon, fishing net or other thing of any nature whatsoever which appears on reasonable grounds to afford evidence of the commission of an offence in terms of this Act:

Provided that the police officer, officer, inspector or authorized employee shall issue a receipt for any thing seized in terms of this paragraph to the person from whom such thing was seized;

(*d*) undertake any other inspection which he may deem necessary to determine whether this Act are being complied with;

(*e*) subject to subsection (2), arrest and detain any person who is suspected on reasonable grounds of having committed any offence in terms of this Act unless he is satisfied that such person will appear and answer any charge which may be preferred against him.

(2) Every person who is detained and every thing which is seized in terms of subsection (1) shall, subject to section *one hundred and twenty-five*, be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law.

(3) Every police officer, officer, inspector or authorized employee shall exercise his powers in terms of this section in such manner as is likely to cause as little interference with the rights of the public and to cause as little inconvenience to the public as is reasonably possible in the circumstances.

(4) Any search undertaken in terms of this section shall be conducted with strict regard to decency and order.

99 Powers of search of appropriate authority for alienated land

(1) The appropriate authority for alienated land or any person authorized thereto by it may, without warrant, search any premises, hut, tent, camping place, vehicle, boat, aircraft or receptacle whatsoever on such land if such appropriate authority or authorized person has reasonable grounds to suspect that there is contained therein any animal, fish, plant, meat, trophy or article or thing which may afford evidence of the commission of an offence in terms of this Act and may seize any such animal, fish, plant, meat, trophy, article or thing found by him.

(2) Any person who hinders, obstructs or resists any person in the exercise of his powers in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(3) For the purposes of this section—

"land" includes any road, other than a prescribed road, crossing the land of the appropriate authority.

100 Special jurisdiction of magistrates courts

Notwithstanding anything to the contrary in the Magistrates Court Act [*Chapter 7:10*], for an offence in terms of this Act—

(*a*) a regional magistrate shall have jurisdiction to impose any penalty that may be imposed for that offence in terms of this Act or any other law;

(*b*) a provincial magistrate or a senior magistrate shall have jurisdiction to impose a fine of level twelve or imprisonment for a period of ten years or both such fine and such imprisonment;

(*c*) a magistrate other than a regional, provincial or senior magistrate shall have jurisdiction to impose a fine of level eight or imprisonment for a period of three years or both such fine and such imprisonment:

Provided that nothing in paragraph (*b*) or (*c*) shall be construed as authorising a court to impose a punishment for an offence which is greater than the maximum punishment that may be imposed for that offence in terms of this Act or any other law.

[Subsection substituted by section 4 of Act 22 of 2001]

101 Powers to stop persons and vehicles

(1) An officer, inspector or employee may—

(*a*) stop any person whom he sees doing or believes on reasonable grounds to have done any act for which authority in terms of this Act is required and require such person to produce evidence of such authority;

(*b*) stop any boat or, except on a prescribed road, any vehicle for the purpose of searching such boat or vehicle;

(*c*) require any person in a boat or vehicle stopped in terms of paragraph (*b*) to furnish his full name and address.

(2) An appropriate authority may, in respect of its land or waters, as the case may be, exercise the powers conferred upon an officer in terms of subsection (1).

(3) An officer or inspector may direct any person found entering, travelling through or present in a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, or using any facility therein, in contravention of this Act not to enter, to depart from or to cease using the facility in such national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, as the case may be, and may eject any such person therefrom if he fails to comply with such direction.

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(4) Any person who fails to comply with any request or direction made or given in terms of subsection (1), (2) or (3) or who obstructs any officer, inspector, employee or appropriate authority in the exercise of the powers conferred upon him or it in terms of subsection (1), (2) or (3) or knowingly gives false information to an officer, inspector, employee or appropriate authority who is exercising those powers shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

102 Erection of barriers on roads

(1) For the effective carrying out of this Act and notwithstanding any other law, an officer or inspector may, subject to subsection (2), erect a temporary barrier across any road other than a prescribed road.

(2) Where a barrier is erected in terms of subsection (1), the officer or inspector concerned shall erect or cause to be erected signs or notices in the prescribed form and manner and shall take all such other steps as may be reasonably necessary to protect the users of the road from injury to themselves or their property.

(3) For the purposes of this section, an officer, inspector or employee may—

(*a*) signal any person or vehicle to stop;

(*b*) give any other direction that he considers necessary to any person or vehicle.

(4) Any person who fails to comply with any signal or direction given by an officer, inspector or employee in terms of subsection (3) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

103 Payment of fine without appearing in court

(1) Where, in respect of an offence in terms of this Act—

(*a*) any person has been—

(i) warned by an officer or inspector to appear in a magistrates court; or

(ii) arrested by an officer or inspector; or

(iii) informed by an officer or inspector that it is intended to institute criminal proceedings against him for such offence;

and

(*b*) an officer or inspector has reasonable grounds for believing that the magistrates court which will try the person referred to in paragraph (*a*) for such offence will, on convicting that person of such offence, not impose a sentence of imprisonment or a fine exceeding level three;

the person referred to in paragraph (*a*) may sign and deliver to the officer or inspector referred to in paragraph (*b*) a document admitting that he is guilty of the said offence and deposit with such officer or inspector such sum of money as the latter may fix, not exceeding level three, and such person shall thereupon, subject to subsection (5), not be required to appear in court to answer the charge of having committed the said offence.

[Subsection amended by section 4 of Act 22 of 2001]

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(2) The document referred to in subsection (1), when signed and delivered in terms of subsection (1), shall forthwith be transmitted to the clerk of the magistrates court before which such person would otherwise have appeared and shall be entered by him in the records of the court.

(3) As soon as the document referred to in subsection (1) has been recorded in terms of subsection (2) it shall be laid before the magistrates court and the court shall thereupon—

(*a*) proceed to convict the person concerned of the offence charged and forthwith sentence him to a fine not exceeding level three in accordance with law; or

(*b*) by endorsement on the document, signify its refusal to convict such person.

(4) If the sum deposited in terms of subsection (1)—

(*a*) is not sufficient to pay the fine imposed by the court, the balance remaining due shall be recovered from the offender in the manner provided by section 348 of the Criminal Procedure and Evidence Act [*Chapter 9:07*]; or

(*b*) is greater than the fine imposed by the court, the difference shall be refunded to the offender.

[Subsection amended by Act 19 of 2001]

(5) Where the court has refused to convict the person concerned, as in paragraph (*b*) of subsection (3) provided, the person concerned may be prosecuted in the ordinary course and, in that case, if he has already been summoned or warned, he shall be summoned afresh to answer such charge as the public prosecutor may prefer against him.

(6) Any magistrate of the court which will try a person for an offence referred to in this section may advise such officer or inspector as the Authority may designate for the purpose as to the sum of money which the court is likely to consider an appropriate fine in any case and in fixing the sum of money to be deposited in terms of subsection (1), an officer or inspector shall have regard to such advice.

[Subsection amended by Act 19 of 2001]

(7) For the purpose of deciding whether to convict the person concerned in accordance with subsection (3) or determining the amount of the fine to be imposed, the court may have regard to any statements relevant to the offence and charge which have been given to a police officer, officer or inspector by any person having knowledge thereof.

(8) A court which has convicted a person in terms of paragraph (*a*) of subsection (3) may, notwithstanding anything contained in any law, set aside such conviction and order the refund to the person concerned of the fine paid by him in respect thereof in any case in which the court is satisfied that such person should not have been convicted.

(9) Any sum deposited in terms of subsection (1) shall form part of the funds of the Authority:

Provided that any balance in excess of a sum so deposited which is recovered in terms of paragraph (*a*) of subsection (4) shall not form part of the funds of the Authority.

[Subsection amended by Act 19 of 2001]

104 Court may order payment for hunting of animal

(1) Where a person is convicted of an offence in terms of this Act involving the hunting of any animal, the picking of any plant or the catching of any fish and—

(*a*) the person convicted has appropriated or disposed of any animal, plant or fish which forms the subject of the charge and which has not been restored to the land on which it was hunted or picked or the water in which it was caught, as the case may be; or

(*b*) the commission of the offence has caused the death of an animal or fish or the destruction of a plant or has made it necessary or expedient for an animal or fish to be killed or a plant to be destroyed;

the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay—

(i) in the case of an animal, plant or fish which was hunted, picked or caught in a national park, botanical reserve, botanical garden. sanctuary, safari area or recreational park, or of any specially protected animal, to the Authority;

(ii) in any other case, to the appropriate authority for the land on which the animal was hunted or the plant was picked, or for the water in which the fish was caught;

such amount as may be specified in respect of the animal, plant or fish concerned in terms of subsection (2).

[Subsection amended by Act 19 of 2001]

(2) The Minister may on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify, in respect of different species of animals or plants and in respect of fish, the amount to be imposed in terms of an order made in terms of subsection (1) and may in like manner amend or revoke any such notice.

[Subsection amended by Act 19 of 2001]

(3) The provisions of sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, *mutatis mutandis*, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall, in accordance with the order, be paid to the Authority or to the appropriate authority for the land on which the animal was hunted or the plant was picked or for the water in which the fist was caught, as the case may be:

Provided that, except in the case of the Authority, the appropriate authority shall give security de restituendo in case the judgment of the court which made the order is reversed on appeal or review.

[Subsection amended by Act 19 of 2001]

(4) Where an order is made in terms of subsection (1) on two or more persons, the liability thereunder shall be joint and several unless the court, in its order, apportions the amount which each such person shall be required to pay.

(5) Any amount specified in an order made in terms of subsection (1) which is received by the Authority, shall form part of the funds of the Authority.

[Subsection amended by Act 19 of 2001]

105 Court may order payment of compensation for killing, etc., of domestic animal

(1) Where a person is convicted of an offence in terms of this Act involving hunting and the commission of the offence has caused the death of a domestic animal or has made it necessary or expedient for a domestic animal to be killed or has caused injury to or deterioration in the condition of a domestic animal, the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay as compensation to the owner of the animal concerned such amount as may, subject to subsection (2), be specified by the court if—

(*a*) the court is satisfied that the animal concerned is the property of some other person; and

(*b*) the owner of the animal concerned has suffered loss as a result of such death or deterioration in condition of or injury to the animal concerned; and

(*c*) application has not been made in terms of the Criminal Procedure and Evidence Act [*Chapter 9:07*] for compensation in respect of any loss suffered.

(2) The amount specified in an order made in terms of subsection (1) shall not exceed—

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(*a*) where the animal has not been restored to or recovered by its owner, an amount equal to the market value of the animal at the time of the offence;

(*b*) where the animal has been injured or has suffered a deterioration in condition, an amount equal to the difference between the market value of the animal at the time of the offence and the value of such injured or deteriorated animal;

less in either case the amount of any compensation which may have been paid to the owner by or on behalf of the person convicted.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, *mutatis mutandis*, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall be paid to the owner of the animal concerned:

Provided that the owner shall give security *de restituendo* in case the judgment of the court which made the order is reversed on appeal or review.

(4) Where an order is made in terms of subsection (1) upon two or more persons, the liability therefor shall be joint and several unless the court, in its order, apportions the amount which each such person shall be required to pay.

106 Forfeiture and cancellation of authority in terms of this Act

(1) Where any person is convicted of—

(*a*) a contravention of paragraph (*b*) of subsection (1) of section *fifteen*, paragraph (*a*) of subsection (1) of section *twenty-four* or subsection (1) of section *thirty-six*; or

(*b*) an offence in terms of this Act involving hunting or fishing and such hunting or fishing took place at night;

the court—

(i) shall, unless good cause to the contrary is shown, order that any weapon, explosive, fishing net or dazzling light; and

(ii) may order that any tent, vehicle, aircraft or boat; used for the purpose of or in connection with the commission of the offence shall be forfeited to the State.

(2) Where any person is convicted of an offence in terms of this Act involving hunting or fishing and the offence is not an offence mentioned in paragraph (*a*) or (*b*) of subsection (1), the court may order that any weapon, explosive, fishing net, tent, vehicle, aircraft or boat used for the purpose of or in connection with the commission of the offence shall be forfeited to the State.

(3) Where any person is convicted of an offence in terms of this Act, the court may order that any animal, other than a specially protected animal, or the meat or trophy of any such animal or any fish in respect of which the offence was committed shall be forfeited to the appropriate authority for the land on which or the appropriate authority for the waters in which, as the case may be, the offence was committed;

(4) Anything ordered to be forfeited to the State in terms of subsection (1), (2) or (3) shall be deemed to be a State trophy.

(5) The conviction of a person who has any authority in terms of this Act of an offence in terms of this Act shall, if he is sentenced therefor to pay a fine of level four or more or to imprisonment for a period of three months or more and whether or not such imprisonment is suspended or is an alternative to a fine, have the effect of cancelling any such authority with effect from the date of such conviction unless in a particular case the Authority otherwise directs.

[Subsection amended by Act 19 of 2001 and by section 4 of Act 22 of 2001]

PART XVI

INSPECTORS, OFFICERS, EMPLOYEES AND ADVISORY COMMITTEES

107 . . . . . .

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

108 Appointment of appropriate authority

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, appoint a rural district council to be the appropriate authority for such area of Communal Land as may be specified in such notice and may in like manner amend or revoke such notice.

[insertion by Act 19 of 2001 with effect from the 1st June, 2002.]

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any area of Communal Land is changed, any permit issued by the previous appropriate authority which was of force and effect immediately before the date of commencement of the notice shall remain in force and effect and be subject to amendment or cancellation as if it had been issued by the new appropriate authority.

109 . . . . . .

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

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110 Powers of officers and employees to hunt animals on alienated land

An officer or employee may hunt on any land an animal which is injured and is a source of danger to human life, notwithstanding that the permission of the appropriate authority for such land has not been obtained, and such officer or employee shall, as soon as possible, inform the appropriate authority for such land that he hunted such animal on such land and whether he was successful in killing such animal or whether it is still at large.

111 . . . . . .

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

112 Personation

Any person who—

(*a*) falsely represents himself to be the Director-General, Director, or an officer, inspector or employee; or

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(*b*) without lawful excuse, the proof whereof lies on him, wears any uniform or carries or displays any badge or certificate or other document of appointment authorized or required in terms of this Act or by the Director-General to be worn or carried by an officer, inspector or employee or by an honorary officer or so nearly resembling such uniform, badge, certificate or document as to be likely to deceive;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

113 Obstruction

Any person who—

(*a*) hinders, obstructs or resists; or

(*b*) fails or refuses, without reasonable excuse, the proof whereof lies on him, to answer fully and satisfactorily to the best of his knowledge and belief any question put to him by; or

(*c*) uses foul, abusive or insulting language at or towards; or

(*d*) makes any foul, abusive or insulting sign or gesture at or towards;

a Director, or an officer, inspector or employee in the exercise or performance of his powers or duties in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

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114 Limitation of liability

Without prejudice to any defence or limitation which might be available in terms of any law, no claim shall lie and no set-off shall operate against—

(*a*) the State;

(*b*) any Minister;

(*c*) any person upon whom any power or duty has been conferred or imposed by or in terms of this Act;

(*c*1) the Authority;

in respect of any loss, injury, arrest, detention or seizure caused by or in, as the case may be—

(i) the exercise or performance or purported exercise or performance of any power or duty conferred or imposed by or in terms of this Act; or

(ii) the omission to exercise or perform any power or duty conferred or imposed by or in terms of this Act;

unless the act or omission to act in question was unreasonable or in bad faith or culpably ignorant or negligent.

115 . . . . . .

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

116 . . . . . .

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

PART XVII

GENERAL

117 Compulsory acquisition of land, etc., in national parks, etc.

(1) Where any person who is authorized in terms of any law to acquire compulsorily any land, interest in land or materials from any land intends to exercise such rights in respect of land within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, he shall give the Minister not less than thirty days' notice of the intention to exercise those rights and shall specify the date on which he proposes to exercise those rights.

(2) If the Minister is of the opinion that the proposed exercise of the rights concerned will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned is constituted, he shall on or before the date on which it is proposed to exercise the rights concerned—

(*a*) refer the matter to the President for determination; and

(*b*) advise the person concerned that he has so referred the matter to the President.

(3) Where the Minister has referred any matter to the President for determination in terms of subsection (2), the person concerned shall not exercise the rights concerned unless the President has assented thereto in terms of subsection (4) and shall comply with any terms and conditions fixed in terms of subsection (4).

(4) Where the President considers that it is in the public interest to do so, he may assent to the proposed exercise of any rights referred to in subsection (1) notwithstanding that the exercise will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned was constituted and may fix such terms and conditions as he considers to be necessary or desirable.

118 Servitudes in respect of national parks, etc.

(1) No servitude in, over, under or through a national park, botanical reserve or botanical garden, sanctuary, safari area or recreational park shall be granted unless—

(*a*) the Minister has approved of the grant in terms of paragraph (*a*) of subsection (2); or

(*b*) the President has assented to the grant in terms of paragraph (*b*) of subsection (2);

and any other enactment that are applicable have been complied with.

(2) If the Minister is of the opinion that the servitude in respect of which his approval is sought—

(*a*) will not unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park is constituted, he may approve of the grant of a servitude in, over, under or through any such place; or

(*b*) will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park is constituted but that the servitude concerned will be in the public interest, he shall refer the matter to the President who may assent to the grant of the servitude.

119 Prospecting and mining

(1) No person shall prospect in terms of the Mines and Minerals Act [*Chapter 21:05*] within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park except—

(*a*) in terms of a permit issued by the Minister with the consent of the Minister of Mines; or

(*b*) in accordance with any prospecting rights lawfully acquired in respect of the area of the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a national park, botanical reserve, botanical garden, sanctuary or recreational park.

[Subsection amended by Act 19 of 2001]

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(2) No person shall acquire or work any mining location in terms of the Mines and Minerals Act [*Chapter 21:05*] within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park except—

(*a*) in terms of a written agreement between the Minister and the person concerned which has been approved by the President; or

(*b*) in accordance with any mining rights lawfully acquired in respect of the area of the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a national park, botanical reserve, botanical garden, sanctuary or recreational park.

[Subsection amended by Act 19 of 2001]

(3) Notwithstanding this Act, a person prospecting or working any mining location in terms of subsection (1) or (2) may do any thing necessary for those purposes within the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned, subject to the terms and conditions of the relevant permit or agreement or in accordance with the mining rights, as the case may be.

[Subsection amended by Act 19 of 2001]

(4) Notwithstanding this Act, a person may pick any specially protected indigenous plant or indigenous plant where the picking is necessary for the working of any mining location and in accordance with the exercise of mining rights lawfully acquired in terms of the Mines and Minerals Act [*Chapter 21:05*].

(5) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

120 Expropriation of land for national parks, etc.

(1) Whenever it appears to the President that any land or an interest in or right over land is required for the purpose of protecting, establishing or extending a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, it shall be lawful for the Minister, on the authority of the President, to acquire such land, interest or right:

Provided that the powers conferred by this subsection shall not include the power to acquire, whether compulsorily or by agreement, any Communal Land or any interest in or right over Communal Land, otherwise than in accordance with the Communal Land Act [*Chapter 20:04*].

(2) Parts III, V and VIII of the Land Acquisition Act [*Chapter 20:10*] shall apply, *mutatis mutandis*, to the exercise by the Minister of his rights in terms of subsection (1).

121 Dangerous animals

(1) The animals specified in the Ninth Schedule are hereby declared to be dangerous animals.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Ninth Schedule by—

(*a*) adding the name of any animal thereto;

(*b*) removing the name of any animal therefrom.

[Subsection amended by Act 19 of 2001]

122 Prescribed roads

(1) The roads specified in the Tenth Schedule are hereby declared to be prescribed roads.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Tenth Schedule by—

(*a*) adding any road thereto;

(*b*) removing any road therefrom.

[Subsection amended by Act 19 of 2001]

123 Authorities, permits and licences

(1) Any authority, permit or licence granted or issued by the Authority, a conservation committee or an appropriate authority in terms of this Act may be subject to such terms and conditions as the Authority, conservation committee or appropriate authority, as the case may be, may deem fit to impose.

[Subsection amended by Act 19 of 2001]

(2) Every permit or licence issued in terms of this Act, other than—

(*a*) a permit to pick or sell any indigenous plant issued in terms of section *fifty-six*; or

(*b*) a permit to fish issued in terms of section *eighty-six*;

shall be in writing.

(3) No authority, permit or licence granted or issued in terms of this Act may be transferred to any other person.

(4) The Authority, a conservation committee or an appropriate authority may at any time without assigning any reason therefor—

[Subsection amended by Act 19 of 2001]

(*a*) refuse to grant or issue any authority, permit or licence in terms of this Act; or

(*b*) cancel or amend any authority, permit or licence granted or issued by him or it, as the case may be, in terms of this Act.

(5) If the Authority, a conservation committee or an appropriate authority cancels or amends any authority, permit or licence in terms of paragraph (*b*) of subsection (3), he or it, as the case may be, shall forthwith give notice thereof to the person to whom the authority, permit or licence was granted or issued.

[Subsection amended by Act 19 of 2001]

(6) A person to whom any written authority has been granted or to whom any permit or licence has been issued in terms of this Act shall, upon receipt of any notice in terms of subsection (4), return such authority, permit or licence to the authority by whom it was issued for amendment or cancellation, as the case may be.

(7) Any person who contravenes subsection (5) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(8) Any person who, without lawful authority, makes a material alteration to any authority, permit or licence granted or issued in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(9) Any person who contravenes any term or condition of any authority, permit or licence granted or issued in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

124 Appeal against decision of appropriate authority for unalienated land

(1) Any person who is aggrieved by any decision of an appropriate authority, for unalienated land or for any waters in refusing to issue or cancelling or imposing any condition in respect of a permit referred to in subsection (4) of section *fifty-nine* or section *eighty-six* may appeal against the decision to the Minister.

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(2) Upon an appeal being made to him in terms of subsection (1) the Minister may uphold the decision of the appropriate authority or may direct the appropriate authority to issue a permit in terms of subsection (4) of section *fifty-nine* or *eighty-six* or to delete all or any of the conditions imposed in respect of such permit and the appropriate authority shall comply with such direction.

125 Director may order detention of live animal or specially protected indigenous plant which has been seized

(1) Pending its disposal in accordance with this section, the Director-General may give such orders for the detention of any live animal or specially protected indigenous plant seized in terms of subsection (1) of section ninety-four as he considers necessary or desirable for its preservation and safety.

[Subsection amended by Act 19 of 2001]

(2) Where the Director-General has given an order for the detention of any live animal or specially protected indigenous plant in terms of subsection (1) and no person has within two months of the date of its seizure been charged with an offence in connection with such live animal or specially protected indigenous plant, the person entitled thereto shall be entitled to obtain its release to him.

[Subsection amended by Act 19 of 2001]

(3) If at the conclusion of any proceedings for an offence in respect of a live animal or specially protected indigenous plant which is being detained in accordance with any order given by the Director-General in terms of subsection (1) the court does not order its disposal or forfeiture in terms of any enactment, the person entitled thereto shall be entitled to obtain its release to him if he tenders payment of the expenses incurred in connection with its detention since the conclusion of those proceedings.

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(4) If no person obtains the release to him in terms of subsection (2) or (3) of any live animal or specially protected indigenous plant which is being detained in accordance with any order given by the Director-General in terms of subsection (1) within two months of the first date on which he is entitled to claim it in terms of subsection (2) or (3), the Director-General may publish a notice in the Gazette stating that, unless the live animal or specially protected indigenous plant is claimed within two months of the date of publication of the notice, it will be disposed of in terms of subsection (5).

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(5) If on the expiry of the period of two months following the date of publication of a notice referred to in subsection (4) the live animal or specially protected indigenous plant concerned has not been claimed by a person entitled thereto in terms of subsection (2) or (3) or if payment of the expenses referred to in subsection (3) has not been tendered, it shall be deemed to have been abandoned and may be disposed of in such manner as the Authority may direct.

[Subsection amended by Act 19 of 2001]

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126 General provisions relating to national parks, etc.

In the case of a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park—

(*a*) the Authority shall have power to do all such things as are incidental to, or conducive in order to give effect to, the powers and duties conferred upon it in terms of this Act;

(*b*) save as is otherwise specially provided in this Act, land therein shall not be sold, leased, donated or otherwise disposed of to any person;

(*c*) the cost of giving effect to any powers or duties conferred or imposed upon the Authority in terms of this Act shall be met from the funds of the Authority.

[Subsection amended by Act 19 of 2001]

127 . . . . . .

[Section repealed by Act 19 of 2001]

128 Special penalty for certain offences

Notwithstanding any other provision of this Act, any person who is guilty of an offence under this Act involving¾

(*a*) the unlawful killing or hunting of a rhinoceros, or any other specially protected animal specified by the Minister by statutory instrument; or

(*b*) the unlawful possession of, or trading in, ivory or any trophy of a rhinoceros or of any other specially protected animal that may be specified by the Minister by statutory instrument;

shall be liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment.

[Subsection substituted by section 4 of Act 22 of 2001]

129 Regulations

(1) The Minister may on the recommendation of, or after consultation with, the Authority, make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[Subsection amended by Act 19 of 2001.]

(2) Regulations made in terms of subsection (1) may provide for—

(*a*) forms of application, permits, licences, returns and other forms that may be required for the purposes of this Act;

(*b*) the powers and duties of officers, inspectors, employees and honorary officers;

(*c*) in respect of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks—

(i) the general management and administration of the whole or part thereof;

(ii) the fees, if any, to be paid by persons entering therein or to be paid in respect of the doing of any specified thing therein or the use of any article or facility provided therein;

(iii) the fixing of speed limits on vehicles travelling therein other than on a road which is the responsibility of a road authority in terms of the Roads Act [*Chapter 13:12*];

(iv) the regulation, control, restriction or prohibition of—

A. entry into, travel through and presence in such places and the use of facilities provided therein including the use of such facilities otherwise than on the basis, terms or conditions on which they are provided;

B. the introduction of wild life, fish and plants into such places;

C. the collection, removal, destruction and taking of wild life and plants from such places;

D. the introduction into, conveyance through and removal from such places of any domestic or domesticated animals and for the destruction of such animals therein when not under complete control;

E. the use of vehicles and roads therein, including roads as defined in the Road Traffic Act [*Chapter 13:11*];

F. the destruction of or damage to any object of geological, ethnological, historic or other scientific interest in such places;

G. the conveyance into or possession of weapons, explosives or other articles in such places;

H. the use and hiring of vehicles, aircraft, boats and domestic animals in such places;

I. fishing in such places;

J. fires in such places;

K. the disposal of litter in such places;

L. the use of airstrips in such places;

M. the design of buildings in such places;

(v) matters relating to public health and the enjoyment, education, inspiration, comfort or convenience of persons visiting such places;

(vi) the conferring on an officer or any other person of a discretion to order any person to depart from such places who, in the opinion of the officer or such first-mentioned person, behaves in a manner which disturbs or interferes with or is likely to disturb or interfere with the peace, order or good management or administration of such places or the rights of other persons therein;

(*d*) in respect of national parks, the security of the wild life and plants indigenous thereto;

(*e*) in respect of botanical reserves and botanical gardens, the sale of plants picked therein, the class or classes of persons to whom such sales may be made, the terms and conditions, if any, to be attached to such sales and the fees to be paid for any plants sold;

(*f*) in respect of botanical reserves, botanical gardens and recreational parks, the regulation, control, restriction or prohibition of the hunting of any animal;

(*g*) in respect of sanctuaries and safari areas—

(i) the removal therefrom of any animals, other than animals lawfully introduced thereto;

(ii) the burning of vegetation or the felling, cutting and removal of timber therein or therefrom;

(iii) the searching for and removal therefrom of honey;

(*h*) in respect of safari areas—

(i) the setting aside of land therein for hunting camps, fishing camps or other purposes and the reservation of land for hunting, fishing or other use;

(ii) the regulation, control or restriction of hunting and fishing therein and the terms and conditions under which animals may be hunted or fish may be caught therein, including—

A. the amount to be paid as a deposit against the killing or injuring of specified animals and for the refund of deposits in respect of such animals not killed or injured;

B. the amount to be paid as a royalty for the killing of elephants with a tusk or tusks over a specified mass;

(iii) the regulation, control or restriction of camping or the viewing of animals on foot or on horseback therein and the terms and conditions under which persons may camp or view animals on foot or on horseback therein;

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(*i*) in respect of unalienated land which is State land—

(i) the fees to be paid for the right to hunt or fish therein;

(ii) the fees to be paid for the hunting of specified animals therein;

(iii) the amount to be paid as a deposit against the killing or injuring of other specified animals therein and for the refund of deposits in respect of such animals not killed or injured;

(iv) the amount to be paid as a royalty for the killing therein of elephants with a tusk or tusks over a specified mass;

(*j*) the regulation, control, restriction or prohibition of the use of certain weapons for hunting;

(*k*) the regulation, control, restriction or prohibition of hunting or fishing by night on any unalienated land;

(*l*) the regulation and control of fish hatcheries and producers of fish;

(*m*) the prohibition, regulation and control of the sale and use of fishing nets;

(*n*) the regulation and control of the breeding and production of reptiles and amphibia;

(*o*) the methods by which it shall be unlawful to hunt any animal on any unalienated land;

(*p*) the regulation, control or prohibition of the breeding, propagation, possession, sale, disposal, transfer and distribution of animals, fish and specially protected indigenous plants;

(*q*) the regulation, control or prohibition of the possession, advertising, sale, disposal, transfer and distribution of—

(i) trophies; and

(ii) the meat and offal of any animal;

(*r*) the regulation, control or prohibition of the import or export of animals, fishes, plants and other organisms and trophies thereof, in order to preserve, conserve, propagate or control the wild life, fish and plants of Zimbabwe or to comply with the obligations of Zimbabwe in terms of any treaty, convention or other international agreement;

(*s*) the regulation and control of—

(i) holders of professional hunters' licences, learner professional hunters' licences and professional guides' licences; and

(ii) any other persons who for reward conduct hunting, viewing or photographic safaris or offer to do so;

including the manner in which such persons receive payment for their services; or

(*t*) the regulation and control of persons who manufacture or deal in trophies;

(*u*) . . . . . .

[Paragraph repealed by Act 19 of 2001]

(*v*) the surrender of specified trophies which are found and for the payment of rewards to persons finding and surrendering such trophies, the amounts of such rewards and the conditions subject to which such rewards shall be paid;

(*w*) the payment of the costs of transport of particular trophies surrendered or delivered to the nearest office of the State and the manner by which the amounts to be paid shall be calculated:

Provided that no regulation shall be made in terms of this paragraph unless the Minister responsible for finance has consented thereto;

(*x*) the regulation, control or prohibition of the acquisition, possession, advertising, sale, disposal, transfer and distribution of ivory and rhinoceros horn, and in particular—

(i) the production of ivory or rhinoceros horn to specified officers for the registration of such ivory or rhinoceros horn;

(ii) the manner in which ivory or rhinoceros horn shall be registered and marked;

(iii) the issue of certificates of ownership in respect of registered ivory and rhinoceros horn;

(iv) the retention of ivory or rhinoceros horn pending the making of investigations and the registration of ivory or rhinoceros horn so retained if no criminal proceedings are instituted in connection therewith;

(*y*) the disposal of State trophies;

(*z*) in respect of officers and employees and honorary officers—

(i) the wearing of uniforms or badges by such persons and the type or description of such uniforms or badges;

(ii) the manner in which such officers and employees shall conduct themselves when in uniform;

(*aa*) the design, specification and manner of erection of road signs or notices;

(*bb*) the conduct of inquiries by commissioners appointed in terms of section *fifty-eight*, *sixty* or *ninety-six* and the nature of evidence that may be led thereat;

(*cc*) the prohibition, regulation and control of the keeping, breeding, confinement, exhibition, consignment or transportation of any problem or dangerous animal in any built-up area.

(3) Regulations made in terms of subsection (1) may provide penalties for breaches thereof, but no such penalty shall exceed—

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(*a*) a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment; or

(*b*) in the case of an offence involving ivory or rhinoceros horn, a fine of—

(i) level six; or

(ii) three times the value of the ivory or rhinoceros horn concerned;

whichever is the greater, or imprisonment for a period of one year or both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

129A Regulatory powers of Authority

(1) Subject to subsections (4) and (5), the Authority may, on the recommendation of, or after consultation with, the Director-General, make by-laws—

(*a*) fixing the appropriate fees to be paid for—

(i) entering any area or part of the park area;

(ii) doing anything within the park area or part of it;

(iii) using any article or facility provided within the park area or any part of it;

(iv) any authority, permit, licence, register or return granted, issued or supplied in terms of this Act or any regulations made thereunder;

(*b*) fixing, subject to subsection (5), a tariff of fees payable by persons prospecting, or working any mining location, within the park area under a permit or agreement referred to in section one *hundred and nineteen*, in respect of—

(i) the clearing of land in connection with such activity, per hectare of land cleared;

(ii) the backfilling, on abandonment, forfeiture or cancellation of the mining location, of shafts, open surface workings and excavations posing a danger to the safety of persons and wild life;

(iii) the removal of rock from any quarry within the park area;

(*c*) providing for all matters that by this Act are required or permitted to be provided for in by-laws.

(2) The Authority may, in terms of paragraph (*a*) of subsection (1), fix—

(*a*) different appropriate fees to be paid by persons resident in Zimbabwe and persons not so resident;

(*b*) different levels of appropriate fees;

(*c*) different appropriate fees for breeding different species of wild life or fish.

(3) By-laws made in terms of paragraph (*b*) of subsection (1) may provide for the payment of the fees there referred to or any portion of them as the Authority may fix by way of a deposit to be refunded by the Authority to the person concerned on abandonment, forfeiture or cancellation of the mining location if the land concerned is reclaimed or, in relation to shafts, open surface workings and excavations on such land, backfilled, to the satisfaction of the Authority.

(4) Subject to subsection (6), by-laws made in terms of subsection (1) shall not have effect until they have been approved by the Minister and published in a statutory instrument.

Provided that such statutory instrument may, in relation to by-laws that fix any fees, provide for an effective date not exceeding thirty days before the date of publication of the statutory instrument.

(5) The Minister shall not approve any by-laws made in terms of paragraph (*b*) of subsection (1) without reaching an agreement with the Minister responsible for mining.

(6) Where the Authority proposes to the Minister to increase or reduce any fees in terms of this section, and the Minister gives no written indication to the Authority of his intention to implement a specified alternative to the proposed increase or reduction within thirty days after the Authority first notified him in writing of the proposal, such increase or reduction shall be deemed to have been approved and shall take effect not earlier than the date on which the Authority publishes a notice of the increase in the Gazette.

[Subsection amended by Act 19 of 2001.]

130 Savings

Where any area is constituted in terms of this Act a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, any right relating to the use or occupation of land within such area which, immediately before such area was so constituted, was exercisable in respect of the land may, on and after that date, continue, subject to this Act, to be exercised in respect of the land concerned.

FIRST SCHEDULE (Section 22)

NATIONAL PARKS

PART I

NATIONAL PARKS ON PARKS AND WILD LIFE LAND

Binga district

Item 1: *Chizarira* Area: 191 000 hectares

The area of land bounded by a line drawn from a point on the Sengwa River at its confluence with an unnamed tributary at map reference 35KPL283615 on the 1: 50 000 map Tundazi 1728C1, Edition 1, southwards up that river to its confluence with an unnamed tributary at map reference PL291564 on that map: thence proceeding southwards up that tributary to the edge of an escarpment at map reference PL267499

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on that map; thence generally south-westwards for 27 kilometres along the edge of that escarpment to its intersection by a cleared track at map reference 35KPL133330 on the 1: 50 000 map Domwe 1728C3, Edition 1; thence generally south-eastwards along that cleared track to its intersection by a cut line at map reference PL155274 on that map; thence south-westwards along a cleared track, which forms the western boundary of Chirisa Safari Area for 18 kilometres to its intersection by another cleared track at map reference 35KPLO72096 on the 1: 50 000 map Tivuli Spring 1828A1, Edition 1; thence generally westwards along that cleared track for 10 kilometres to the Busi River at map reference 35KNL986083 on the 1: 50 000 map Lusulu 1827B2, Edition 1; thence generally north-westwards along a cleared track for 45 kilometres to the northern Sebungwe game-fence at map reference 35KNL669238 on the 1: 50 000 map Kariyangwe 1727D3, Edition 1; thence northwards along that game-fence to a point at map reference NL676294 on that map; thence north-westwards direct to beacon Chizarira (Trigonometrical Station 240/P); thence north-eastwards along the crest of the Chizarira Range to beacon Siganda at map reference 35KNL688416 on the 1: 50 000 map Siganda 1727D1, Edition 1; thence north-eastwards direct to beacon Tundazi (Trigonometrical Station 231/P); thence north-eastwards along the Tundazi Escarpment Range to a point at map reference 35KPL179616 on the 1: 50 000 map Tundazi 1728C1, Edition 1; thence due east to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Chiredzi district

Item 2: *Gonarezhou* Area: 505 300 hectares

The area of land bounded by a line drawn from a point where the Sabi River is met by the southern boundary of Sangwe Tribal Trust Land, down the Sabi River to the Rhodesia-Moçambique international boundary; thence proceeding south-westwards along that boundary to beacon B2L of Vila Salazar (as shown on plan RN59, filed in the office of the Surveyor-General, Salisbury) and generally northwards, westwards and southwards along the boundaries of Vila Salazar, so as to exclude it, through beacons BD3, BD2, BD1, R5, R4 and TN1 to beacon C1A on that international boundary; thence south-westwards along that boundary to the Bannockburn-Maputo railway line and north-westwards along that railway line to its intersection by the prolongation north-eastwards of a game-fence at map reference 36KUL612657 on the 1: 50 000 map Malvernia 2231B1/B3, Edition 2; thence south-westwards along that prolongation and the game-fence to the eastern boundary of Sengwe Tribal Trust Land between beacons SNG3 and SNG2 (as shown on plan CG2101, filed in the office of the Surveyor-General, Salisbury) and northwards along the eastern boundaries of Sengwe Tribal Trust Land and Malapati Safari Area to the Nuanetsi River; thence up that river to the southern boundary of the former Gonakudzingwa Purchase Land and eastwards and north-eastwards along its southern boundaries and the south-eastern boundaries of Matibi No. 2 Tribal Trust Land, so as to exclude them to the Lundi River; thence up that river to the south-eastern boundary of Lone Star Ranch and north-eastwards along its south-eastern boundary, so as to exclude it, to a point where it is met by a cattle-fence at map reference 36KUM885579 on the 1: 50 000 Makamandima 2131B2, Edition 1; thence north-eastwards along that cattle-fence to map reference 36KVM002641 on the 1: 50 000 map Mutandahwe 2132A1, Edition 2; thence generally eastwards along that cattle-fence to the south-western boundary of Sangwe Tribal Trust Land, at map reference VM076662 on that map; thence south-eastwards along the south-western boundary of Sangwe Tribal Trust Land; thence south-eastwards direct to the confluence of the Murondozi River and an unnamed tributary (as shown on plan RN10, filed in the office of the Surveyor-General, Salisbury) and generally north-eastwards along the southern boundaries of Sangwe Tribal Trust Land to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Nyaminyami district

Item 3: *Matusadona* Area: 140 700 hectares

The area of land and inundated land bounded by a line drawn from the westernmost point of the western boundary of Gatshe Gatshe Tribal Trust Land at map reference 35KPM876401 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; generally southwards along the western boundaries of Gatshe Gatshe and Kanyati Tribal Trust Lands to the northern boundary of Omay Tribal Trust Land; thence proceeding south-westwards and north-westwards along the northern boundaries of Omay Tribal Trust Land to the Ume River; thence generally northwards down that river and its former course to a point at map reference 35KPM512389 on the 1: 50 000 map Bumi Hills 1628C4, Edition 2; thence north-eastwards direct to a point on the full-supply level of Lake Kariba at map reference PM516399 on that map; thence generally north-eastwards along its full-supply level to a point at map reference 35KPM641486 on the 1: 50 000 map Sanyati West 1628D1, Edition 2; thence direct to a point on its full-supply level at map reference PM644490 on that map; thence generally eastwards along its full-supply level to a point at map reference 35KPM784471 on the 1: 50 000 map Matusadona 1628D3, Edition 1; thence south-eastwards direct to a point on the full-supply level of Lake Kariba at map reference PM800443 on that map; thence south-eastwards direct to a point on its full-supply level at map reference PM841406 on that map; thence generally eastwards along its full-supply level to a point at map reference 35KPM871399 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; thence north-eastwards direct to the starting-point.

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Map references quoted in this description are given to the nearest hundred metres.

Chimanimani district

Item 4: *Chimanimani* Area: 17 110 hectares

The area of land bounded by a line drawn generally southwards along the Rhodesia-Moçambique international boundary from boundary-pillar 6034 to the Haroni River; thence proceeding up that river to its intersection by the eastern prolongation of the southern boundary of Hayfield B and westwards along that prolongation to the south-eastern beacon of Hayfield B; thence northwards along the eastern boundaries of the following properties, so as to exclude them: Hayfield B, Rumble Rills, Tilbury, Dunstan, Welgelegen and Vooruitzicht to the north-eastern beacon of the last-named property and westwards along the southern boundary of Rocklands to a point on that boundary approximately 2,55 kilometres from its south-western beacon; thence generally northwards along an undefined boundary (as shown on plan RN58, filed in the office of the Surveyor-General, Salisbury) to its intersection by the Rhodesia-Moçambique international boundary and north-eastwards along that boundary to the starting-point.

Hurungwe district

Item 5: *Mana Pools* Area: 219 600 hectares

The area of land bounded by a line drawn from a point on the mouth of the Sapi River at map reference 35LQN763665 on the 1: 50 000 map Mana Pools 1529C2, and Chikwenya Island 1529D1, Edition 1, up the Sapi River to its intersection by a road at map reference 35LQN793524 on the 1: 50 000 map Sapi 1529D3, published 1968, and generally southwards along that road to its intersection by another road at map reference QN723256 on the 1: 50 000 map Manganyai 1629B1, Edition 1; thence generally eastwards along that road to a point on the Chiwore River at map reference 35KQN934223; thence up that river to a point on the north-eastern boundary of Mukwichi Tribal Trust Land at map reference 35KQM907972 on the 1: 50 000 map Manyangau 1629B3, Edition 2; thence north-westwards along the north-eastern boundary of Mukwichi Tribal Trust Land to the highest point on hill Chitanga and westwards direct to the highest point on an unnamed hill 3,2 kilometres due east of the confluence of the Rukomechi and Fundundi rivers; thence westwards direct to the confluence of those rivers and down the Rukomechi River to its confluence with the Nyacharara River; thence up the Nyacharara River to its confluence with an unnamed river at map reference 35KQN561083 on the 1:50000 map Rekometje Research Station 1629A2, Edition 1, and up that unnamed river to a point on that river at map reference QN533079 on that map; thence westwards direct to a point on another unnamed river at map reference QN526080 on that map and down that unnamed rived to its confluence with the Mashayani River at map reference QN480105 on that map; thence northwards direct to a point on a gravel road at map reference QN479146 on that map and north-eastwards direct to a point at map reference QN495189 on that map; thence north-eastwards direct to a point on the Matupa River at map reference QN519219 on that map and north-eastwards direct to a point 365 metres west of the course of the Rukomechi River at map reference

QN553247 on that map; thence generally north-westwards along the western edge of the riverine vegetation of the Rukomechi River; but not closer to the river than a line parallel to and 365 metres west of the course of the Rukomechi River to a point at map reference 35KQN301474 on the 1: 50 000 map Nyakasanga 1529C3, published 1959, and north-westwards to a point on the Rhodesia-Zambia international boundary on the Zambezi River, approximately 4,8 kilometres downstream from the intersection of that international boundary by the Deeds Registry district boundary-line of Kariba; thence north-eastwards downstream along that international boundary to a point approximately 1,6 kilometres from the mouth of the Sapi River on an approximate bearing of 196°, (measured in a clockwise direction from true north at that point) and southwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Hwange district

Item 6: *Kazuma Pan* Area: 31 300 hectares

The area of land bounded by a line drawn from boundary-pillar 730 on the Rhodesia-Botswana international boundary, north-eastwards direct to a point at map reference 35KLK380861 on the 1: 50 000 map Stoffels Pan 1825A2, Edition 1; thence proceeding south-eastwards and eastwards along the south-western and southern boundaries of Panda-Masuie Forest Land to a point at map reference 35KLK603870 on the 1: 50 000 map Myila 1825Bl, Edition 1; thence south-eastwards along the western boundary of Riviera to the Kasetsheti River, at map reference 35KLK644788 on the 1: 50 000 map Kazuma Depression 1825B3/ A4, Edition 1; thence down that river to the northern boundary of Kazuma Forest Land; thence generally south-westwards along the northern and north-western boundaries of Kazuma Forest Land to boundary-pillar 708 on the Rhodesia-Botswana international boundary; thence generally north-westwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 7: *Hwange* Area: 1 465 100 hectares

The area of land bounded by a line drawn from a point on the Rhodesia-Botswana international boundary on the westward prolongation of the northern boundary of the former property Deka, eastwards along that prolongation and boundary to its northernmost beacon; thence proceeding generally north-eastwards along the north-western boundaries of the former properties Prestwich, Nantwich, Nantwich North and Nantwich East to the north-eastern beacon of the last named; thence north-eastwards direct to the northernmost beacon of the former property Bumboosie; thence south-eastwards along a straight line towards the westernmost beacon (beacon Y, as shown on plan BT486, filed in the office of the Surveyor-General, Bulawayo) of the southern section of Wankie Coal Concession to its intersection by the north-western boundary (L-K) of Wankie Coal Concession; thence south-westwards, south-eastwards and north-eastwards along the north-western, south-western and south-eastern boundaries of Wankie Coal Concession to the aforementioned line; thence south-eastwards along that line to beacon Y; thence south-eastwards along the south-western boundary of Wankie Coal Concession to its intersection by the prolongation south-westwards of a straight line drawn from the intersection of the south-eastern boundary of Wankie Coal Concession by the southern boundary of Railway Strip 229 Lukosi to Trigonometrical Station 514/S (Karundu); thence north-eastwards along that prolongation and that line to the south-western boundary of that railway strip; thence generally eastwards along the southern boundaries of Railway Strips 229 Lukosi, 228 Pongoro, 227 Tshontanda, 226 Inyantue, 225 Nchokomela and 224 Mambanje, Railway Strip 196 of Railway Farm 43, Railway Strip 223 of Hope of Railway Farm 43 and Railway Strip 222 Dett to the north-western boundary of Dett Annex; thence along the northern, western and south-western boundaries of Stand 17 Dett Township, and the north-western, south-western and south-eastern boundaries of Dett Annex to the southern boundary of Railway Strip 233 Dett; thence southeastwards along the southern boundaries of Railway Strip 233 Dett, Railway Strip 234 Impofu, Railway Reserve at Malindi Station, Railway Strip 235 Malindi and Railway Strip 232 Isilwana to the north-western boundary of Kennedy Annex; thence along the north-western, south-western and south-eastern boundaries of Kennedy Annex to the north-western beacon of Railway Strip 231 Kennedy; thence southeastwards along the southern boundaries of Railway Strip 231 Kennedy, Railway Strip 230 Mukwa, Railway Strip 248 Intundhla North, Intundhla Siding Reserve, Railway Strip 249 Intundhla South and Railway Strip 250 Ingwe to the northern boundary of Tjolotjo Tribal Trust Land; thence generally south-westwards along the northern and western boundaries of Tjolotjo Tribal Trust Land to the Rhodesia-Botswana international boundary; thence generally north-westwards along that boundary to the starting-point.

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Item 8: *Victoria Falls "A"* Area: 1 904 hectares

The area of land bounded by a line drawn from a point on the Zambezi River at map reference 35KLL842115 on the 1: 50 000 map Victoria Falls 1725D4 and on a straight line drawn between beacons M44 and M43 of Victoria Falls Reserve (as shown on General Plan CG152, filed in the office of the Surveyor-General, Bulawayo) and generally westwards along the boundaries of that Reserve, through beacons M43, M17 and towards M23 to the Bulawayo-Victoria Falls road; thence proceeding generally north-westwards along that road to Deka-Falls Railway Strip 4; thence north-eastwards and northwards along the eastern boundary of that railway strip to the southern boundary of Railway Reserve Victoria Falls A; thence eastwards and generally northwards along its southern, south-eastern and eastern boundaries to a point 29 metres south of beacon NO2; thence north-westwards direct to a point 20 metres north of beacon NO2 on that boundary and northwards along that boundary to beacon NP (as shown on Diagram S.G. No. 3333/58, filed in the office of the Surveyor-General, Bulawayo); thence north-eastwards direct to beacon BR55 on the southern boundary of Deka-Falls Railway Strip 6 (as shown on Diagram S.G. No. 358/35, filed in the office of the Surveyor-General, Bulawayo); thence eastwards along the southern boundaries of that property to the Zimbabwe-Zambia international boundary and down the Zambezi River, following that international boundary, to the starting-point.

Victoria Falls "B" Area: 436 hectares

The area of land bounded by a line drawn from the easternmost point of Deka-Falls Railway Strip 6, on the Zimbabwe-Zambia international boundary, generally westwards along the north-eastern and northern boundaries of that property to the north-eastern boundary of Victoria Falls Customs Post Reservation; thence proceeding north-westwards along the north-eastern and northern boundaries of that reservation and the northern boundaries of the Road Reservation, so as to exclude them, to the Zambezi Drive; thence north-eastwards and north-westwards along that drive, so as to exclude it, to a point at map reference 77671824 on the 1: 5 000 map Victoria Falls LL7618; thence north-westwards direct to a point on the eastern boundary of Deka-Falls Railway Strip 5B at map reference 77591840 on that map and generally north-westwards along that boundary to a point at map reference 77271880 on that map; thence north-westwards to a point on the Zambezi Drive at map reference 77111891 on that map; thence generally north-eastwards along that drive, so as to exclude it, to a point at map reference 77271941 on that map; thence north-eastwards direct to beacon R9 (as shown on plan BM49, filed in the office of the Surveyor-General, Bulawayo); thence generally north-westwards along a series of straight lines through beacons R8, R7, R6, R5, R4, R3 and R2 to R1; thence north-westwards towards beacon BL7 to a stream at map reference 75922066 on the 1: 5 000 map Victoria Falls LL7220; thence generally northwards down that stream to the south bank of the Zambezi River; thence generally westwards along that south bank to the prolongation of a straight line drawn from beacon BL1 through beacon BL2 (as shown on plan BM, filed in the office of the Surveyor-General, Bulawayo) to that south bank; thence continuing north-eastwards along that prolongation to its intersection by the Zimbabwe-Zambia international boundary and generally eastwards and south-eastwards along that international boundary to the starting-point.

Map references quoted in these descriptions are given to the nearest hundred metres on the 1: 50 000 map and to the nearest ten metres on the 1: 5 000 maps.

Item 9: *Zambezi* Area: 56 010 hectares

The area of land bounded by a line drawn from the point where the prolongation of a straight line drawn from beacon BL1 through beacon BL2 meets the Zimbabwe-Zambia international boundary and southwards along that prolongation to beacon BL2; thence proceeding

generally southwards along a series of straight lines through beacons BL1, W1 and W3 (as shown on plan BM49, filed in the office of the Surveyor-General, Bulawayo); thence southwards direct to the intersection of the north-western boundary of Deka-Falls Railway Strip 4 by the Chamabonda River and south-westwards along the north-western boundary of Deka-Falls Railway Strip 4 to its intersection by a game-fence at map reference 35KLL711093 on the 1: 50 000 map Victoria Falls Airport 1825B2; thence south-westwards along that game-fence to a point at map reference LL697086 on that map; thence southwards along that game-fence to its intersection by the north-western boundary of Deka-Falls Railway Strip 3 at map reference LL697078 on that map; thence south-westwards along the north-western boundary of Deka-Falls Railway Strip 3 to a point on that railway strip at map reference 35KLL676051 on the 1: 50 000 map Myila 1825B1; thence westwards along a cut line to a point at map reference LL544049 on that map; thence north-westwards along that cut line direct to the .eastern beacon of the former property Westwood Ranch; thence north-westwards along its north-eastern boundary and its prolongation north-westwards to its intersection by the Zimbabwe-Zambia international boundary and generally eastwards and south-eastwards along that international boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

TOTAL EXTENT: 2 628 460 hectares

Nyanga district

PART II

NATIONAL PARKS ON RHODES ESTATES

Item 1: *Rhodes Nyanga* Area: 47 150 hectares

The area of land in the administrative district of Nyanga, bounded by a line drawn from the northernmost beacon of Inyanga slopes, generally eastwards along the boundaries of the following properties, so as to include them: the north-eastern boundaries of Inyanga slopes and Inyangombie and the south-western, north-western and north-eastern boundaries of the proposed Lot 5 of Kwaraguza of Inyanga Downs of Inyanga Block (as shown on plan RN255 filed in the Surveyor-General's Department, Harare) to its easternmost beacon; thence eastwards direct to the north-western beacon of Gleneagles Estate and generally south-westwards along the boundaries of the following properties, so as to exclude them: the north-western and south-western boundaries of Gleneagles Estate, the north-western boundary of Lot 1 of Inyanga Block and the north-eastern, north-western and south-western boundaries of Aberfoyle Plantations of Inyanga Block to its southernmost beacon; thence south-westwards direct to the south-eastern beacon of Inyanga Block A and generally south-westwards along the southern boundary of Inyanga Block A and the eastern boundaries of Holdenby A, so as to include them, to the southernmost beacon of the last-named property; thence generally north-westwards along the boundaries of the following properties, so as to include them: the southern, north-western and western boundaries of Holdenby A, the south-western boundary of Pungwe Falls B, the south-eastern and south-western boundaries of Subdivision A of Pungwe Falls and the southern boundary of Pungwe source to the south-western beacon of the last-named property; thence northwards along the eastern boundary of Erin Forest Land, so as to exclude it, to its north-eastern beacon and northwards, through a point at map reference 36KVO753715 on the 1: 50 000 map Inyangani 1832B4/1833A3 to the easternmost beacon of Bideford and northwards along its eastern boundary, so as to exclude it, to a point at map reference VQ761757 on that map; thence north-westwards direct to a point on the north-western boundary of that property at map reference VQ742762 on that map and generally north-westwards and north-eastwards along the boundaries of the following properties, so as to include them: the south-eastern boundary of Fruitfield, the south-western boundaries of Fruitfield and Wicklow, the south-eastern, south-western, north-western and northern boundaries of Werrendale and the north-western boundary of the Remainder of Inyanga Valley to the north-western beacon of Lot 4 of Inyanga Valley; thence generally south-eastwards, eastwards, northwards and westwards along the boundaries of the following properties, so as to exclude them: the western and southern boundaries of Lot 4 of Inyanga Valley, the western boundary of Lot 3 of Inyanga Valley, the southern and eastern boundaries of Lot 1 of Inyanga, the eastern boundary of State Land (formerly Lot 1 of Inyanga Valley, as shown on S.G. Diagram No.770/1955 filed in the Surveyor-General's Department, Harare) and the eastern and northern boundaries of Lot 2 of Inyanga Valley to its north-western beacon; thence north-eastwards along the north-western boundary of the Remainder of Inyanga Valley, so as to include it, to the starting point.

This description excludes—

(*a*) subdivisions C, D, E, F and G and Nyazengu of Inyanga Block; and

(*b*) an area of Fruitfield, approximately 180 hectares in extent, which is leased to the State.

Map references quoted in this description are given to the nearest hundred metres.

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Matobo district

Item 2: *Rhodes Matopos* Area: 42 400 hectares

The area of land bounded by a line drawn from a point on the Matopos Circular Drive where it is intersected by a road at map reference 35KPH587406 on the 1: 50 000 map The World's View 2028B3 generally southwards along that drive to a point where it crosses an unnamed stream at map reference PH589356 on that map; thence proceeding generally south-eastwards direct to a point on an unnamed stream at map reference PH595352 on that map; thence down that stream to its confluence with the Mtsheleli River and up that river to its confluence with an unnamed stream at map reference PH597365 on that map; thence up that stream to its intersection by the northern boundary of Rhodes Matopos National Park Extension at map reference PH614363; thence generally eastwards, southwards, westwards and northwards along the northern, eastern, southern and western boundaries of Rhodes Matopos National Park Extension, so as to include it, to the south-eastern boundary of Ravenswood; thence north-eastwards, south-eastwards, eastwards, south-eastwards and eastwards along the boundaries of the following properties, so as to exclude them: the south-eastern boundaries of Ravenswood and Forwords Block, the south-western and southern boundaries of Mineral King and the western and southern boundaries of Manzana to its south-eastern beacon; thence generally northwards along the western boundaries of The World's View and Hazelside, so as to include them, to an unnamed stream at map reference 35KPH551392 on the 1: 50 000 map Figtree 2028A4; thence eastwards up that stream to a point at map reference 35KPH568398 on the 1: 50 000 map The World's View 2028B3; thence eastwards direct to a point on the Matopos Circular Drive where it is intersected by a road at map reference PH572399 on that map and generally north-eastwards along that road to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

TOTAL EXTENT: 89 550 hectares

SECOND SCHEDULE (Section 26)

BOTANICAL RESERVES AND BOTANICAL GARDENS

PART I

BOTANICAL RESERVES ON PARKS AND WILD LIFE LAND

Beitbridge district

Item 1: *Pioneer* Area: 38 hectares

The area of land bounded by a line drawn from a beacon on the western bank of the Shashe River at map reference 35KQF264747 on the 1: 50 000 map Tuli 2129C3, published 1959, south-westwards along the western bank of the Shashe River to a beacon at map reference QF259743 on that map; thence proceeding north-westwards direct to a beacon at map reference QF255747 on that map; thence north-eastwards direct to a beacon at map reference QF259752 on that map; thence south-eastwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 2: *Tolo River* Area: 44 hectares

The area of land bounded by a line drawn from a beacon on the western bank of the Shashe River at map reference 35KQF252718 on the 1: 50 000 map Tuli 2129C3, published 1959, south-south-eastwards along the western bank of the Shashe River to a beacon at map reference QF255712 on that map; thence proceeding west-south-westwards direct to a beacon at map reference QF249709 on that map; thence north-north-westwards direct to a beacon at map reference QF246716 on that map; thence east-north-eastwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 3: *South Camp* Area: 26 hectares

The area of land bounded by a line drawn from a beacon which lies near a stream at map reference 35KQF283688 on the 1: 50 000 map Tuli 2129C3, published 1959, eastwards down that stream to the western bank of the Shashe River; thence proceeding southwards along the western bank of that river to a beacon at map reference QF291684 on that map; thence west-north-westwards direct to a beacon at map reference QF283686 on that map; thence northwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Chiredzi district

Item 4: *Chisekera Hot Springs* Area: 95 hectares

The area of land comprising the surveyed property Chisekera Hot Springs, as shown on plan S.G. No. DG890 filed in the office of the Surveyor-General, Salisbury.

Mt Darwin district

Item 5: *Mawari Raphia Palm* Area: 34 hectares

The area of land bounded on the north, east, south and west by the property Mawari as shown on plan S.G. No. DG909 filed in the office of the Surveyor-General, Salisbury.

Item 6: *Tingwa Raphia Palm* Area: 290 hectares

The area of land bounded by a line drawn from the northernmost beacon of Penrose south-westwards along its north-western boundary to beacon PB403 (as shown on General Plan S.G. No. EG49 filed in the office of the Surveyor-General, Salisbury); thence proceeding north-westwards on a bearing of 342° for a distance of 1,15 kilometres, north-eastwards on a bearing of 47° for 400 metres, eastwards Oil a bearing of 67° for 1,85 kilometres and southwards on a bearing of 164° for 1,4 kilometres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from the true north and distances are approximate.

Chimanimani District

Item 7: *Haroni Forest* Area: 20 hectares

The unsurveyed area of land demarcated on the ground by cut lines, and bounded by a line drawn from the confluence of the Haroni and Makurupini rivers, down the Haroni River on the Moçambique-Rhodesia international boundary, for a distance of 300 metres and south-westwards on a bearing of 231° for 300 metres; thence proceeding north-westwards on a bearing of 295° for 350 metres and north-eastwards on a bearing of 22° for 440 metres to the Haroni River; thence down the Haroni River to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances are approximate.

Item 8: *Rusitu Forest* Area: 150 hectares

The unsurveyed area of land bounded by a line commencing at the south-eastern beacon of the property Hayfield B and drawn southwards on a bearing of 192° to the Rusitu River on the Moçambique-Rhodesia international boundary; thence proceeding up that river for a distance of 1,65 kilometres to the westernmost section of a false division of the Rusitu River and due north for 600 metres; thence north-eastwards on a bearing of 50° for 2,25 kilometres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances are approximate.

Kwekwe district

Item 9: *Sebakwe Acacia Karoo* Area: 60 hectares

The area of land bounded by a line drawn from the intersection of the southern bank of the Sebakwe River by the western boundary of Sebakwe Recreational Park, eastwards along the southern bank of the Sebakwe River to a stream at map reference 36KTP072952 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2; thence proceeding southwards up that stream to a road at map reference TP073941 on that map; thence westwards along that road to the western boundary of Sebakwe Recreational Park and northwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 10: *Sebakwe Great Dyke* Area: 165 hectares

The area of land bounded by a line drawn from the intersection of the southern boundary of Sebakwe Recreational Park by the Fagritch Spruit westwards along that boundary to its intersection by a stream at map reference 36KTP098925 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2; thence proceeding northwards down that stream to a track at map reference TP099927 on that map; thence generally eastwards along that track, which generally follows the shoreline of Sebakwe Dam, to the Fagritch Spruit; thence up that spruit to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 11: *Sebakwe Mountain Acacia* Area: 53 hectares

The area of land bounded by a line drawn from the intersection of a stream and a road at map reference 36KTP073941 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2, eastwards direct to a point on a road at map reference TP089936 on that map; thence proceeding generally eastwards along that road to a stream at map reference TP091934 on that map; thence southwards up that stream to the southern boundary of Sebakwe Recreational Park; thence westwards along that boundary to a stream at map reference TP074937 on that map; thence northwards down that stream to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Harare district

Item 12: *Mazoe "A"* Area: 43 hectares

The area of land comprising the properties Lots 1 and 2 of Spelonken Estate, as shown on Diagrams S.G. 819/69 and 849/78, filed in the office of the Surveyor-General, Salisbury.

Mazoe "B" Area: 3 hectares

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The area of land comprising the properties Stands 109 and 110 of Christon Bank Township 8, of Bluehills of Christon Bank, as shown on Diagrams S.G. 1759/60 and 1760/60, filed in the office of the Surveyor-General, Salisbury.

Mutare district

Item 13: *Bunga Forest* Area: 495 hectares

An area of land comprising the properties Lot 4 of Bunga of Cloudlands and the Remaining Extent of Ebbesborne of Greencroft and the former Subdivision A, portion of Ebbesborne, portion of Greencroft, as shown on Diagrams S.G. 5724/55, 89/34 and 2158/50, respectively, filed in the office of the Surveyor-General, Salisbury.

Item 14: *Vumba* Area: 42 hectares

The area of land demarcated on the ground with beacons and notices and bounded by a line drawn south-eastwards from the easternmost beacon of Lot 2A Manchester on a bearing of 111° for 920 metres to its intersection by a road; thence proceeding generally south-westwards along that road to a point 25 metres west of the northernmost beacon of Subdivision R of Manchester and north-westwards on a bearing of 354° for 790 metres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances in metres are approximate.

TOTAL EXTENT: 1 558 hectares

PART II

BOTANICAL GARDENS ON PARKS AND WILD LIFE LAND

Harare district

Item 1: *National Botanic* Area: 67 hectares

The area of land comprising the properties Remainder of Stand 6990 Salisbury Township and Remainder of Stand 6991 Salisbury Township of Salisbury Township Lands, bounded on the west, north and east by Sandringham Drive, Stand 13413 of Stand 6990 Salisbury Township of Salisbury Township Lands, Borrowdale Road, Hartmann Hill A and Lot I of Stand 6991 Salisbury Township of Salisbury Township Lands and on the south by an 18,89 metre wide road contiguous to the northern boundary of Government Experimental Station Extension.

This description excludes the following properties: Stand 6992 Salisbury Township of Salisbury Township Lands and Lots 3, 4, 5 and 6 of Stand 6991 Salisbury Township of Salisbury Township Lands.

Mutare district

Item 2: *Vumba* Area: 200 hectares

The area of land bounded by a line drawn eastwards from the easternmost beacon of Lot 2A Manchester along the southern boundary of Subdivision M of Manchester, so as to exclude it, to its south-eastern beacon and generally south-westwards along the north-western boundaries of Chinyabakwe and Subdivision K of Manchester, so as to exclude them, to the south western beacon of the latter property; thence proceeding generally westwards along the boundaries of the following properties, so as to exclude them: the northern boundary of Chinyamakunga of Scandinavia, the eastern, northern and western boundaries of Lot 14A Manchester and Subdivision B of Scandinavia to the south-eastern beacon of Mutengembeya of Manchester and generally northwards along the boundaries of the following properties, so as to exclude them: the south-eastern and north-eastern boundaries of Mutengembeya of Manchester, the south-eastern boundary of Subdivision 9 of Manchester, the south-western and south-eastern boundaries of Subdivision O of Manchester, the south-eastern and north-eastern boundaries of Subdivision P of Manchester, the eastern and northern boundaries of Subdivision G of Manchester and the eastern boundary of Subdivision D of Manchester to the south-western beacon of Monegera; thence generally westwards along the southern boundaries of the following properties, so as to exclude them: Monegera, Lot 1B Manchester and Lot 2A Manchester to its south-eastern beacon and northwards along its eastern boundary to the starting-point.

The Vumba Botanical Reserve is excluded from this description.

TOTAL EXTENT: 267 hectares

PART III

BOTANICAL GARDENS ON TRUST LAND

Goromonzi district

Item 1: *Ewanrigg* Area: 286 hectares

The area of land comprising the property Subdivision A of Mount Shannon of The Meadows, as shown on Diagram S.G. No. 1830/48 filed in the office of the Surveyor-General, Salisbury.

TOTAL EXTENT:286 hectares

THIRD SCHEDULE (Section 31)

SANCTUARIES AND SPECIALLY PROTECTED ANIMALS

PART I

SANCTUARIES ON PARKS AND WILD LIFE LAND

Specially Protected Animals

Chiredzi district

Item 1: *Maniinii Pan* Area: 300 hectares

All birds

The area of land bounded by a line drawn 366 metres from and parallel to the high-flood level of Manjinji Pan, so as to include it, as shown on the 1: 50 000 map Malapata 2231A2, Edition 1.

Chimanimani district

Item 2: *Melsetter Eland* Area: 1 800 hectares

All animals

The area of land bounded by a line drawn generally north-eastwards from the north-western beacon of Melsetter Township Reserve along the boundaries of the following properties, so as to exclude them: the southern boundary of Remainder of Sawerombi, the eastern boundary of Bedale of Westfield and the south-eastern boundaries of Middlepunt of Jantia, Remainder of Jantia and Umsapa of Jameson to the south-eastern beacon of Umsapa of Jameson; thence proceeding generally southwards along a series of straight lines through points at map references 36KVP885157, VP889155, VP896152, VP900153, VP900151, VP899150, VP900147, VP894145, VP892140 and VP894136 on the 1: 50 000 map Melsetter 1932D4 and 1933C1/C3, Edition 1, to a point on the northern boundary of Lindley North Estate at map reference VP893133 on that map and westwards along the northern boundary of Lindley North Estate to its north-western beacon; thence southwards along the eastern boundary of Melsetter Township Reserve, the eastern and south-eastern boundaries of Lot 1 of Lindley North

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and the eastern boundaries of Melsetter Township Reserve, so as to include them, to the north-western beacon of Lindley West of Lindley; thence westwards direct to the northernmost beacon of the former Stand 101 Melsetter Township and south-westwards direct to the north-eastern beacon of Stand 52 Melsetter Township; thence generally southwards along its north-western and western boundaries so as to exclude it, to its south-western beacon and south-westwards direct to the northernmost beacon of Stand 6 Melsetter Township; thence south-westwards along its north-western boundary so as to exclude it, to its westernmost beacon and south-westwards direct to the northernmost beacon of Stand 5 Melsetter Township; thence south-westwards along the north-western boundary of Stand 6 Melsetter Township, so as to exclude it, to its westernmost beacon and south-westwards direct to the northernmost beacon of Stand 5 Melsetter Township; thence south-westwards along the north-western boundaries of the following properties, so as to exclude them: Stands 5, 3, 2 and 1 Melsetter Township to the westernmost beacon of the latter property; thence generally south-westwards along a series of straight lines through a series of high points along the crest of a range of hills on the following bearings and for the following distances: 252° for 465 metres, 255° for 511 metres, 256° for 236 metres and 252° for 728 metres to the south-eastern beacon of Everglades; thence northwards along the western boundary of Melsetter Township Reserve, so as to include it, to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Bearings are measured to the nearest degree clockwise from the north and distances in metres are approximate.

Nkayi district

Item 3: *Mbaze Pan* Area: 40 hectares

All birds

The area of land surrounding and including Mbaze Pan, approximately 700 metres east of the Shangani River and opposite a point on that river approximately 10 kilometres direct up-stream from the confluence of the Shangani and Gwelo rivers.

Guruve district

Item 4: *Nyamanyetsi* Area: 2 480 hectares

All animals

The area of land comprising the properties Nyamanyetzi North and Subdivision E, portion of Gurungwe, as shown on Diagram S.G. 322/57 and 787/38, filed in the office of the Surveyor-General, Salisbury.

Masvingo district

Item 5: *Mushandike* Area: 12 900 hectares

All animals

The area of land bounded by a line drawn All animals from the south-eastern beacon of Winterton along the boundaries of the following properties, so as to exclude them: south-eastwards along the south-western boundary of Cambria, south-westwards along the north-western boundaries of Valley Pass and Koran and generally westwards along the northern boundaries of Excelsior, Maybrook Extension and Erdington to the north-western beacon of the last-mentioned property; thence proceeding generally north-eastwards along the south-eastern boundaries of the following properties, so as to exclude them: Waterhole, the former El Rakin Valley, Shane Valley, Rabe Valley and Allanvale to the Mutsungwe River and down that river to the south-western boundary of Amavula; thence south-eastwards along the south-western boundaries of Amavula and Winterton, so as to exclude them, to the starting-point.

TOTAL EXTENT: 17 520 hectares

PART II

SANCTUARIES ON RHODES ESTATES

Matobo district

Item 1: *Rhodes-Bulawayo Sanctuary* Area: 1 100 hectares

All birds

The area of land bounded by a line drawn from the north-western beacon of Remainder of Sauerdale Block generally eastwards along its northern boundary to the Bulawayo-Matopos road; thence proceeding generally south-westwards along that road to its intersection by a track at map reference 35KPH625585 on the 1: 50 000 map The Worlds View 2028B3, Edition 2; thence generally north-westwards along that track, so as to include it, to the eastern boundary of Remainder of Sauerdale Block at map reference PH608592 on that map; thence north-eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

TOTAL EXTENT: 1 100 hectares

FOURTH SCHEDULE (Section 36)

SAFARI AREAS ON PARKS AND WILD LIFE LAND

Beitbridge and Gwanda districts

Item 1: *Tuli* Area: 41 600 hectares

The area of land bounded by a line drawn from a point on the Shashi River at map reference 35KQF317592 on the 1: 50 000 map Maranami 2229A1, published 1959; thence proceeding generally westwards and northwards along the Rhodesia-Botswana international boundary (as shown on General Plan EG264, filed in the office of the Surveyor-General, Bulawayo) to a point on that boundary on the Shashi River at map reference 35KQF147861 on the 1: 50 000 map Tuli 2129C3, published 1959; thence down the Shashi River to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Binga district

Item 2: *Chete* Area: 108 100 hectares

The area of land bounded by a line drawn from the point where the Mwenda River flows into Lake Kariba, generally southwards and westwards up that river to its commencement at map reference 35KNL960821 on the 1: 50 000 map Sinampande 1727B4, Edition 1; thence proceeding westwards direct to the commencement of an unnamed tributary of the Lwizilukulu River, at map reference NL937825 on that map; thence south-westwards down that tributary and south-eastwards up that river to the Binga-Siabuwa road; thence south-westwards direct to a point at map reference 35KNL696607 on the 1: 50 000 map Siganda 1727D1, Edition 1; thence south-westwards direct to a point on that road at map reference NL663522 on that map; thence northwards direct to the road-crossing on the Makandabwe River at map reference NL647582 on that map and down that river and north-eastwards along the full-supply level of Lake Kariba to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Chipinge district

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Item 3: *Chipinga* Area: 26 100 hectares

The area of land bounded by a line drawn from the point where the Tanganda River is met by the eastern boundary of Sabi Tanganda Estate, up that river to the southern boundary of Tanganda Halt and generally eastwards along the boundaries of the following properties, so as to exclude them: the southern boundary of Tanganda Halt, the south-western and south-eastern boundaries of Drie Span Berg and the south-western boundary of Buffels Drift Estate to its southernmost beacon; thence proceeding generally southwards along the boundaries of the following properties, so as to exclude them: the north-western boundary of Nafferton, the western and south-eastern boundaries of Redwood, the western boundary of Isis, the north-western and south-western boundaries of Horus Annex, the north-western boundary of Vergenoeg of Eureka to theNyamuvava River and down that river to the eastern boundary of Middle Sabi; thence generally northwards along its eastern boundaries and the south-eastern and eastern boundaries of Sabi Tanganda Estate, so as to exclude them, to the starting-point.

Chiredzi district

Item 4: *Malapati* Area: 15 400 hectares

The area of land bounded by a line drawn from a point on a game-fence at map reference 36KUL286860 on the 1: 50 000 map Buffalo Bend 2131C4, Edition 2, eastwards along that game-fence to the Nuanetsi River; thence proceeding down that river to the easternmost point of the loop in that river (approximately 2,2 kilometres upstream from the Malapati Bridge) at map reference 36KUL403649 on the 1: 50 000 map Malapati 2231A2, Edition 2; thence southwards direct to beacon SNG7 (as shown on plan CG2101, filed in the office of the Surveyor-General, Salisbury); thence south-westwards direct to beacon SNG8 on that plan and south-westwards direct to a point on a game-fence at map reference 36KUL370611 on the 1: 50 000 map Malapati 2231A2, Edition 2; thence south-westwards and north-westwards along that game-fence to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Gokwe district

Item 5: *Chinsa* Area: 171 300 hectares

The area of land bounded by a line drawn from the Tsetse and Trypanosomiasis Control traffic-barrier known as Sipani Gate, at map reference 35KPL484095 on the 1: 50 000 map Chipani Pan 1728C4, Edition 1, generally north-eastwards along the Sessami game-fence to the point where it crosses the Dopota River for the second time, at map reference 35KPL607342 on the 1: 50 000 map Sessami Mission 1728D3, Edition 1; thence proceeding northwards down that river and the Sessami River to a point where it is intersected by a cut line at map reference 35KPL575454 on the 1: 50 000 map Chidomo 1827C2, Edition 1; thence north-westwards along that cut line to the Chirisa track at map reference PL548480 on that map; thence generally westwards along that track to a cut line commencing at the Manyuli road at map reference PL460450 on that map, and generally south-westwards along that cut line to its intersection by a cleared track at map reference 35KPL155274 on the 1: 50 000 map Domwe 1728C3, Edition 1; thence generally southwards along that cleared track to where it is intersected by the northern Sebungwe game-fence at map reference 35KPL089028 on the 1: 50 000 map Tivuli Spring 1828A1, Edition 1; thence eastwards along the northern Sebungwe game-fence to the Link game-fence at map reference PL133031 on that map; thence southwards along the Link game-fence to the southern Sebungwe game-fence at map reference PK115898 on that map; thence south-eastwards and north-eastwards along the southern Sebungwe game-fence to the Sessami game-fence at map reference 35KPL468067 on the 1: 50 000 map Charama 1828A2, Edition 1 and north-eastwards along the Sessami game-fence to the starting-point; as will more fully appear on plan BM41, filed in the office of the Surveyor-General, Bulawayo.

Map references quoted in this description are given to the nearest hundred metres.

Chegutu district

Item 6: *Hartley* Area: 44 500 hectares

The area of land comprising the properties Valhalla, Hartley 7, Hartley 8 and Hartley 9.

Nyaminyami district

Item 7: *Sibilobilo A* Area: 2 270 hectares

The areas of land comprising the following islands—

Number of island	*Name*	*Approximate extent, in hectares*
109	Weather	136
110	—	3
111	Namagwaba	649
117	Namembere	1 062
118	—	11
119	—	9
120	Balabi	11
121	Partridge	90
124	Nyamurongo	16
126	—	12
127	—	15
128	Lubangwa	59
133	Starvation (or Ukubula)	197

Sibilobilo B Area: 2 130 hectares

The area of land bounded by a line drawn from a point at map reference 35KPM184316 on the 1: 50 000 map Sengwa Sound 1628C3, Edition 2; thence proceeding generally north-westwards, north-eastwards and south-westwards along the full-supply level of Lake Kariba to a point at map reference PM202341 on that map and south-westwards direct to the starting-point.

Kariba and Hurungwe districts

Item 8: *Charara* Area: 169 200 hectares

The area of land bounded by a line drawn from the intersection of the Karoi-Chirundu road by the western boundary-line of the former Vuti Purchase Land north-westwards along that road to its intersection by the Makuti-Kariba road; thence proceeding generally south-westwards along that road to its intersection by the Kessesse River at map reference 35KPM97867383 on the 1: 5 000 map Kariba PM9672 and down that river to a point at map reference PM98037309 on that map; thence eastwards direct to a point at map reference PM98527300 on that map and south-westwards direct to a point at map reference 35KPM98107195 on the 1: 5 000 map Kariba PM9670; thence westwards direct to a point on the full-supply level of Lake Kariba (484,64 metres above mean sea-level) at map reference 35KPM97297209 on the 1: 5 000 map Kariba PM9672 and generally south-eastwards and eastwards along that-full-supply level to a point at map reference 35KPM98407106 on the 1: 5 000 map Kariba PM9670; thence northwards direct to a point at map reference PM98407150 on that map and north-eastwards direct to a point at map reference 35KPM98657220 on the 1: 5 000 map Kariba PM9672; thence north-eastwards direct to a

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point on the southern boundary of the former property Kariba Aerodrome Site at map reference PM98907241 on that map-and eastwards along that boundary to its southernmost beacon; thence eastwards direct to a point on a cut line at map reference PM99307234 on that map and southwards direct to a point on the full-supply level of Lake Kariba at map reference 35KPM99307164 on the 1: 5 000 map Kariba PM9670; thence generally south-eastwards along its full-supply level to its intersection by an unnamed tributary at map reference 35KQMO70696 on the 1: 50 000 map Kariba 1628D2 and up that unnamed tributary to its intersection by the southernmost verge of the Kariba Power-line Service Road at map reference QM082708 on that map; thence generally south-eastwards along that road verge (following the direction of the southernmost power-line) to its intersection by a road at map reference QM108696 on that map and generally southwards along that road to its intersection by the Rifa River at map reference QK102678 on that map; thence down that river to its intersection by the full-supply level of Lake Kariba and generally eastwards and. southwards along that full-supply level to the point where the Gache Gache River enters Lake Kariba; thence up that river to the northern boundary of Kanyati Communal Land and eastwards along the northern boundaries of Kanyati, Urungwe and Nyaodza communal lands to the western boundary of the former Vuti Purchase Land; thence generally northwards along its western boundaries to the starting-point.

This description excludes that portion of Makuti Township Reserve falling within this area.

Map references quoted in this description are given to the nearest 100 metres on the 1: 50 000 map and to the nearest 10 metres on the 1: 5 000 maps.

Item 9: *Hurungwe* Area: 289 400 hectares

The area of land bounded by a line drawn from the confluence of the Rukomechi and Fundundi rivers down the Rukomechi River to its confluence with the Nyacharara River; thence proceeding up that river to its confluence with an unnamed river at map reference 35KQN561083 on the 1: 50 000 map Rekometje Research Station 1629A2 and up that unnamed river to a point at map reference QN533079 on that map; thence westwards direct to a point on another unnamed river at map reference QN526080 on that map and down that unnamed river to its confluence with the Mashayenyi River at map reference QN480105 on that map; thence northwards direct to a point on a gravel road at map reference QN479146 on that map and north-eastwards direct to a point at map reference QN495189 on that map; thence north-eastwards direct to a point on the Matupa River at map reference QN519219 on that map and north-eastwards direct to a point 365 metres west of the course of the Rukomechi River at map reference QN553247 on that map; thence generally north-westwards along the western edge of the riverine vegetation of the Rukomechi River, but not closer to the river than a line parallel to and 365 metres west of the course of that river to a point at map reference 35LQN301474 on the 1: 50 000 map Nyakasanga 1529C3 and north-westwards to a point on the Zimbabwe-Zambia international boundary on the Zambezi River approximately 4,8 kilometres downstream from the intersection of that boundary by the Deeds Registry district boundary-line of Kariba: thence up the Zambezi River to a point on that river at map reference 35KPM923753 on the 1: 50 000 map Nyamuomba Island 1628B4 and eastwards direct to a point on the Kessesse River at map reference 35KPM981750 on the 1: 50 000 map Kariba 1628D2; thence down that river to its intersection by the Makuti-Kariba road and generally eastwards and north-eastwards along that road to its junction with the Karoi-Chirundu road; thence south-eastwards along the Karoi-Chirundu road to its intersection by the western boundary of the former Vuti Purchase Land and generally north-eastwards along its western and northern boundaries to the Fundundi River and down that river to the starting-point.

This description excludes—

(i) an area of land comprising the properties Chirundu Sugar Estates A and Chirundu Landing Ground, as shown on Diagrams S.G. Nos. 1023/60 and 1896/62, respectively, filed in the office of the Surveyor-General, Salisbury;

(ii) an area of land bounded by a line drawn from a point on the right bank of the Zambezi River at map reference 35KPN995268 on the 1: 50 000 map Chirundu 1628B2 south-eastwards, southwards, south-westwards and westwards along a series of straight lines through points at map references QN002259, QN002252 and PN992243 on that map to a point on the right bank of the Zambezi River at map reference PN989243 on that map and generally northwards along the right bank of that river to the starting-point;

(iii) that portion of Makuti Township Reserve falling within this area.

Map references quoted in this description are given to the nearest 10 metres.

Makonde district

Item 10: *Doma* Area: 94 500 hectares

The area of land bounded by a line drawn from the intersection of the Hunyani River by the southern boundary of Dande Tribal Trust Land, up that river to a point at map reference 36KTS203675 on the 1: 50 000 map Nyungwe 1630C2, published 1963; thence proceeding westwards, north-westwards and south-westwards, through points at map references TS185675 and TS136740, to a point on the north-eastern boundary of the proposed farm Gravelotte at map reference TS068710 on that map; thence generally north-westwards along its north-eastern boundaries, so as to exclude it, to its northernmost beacon; thence northwards direct to a point at map reference 36KTS025737 on the 1: 50 000 map Tchetchenini 1630C1, reprinted 1968, and westwards direct to a point at map reference SS870736 on that map; thence generally south-westwards through a series of points at map references SS869731, SS848727 and SS806664 to a point at map reference SS800610 on that map, and eastwards direct to a point on the south-western boundary of Impala Downs Extension at map reference SS824610 on that map; thence generally south-eastwards along the boundaries of the following properties, so as to exclude them: the south-western boundary of Impala Downs Extension and the western boundaries of Greenvlei Estate to its south-western beacon; thence westwards along the northern boundaries of Glendower, so as to exclude it, to the Angwa River and down that river to its intersection by the southern boundary of Dande Tribal Trust Land; thence generally eastwards along the southern boundaries of Dande Tribal Trust Land, so as to exclude it, to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Shamva district

Item 11: *Umfurudzi* Area: 76 000 hectares

The area of land bounded by a line drawn from the confluence of the Gwetera and Mazoe rivers, up the Mazoe River to the northern boundary of Mumwi and generally eastwards along its northern boundaries so as to exclude it, to the eastern boundary of Beaulieu; thence proceeding generally northwards along the boundaries of the following properties, so as to exclude them: the eastern, south-eastern, north-eastern and northern boundaries of Beaulieu and the eastern boundaries of Phoebus and Rataplan to the north-eastern beacon of the latter and northwards direct to the south-eastern beacon of Gatu; thence north-eastwards along its south-eastern boundary, so as to exclude it, to its north-eastern beacon and north-eastwards direct to a point on an unnamed hill at map reference 36KUS690288 on the 1: 50 000 map Beryl Rose Mine 1631D4, reprinted 1972; thence north-westwards direct to a point on the Gwetera River at map reference US675364 on that map and down that river to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Guruve district

Item 12: *Dande* Area: 52 300 hectares

The area of land bounded by a line drawn southwards from beacon BP4 on the Rhodesia-Moçambique international boundary to latitude 16° south; thence proceeding westwards along the 16° parallel to its interjection by the Mkanga River and up that river to its confluence with an unnamed river at map reference 36LST844301 on the 1: 50 000 map Chimanje 1530C3, Edition 1; thence north-eastwards direct to the highest point on the hill Chimanje and north-eastwards direct to a point on the straight line drawn between hills Chimanje and Membgwe at map reference TT052486 on that map; thence south-eastwards direct to a point on the Mwanzamtanda River at map reference 36LTT080467

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on the 1: 50 000 map Kamota 1530C4, Edition 1, and generally eastwards along a series of straight lines through points at map references TT114460, TT134465, TT154459, TT198470 and TT227475 on that map to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Hurungwe district

Item 13: *Chelvore* Area: 339 000 hectares

The area of land bounded by a line drawn from a point on the Rhodesia-Zambia international boundary on the Zambezi River due north of Trigonometrical Beacon No. 219/P, on hill Kapsuku; thence proceeding generally south-eastwards through that beacon on hill Kapsuku and the highest point on hills Chiruwe and Kariwaya to the highest point on hill Membge and south-westwards through the highest point on hill Chimanje to the confluence of the Mkanga River and an unnamed tributary at map reference 36LST844301 on the 1: 50 000 map Chimanje 1530C3, Edition 1; thence down the Mkanga River to its confluence with the Angwa River; thence up the Angwa, Mukwishe, Sapi and Horonga rivers to the commencement of the last-mentioned river, at map reference 35KRM003920 on the 1: 50 000 map Matsikita 1629B4, Edition 1, and north-westwards direct to the highest point on hill Matsikita; thence north-westwards along a direct line to the highest point on hill Chitangazuva to the Chiwore River; thence down that river to the Rhodesia-Zambia international boundary on the Zambezi River; thence eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 14: *Sapi* Area: 118 000 hectares

The area of land bounded by a line drawn from the confluence of the Zambezi and Chiwore rivers, up the Chiwore River to its intersection by a road at map reference 35KQN934223 on the 1: 50 000 map Manganyai 1629B1, Edition 1; thence generally westwards along that road to its intersection by another road at map reference QN723256 on that map and generally northwards along that road to its intersection by the Sapi River at map reference 35LQN793523 on the 1: 50 000 map Sapi 1529D3, published 1968; thence down that river to a point on the mouth of the Sapi River at map reference 35LQN763665 on the 1: 50 000 map Mana Pools 1529C2, Chikwenya Island 1529D1, Edition 1, and on an approximate bearing of 16° measured in a clockwise direction from true north to a point on the Zambezi River approximately 1,6 kilometres from the mouth of the Sapi River; thence down the Zambezi River along the Rhodesia-Zambia international boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Hwange district

Item 15: *Deka* Area: 51 000 hectares

The area of land bounded by a line drawn from the intersection of the Victoria Falls-Dett game-fence and the Deka River, up that river to the northern boundary of the Wankie National Park; thence proceeding generally eastwards along its northern boundary to the Bulawayo-Victoria Falls railway line; thence eastwards along the railway line to the south-western beacon of Last Hope Estate of Railway Farm No. 43; thence north-eastwards along its western boundary to the Victoria Falls-Dett game-fence; thence generally north-westwards along that game-fence to the starting-point.

Item 16: *Matetsi* Area: 295 500 hectares

The area of land bounded by a line drawn from the intersection of the Victoria Falls-Dett game-fence and the Deka River, north-westwards along that game-fence to a point on the Matetsi River at map reference 35KLK794758 on the 1: 50 000 map Matetsi 1825B4, Edition 1; thence proceeding down that river to a point at map reference LK839790 on that map and generally north-westwards along the Victoria Falls-Dett game-fence to its intersection by the southern boundary of Zambezi National Park; thence westwards and northwards along its southern and western boundaries to the Rhodesia-Zambia international boundary on the Zambezi River and up that river, along the Rhodesia-Zambia international boundary to the Rhodesia-Botswana international boundary; thence generally southwards along the Rhodesia-Botswana international boundary to a point where it is intersected by the prolongation westwards of the northern boundary of the former Deka; thence eastwards along that prolongation to its north-western beacon; thence eastwards along its northern boundary to its north-eastern beacon; thence generally eastwards along the northern boundary of Wankie National Park to the Deka River; thence down that river to the starting-point.

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This description excludes—

(*a*) Matetsi Wild Life Leisure Resort;
(*b*) Kazuma Pan National Park;
(*c*) Panda-Masuie Forest Land; and
(*d*) Kazuma Forest Land.

Map references quoted in this description are given to the nearest hundred metres.

TOTAL EXTENT: 1 897 200 hectares

FIFTH SCHEDULE (Section 41)

PART I

RECREATIONAL PARKS ON PARKS AND WILD LIFE LAND

Binga district

Item 1: *Chibwatata* Area: 6 hectares

The area of land, being Stand 197 Binga Township as shown on Diagram S.G. No. 1734/79, filed in the office of the Surveyor-general, Bulawayo.

Item 2: *Kavira* Area: 50 hectares

The area of land bounded by a line drawn from a point on the Mlibizi River on the 1: 50 000 map Masutu 1827A1 at map reference 35KNL129095, eastwards direct to a point at map reference NL135094 on that map; thence proceeding southwards direct to a point at map reference NL135086 on that map; thence westwards direct to a point on that river at map reference NL126087 on that map and northwards down that river to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Binga, Nyaminyami and Hwange districts

Item 3: *Lake Kariba* Area: 287 200 hectares

The area of land and inundated land bounded by a line drawn from the point where the Zimbabwe-Zambia international boundary intersects the full-supply level of Lake Kariba at map reference 35KPM881728 on the 1: 50 000 map Kariba 1628D2, Edition 2, generally eastwards, southwards and westwards along that full-supply level to a point at map reference 35KPM876401 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; thence proceeding generally westwards along the northern boundary of Matusadona National Park to a point on that full-supply level at map reference 35KPM784471 on the 1: 50 000 map Matusadona 1628D3, Edition 1; thence generally westwards and south-westwards along that full-supply level to a point at map reference 35KPM516399 on the 1: 50 000 map Bumi Hills 1628C4, Edition 2;

thence direct to a point at map reference PM512389 on that map; thence generally southwards up the former course of the Ume River to that full-supply level; thence generally northwards, north-westwards and westwards along that full-supply level to a point on the Zambezi River at map reference 35KML657016 on the 1: 50 000 map Mapeta 1826B1/1726D3, Edition 2; thence northwards direct to a point at map reference ML658022 on that map and generally north-eastwards along the Zimbabwe-Zambia international boundary to the starting-point.

This description excludes the following areas of land—

(*a*) Sibilobilo Safari Area;
(*b*) islands 160 to 165 (inclusive);
(*c*) islands 187 to 190 (inclusive); and
(*d*) an unnumbered island commonly known as "Rhino Island".

Map references quoted in this description are given to the nearest hundred metres.

Kadoma district

Item 4: *Ngezi* Area: 5 800 hectares

The area of land bounded by a line drawn south-westwards direct from the south-eastern beacon of Mambo Ranch to beacon G (as shown on Diagram S.G. No. 374/57, filed in the office of the Surveyor-General, Salisbury) and south-eastwards direct to the northernmost beacon of Lot 3 of Rhodesdale Estate; thence proceeding south-westwards along the north-western boundaries of Lot 3 of Rhodesdale Estate and Manyoni Estates of Rhodesdale Estate, so as to exclude them, to the north-eastern beacon of Silver Star Ranch and generally westwards along its northern boundaries, to as to exclude it, to the Ngezi River; thence down that river to the eastern boundary of Turf Estate and northwards and generally eastwards along its eastern boundary and the southern boundaries of Mambo Ranch, so as to exclude them, to the starting-point.

Chegutu district

Item 5: *Umfuli* Area: 12 700 hectares

The area of land bounded by a line drawn from the intersection of the Umfuli River by the north-western boundary of Blackmore Vale A, generally south-westwards, westwards and northwards along the boundaries of the following properties, so as to exclude them: the north-western boundaries of Blackmore Vale A and Deweras Extension, the northern boundaries of Rhodesian Plantations, the south-eastern and north-eastern boundaries of Deytheur, the eastern boundary of Dawnways, the north-eastern boundaries of Last Chance, Constantia and Deep Waters and the eastern boundaries of Hartley 6 to the Umfuli River; thence proceeding up that river to the starting-point.

Chegutu, Makonde and Harare districts

Item 6: *Lake Robertson* Area: 11 200 hectares

The area of land bounded by a line drawn from the northernmost beacon of Lot 1 of Greenside Ranch, generally southwards along the eastern boundaries of the following properties, so as to include them: Lot 1 of Greenside Ranch, Lot 3 of Downend of Charfield A, Lot 1 of California of Eclipse Block, State land (formerly Lot 1 of Audley End of Eclipse Block and Lot 1 of Longwood of Tarnagulla of Eclipse Block) and Lot 1 of Tarnagulla of Eclipse Block to its south-eastern beacon, thence proceeding generally eastwards along the boundaries of the following properties, so as to exclude them: the western, southern and eastern boundaries of Diandra Estate A, the southern and south-eastern boundaries of Jonker Estate and the southern and eastern boundaries of Remainder of Jonker to its north-eastern beacon and generally eastwards along the western, northern and eastern boundaries of State land (formerly Lot 1 of Subdivision B of Jonker) and the northern boundaries of State land (formerly Lot 1 of Subdivision E of Jonker, Lot 1 of Subdivision A of Vergenoeg and Lot 1 of Subdivision B of Vergenoeg), so as to include them, to the Muzururu River; thence generally south-westwards and eastwards along the boundaries of the following properties, so as to exclude them: the northern boundaries of Remainder of Voorspoed, the western boundaries of Lot 2 of Subdivision E of Jonker, the north-western and southern boundaries of Wilbered, the north-western and south-western boundaries of Darwendale 5, the southern boundaries of Wilbered and the south-western boundaries of Aberdeen Estate to its southernmost beacon and generally south-eastwards along the boundaries of the following properties, so as to include them: the northern boundaries of Lot 1 of Subdivision A of Crebilly, the northern and eastern boundaries of Lot 1 of Crebilly, the northern boundaries of Lot 1 of Gowrie and the north-eastern boundaries of Lot 1 of Riverside E to its north-eastern beacon; thence eastwards direct to the westernmost beacon of Remainder of Lot 3 of Clearwater of Subdivision A of Riverside and generally eastwards along the boundaries of the following properties, so as to include them: the north-eastern boundaries of State land (formerly Lot 1 of Lot 3, Lot 1 of Lot 4 and Lot 1 of Lot 5 all of Clearwater of Subdivision A of Riverside), the northern boundary of Lot 6 of Clearwater of Subdivision A of Riverside, the western and northern boundaries of State land (formerly Lot 14 of Clearwater of Subdivision A of Riverside), the north-western boundary of Lot 1 of Lot 9 and the north-western and north-eastern boundaries of Lot 1 of Lot 10 all of Clearwater of Subdivision A of Riverside, the northern boundaries of Robertson 2 and State land (formerly Lot 1 of Lyndhurst) and the northern, eastern and southern boundaries of State land (formerly Lot 2 of Porta) to the middle of the Hunyani River; thence up the middle of that river to the eastern boundary of Robertson 1 and generally westwards along the boundaries of the following properties, so as to include them: the eastern and south-western boundaries of Robertson 1, the southern boundaries of State land (formerly Lot 1 of Galloway) and the southern and western boundaries of Lot 2 of Galloway to its northernmost beacon; thence northwards along the lines joining the high-flood permanent marks 100265, 110266, 100267, 100268, 100269 and 110270 to the southernmost beacon of Lot 1 of Stand 19 Norton Township and generally westwards along the boundaries of the following properties, so as to include them: the south-western boundary of Lot 1 of Stand 19 Norton Township, the southern boundaries of Lot 1 of Endeavour A, the southern boundaries of Remainder of Lot 1 of Endeavour B and the south-eastern and western boundaries of State land (formerly Lot 2 of Marshlands) to its northernmost beacon; thence northwards along the lines, joining the high-flood permanent marks 100288, 100289, 110290 and 100291 to the easternmost beacon of Remainder of Highfield and generally westwards along the boundaries of the following properties, so as to exclude them: the north-eastern boundaries of Remainder of Highfield, the northern and western boundaries of Swandale Estate, the north-eastern boundaries of Clifford Estate, the north-eastern boundaries of Remainder of John O Groat, the northern and western boundaries of Lot 2 of Cressydale, the north-western boundaries of Remainder of John O Groat and the north-eastern and western boundaries of Cressydale Estate to its south-western beacon; thence generally westwards along the eastern, southern and western boundaries of Lot 5 of Hunyani Estate No. 3 and the southern and western boundaries of Remainder of Lazy River, so as to include them, to the middle of the Hunyani River and up the middle of that river to the eastern boundary of Remainder of Roehampton of Hunyani Estate; thence generally north-eastwards along the boundaries of the following properties, so as to exclude them: the eastern boundaries of Remainder of Roehampton of Hunyani Estate, the western and southern boundaries of Remainder of Eclipse Block, the western, southern and eastern boundaries of Remainder of Entre Rios of Eclipse Block and the eastern boundaries of Remainder of Eclipse Block to its northernmost beacon and generally northwards along the boundaries of the following properties, so as to include them: the western boundaries of Lot 1 of Subdivision B of New Burnside, Lot 22 of New Burnside, Lot 1 of Subdivision D of Fishponds and Lot 1 of Greenside Ranch to the starting-point.

This description excludes the area bordered red on plan 11357-H, filed in the office of the Ministry of Lands, Natural Resources and Rural Development, Salisbury.

Insiza district

Item 7: *Lake Cunningham* Area: 4 172 hectares

The area of land, comprising the surveyed properties Lot 1 of Lancaster, Lot 1 of Kildare, Lot 1 of Fairview Estate, Lot 1 of Chelo, Lot 1 of Reitfontein, Lot 1 of Bradford, Lot 1 of Hamilton, Lot 1 of Mayfair and Insiza Bridge Store Site of Fairview.

This description excludes an area of land, approximately 359 hectares in extent, bordered red on plan LC (RP) 1/80, filed in the office of the Ministry of Natural Resources and Water Development, Salisbury.

Makonde district

Item 8: *Sinoia Caves* Area: 120 hectares

The area of land bounded by a line drawn south-eastwards from the westernmost beacon of Hillview along its south-western boundary to its-southernmost beacon; thence proceeding south-westwards along the north-western boundary of Olympus Estate to the point where it is intersected by the north-eastern boundary of the road reservation on the Karoi-Sinoia main road and north-westwards along that reservation to the north-western boundary of the former Lot 1 of Highlands; thence generally north-eastwards along the north-western and northern boundaries of the former Lot 1 of Highlands and the south-eastern boundary of the Remaining Extent of Highlands to the starting-point.

Zaka district

Item 9: *Manjirenji* Area: 3 400 hectares

The area of land bounded by a line drawn from the north-eastern beacon of Manjirenji 1A, generally south-westwards along its north-eastern, north-western and south-western boundaries and the north-western boundary of Ngwane Extension of Glendevon Estate, so as to exclude them, to beacon MD1 of Manjirenji Dam Reserve (as shown on plan CG2199 filed in the office of the Surveyor-General, Salisbury); thence proceeding generally northwards, eastwards and southwards along a series of surveyed straight lines as shown on that plan to the starting-point.

Zaka and Masvingo districts

Item 10: *Bangala* Area: 2 700 hectares

The area of land bounded by a series of straight lines drawn generally south-eastwards from beacon M20 (as shown on plan RN34, filed in the office of the Surveyor-General, Salisbury) through the following beaconed and unbeaconed points: DR23, R10, R9, R8, DR24, DR25, DR26, DR27, DR28, DR29, DR30, R6, R5, DR31, DR32, R4, R4A, R3, R2 and R1 to M1, as shown on that plan, and generally westwards along a series of straight lines through the following beaconed and unbeaconed points: ROCK, M2, M3, DR1, M4, DR2, M6, M6A, DR3, DR4, M6B, DR5, M7, DR6 and DR7 to DR8, as shown on that plan: thence proceeding generally north-eastwards along a series of straight lines through the following beaconed and unbeaconed points: DR9, M10, M11, DR10, M12, DR11, DR12, DR13, M15, M16, DRl4, DRl5, DR16, DR17, DR18, DR19, M17, M18B, M19, DR20, DR21 and DR22, as shown on that plan, to the starting-point.

This description excludes the property Bangala 1 (as shown on Diagram S.G. No. 681/75 filed in the office of the Surveyor-General, Salisbury).

Kwekwe district

Item 11: *Sehakwe* Area: 2 600 hectares

The area of land comprising the property Sehakwe Dam Reserve as shown on Diagram S.G. No. 8732/57, filed in the office of the Surveyor-General, Bulawayo.

This description excludes the following areas—

(*a*) The Security Area as shown on plan 5116E, filed in the office of the Secretary for Water Development, Salisbury; and

(*b*) The Sebakwe Acacia Karoo, Sebakwe Great Dyke and Sebakwe Mountain Acacia botanical reserves.

Harare district

Item 12: *Robert McIlwaine* Area: 6 180 hectares

The area of land bounded by a line drawn the northernmost beacon of Idaho north-eastwards along the south-eastern boundary of Knockmalloch; Estate of Austria to beacon EC471; thence proceeding along the south-eastern and eastern boundaries of Cumbrae, the south-western boundaries of Subdivision A of Knockmalloch Estate of Austria through beacon EC466 to beacon EC473 (situate on the southern boundary of Railway Strip 141 and Hunyani Siding Reserve); thence along the southern boundary of that railway strip to the middle of the Hunyani River and south-eastwards along the middle of that river to a point opposite the prolongation of the south-eastern boundary of the Remainder of Cobre of Porta; thence north-eastwards along that prolongation and the south-eastern boundaries of the Remainder of Cobre of Porta, Musimu of Cobre of Porta and Kintyre to beacon BZ21; thence following a surveyed and beaconed line direct through beacons BZ20, BZ22 and BZ14 (situate on the Remainder of Sublimo), BZ122, BZ123 and BZ15 (situate on the Remainder of United), BZ33, BZ32, BZ31, BZ30, BZ29, BZ28, BZ27, BZ26, BZ25 and BZ24 (situate on Warwick), BZ60, BZ61 and BZ62 (situate on the Remainder of Oatlands), BZl 19, BZ63, BZ64, BZ65, BZ66 and BZ67 (situate on Glenroy), Abn, BZ68, BZ77, BZ76, BZ74 and BZ73 (situate on Poortside), BZ78, BZ79, BZ80, BZ81 and BZ82 (situate on the Remainder of Amalinda) to the middle of the Hunyani River along the prolongation of the lines between beacons BZ86 and BZ82 (situate on the Remainder of Amalinda); thence south-eastwards along the middle of the Hunyani River to a point opposite the prolongation of the western boundary of Cholo of Elladale; thence southwards along that prolongation to beacon BZ117; thence generally westwards along a surveyed and beaconed line direct through beacons BZ96, BZ97, BZ98 and BZ99 (situate on the Remainder of Elladale), BZ104, BZ105, BZ106,BZ1O7 and BZ1O8 (situate on Lot 1 of Subdivision A of Elladale), BZ110, BZ111, BZ112, BZ113,BZ114, BZ115 and BZ116 (situate on the Remainder of Carolina of Elladale); thence generally westwards along the northern and western boundaries of Carolina Extension, the northern boundaries of Cecil and Maine and the north-eastern boundary of Idaho, so as to exclude them, to the starting-point.

Umzingwane district

Item 13: *Umzingwane* Area: 1 233 hectares

The area of land called Umzingwane Dam Reserve, as shown on Diagram S.G. No. 431/59, filed in the office of the Surveyor-General, Bulawayo.

Masvingo district

Item 14: *Kyle* Area: 16 900 hectares

The area of land bounded by a line drawn generally south-eastwards from the northernmost beacon of Remainder of Nestadale and along the southern boundaries of the following properties, so as to exclude them: Remainder of Nestadale, Remainder of Desmond Dale, Lot 2 of Nestadale, Remainder of Desmond Dale, Remainder of 13annockburn, Lot 2 of Bannockburn Extension, Remainder of Bannockburn Extension, Remainder of Mlinya, Remainder of Bompst, Barquest Extension and Lot 2 of Bompst, the north-eastern boundary of Lot 2 of Bompst, the eastern boundary of Barquest Extension and the north-eastern boundary of Barquest to its intersection by the Beza Range; thence proceeding north-eastwards along the crest of the Beza Range to the north-western beacon of Shamatera; thence north-eastwards and south-eastwards along the north-western and north-eastern boundaries of Shamatera, so as to include it, to the Mtilikwe River and down that river to the south-eastern boundary of Lot 1 of Subdivision B of Glenlivet and generally south-eastwards along the following properties, so as to exclude them: the south-eastern boundary of Lot 1 of Subdivision B of Glenlivet, the south-western and western boundaries of Remainder of Glenlivet, the western boundary of Lot 4 of Glenlivet and the north-western, south-western and south-eastern boundaries of Lot 2 of Glen Garry of Glenlivet; thence north-eastwards along the southern boundaries of Glengarry Township of Glen Garry of Glenlivet, Remainder of Glen Garry of Gleniivet and the south-western boundary of Cheveden to its intersection by the high flood-level of Lake Kyle; thence generally south-westwards along the high flood-level to beacon C (situated on its eastern shore-line); thence south-westwards for approximately 274 metres along the floating spillway boom to beacon B (situated on the western shore-line of Lake Kyle), and generally south-westwards along the high-flood level through the following beacons: URB2A, NRB2, URB3A, URB3, URB4A, URB4, URB5B,

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URB5A, URB5, URB6B, URB6A to URB7C (as will more fully appear on plan V-1620-E, filed in the office of the Surveyor-General, Salisbury); thence north-eastwards for approximately 744 metres to a point intersected by the centre-line of the Mtilikwe River and down that river to its intersection by the northern boundary of Remainder of The Retreat; thence south-westwards along that boundary to the easternmost beacon of Subdivision A of The Retreat and generally westwards along the eastern and northern boundaries of the following properties, so as to exclude them: Subdivision A of The Retreat, Clifton of Le Rhone, Remainder of Oatlands, Remainder of Sikate, Remainder of Ivyland, Rebels Ridge Township of Ivyland, Lot 2 of Ivyland, Rebels Ridge Township of Ivyland, Remainder of Ivyland, Remainder of Dindingwe, Lot 2 of Bushmead, Bushmead Township of Bushmead, Lot 2 of Bushmead, Remainder of Bushmead and Remainder of Tilbury to its northernmost beacon; thence north-eastwards along the south-eastern boundary of Junction to the Shagashi River and up the Shagashi and Umpopoyani rivers to the south-western boundary of Remainder of Desmond Dale and eastwards along that boundary to the starting-point.

This description excludes the following areas—

(*a*) Hydro Island, situated approximately 1,609 kilometres west of the Kyle Dam wall (as will more fully appear on Topographical Map Lake Kyle Sheet No. TN9258, filed in the office of the Surveyor-General, Salisbury); and

(*b*) an area of land, approximately 29,4 hectares in extent, being the surveyed property Kyle 2 (as shown on Diagram No. S.G. 716/75, filed in the office of the Surveyor-General, Salisbury).

The map reference quoted in this description is given to the nearest hundred metres.

TOTAL EXTENT: 354 261 hectares

PART II

RECREATIONAL PARKS ON RHODES ESTATES

Matobo district

Item 1: *Lake Matopos* Area: 2 900 hectares

The area of land bounded by a line drawn from the north-eastern beacon of the Remainder of Westacre Creek southwards along the eastern boundary of the Remainder of Westacre Creek to its intersection by a track at map reference 35KPH591462 on the 1: 50 000 map The World's View 2028B3, Edition 2; thence proceeding generally south-eastwards along that track to its intersection by the southern boundary of the Remainder of Sauerdale Block at map reference PH620439 on that map; thence generally westwards along that southern boundary to its southernmost beacon;-thence generally southwards along the eastern boundary of Hazelside and the south-western boundary of Gulati Communal Land to its intersection by an unnamed stream at map reference PH615363 on that map; thence generally westwards down that stream to its confluence with the Mtsheleli River; thence generally southwards down that river to its confluence with an unnamed stream at map reference PH602356 on that map; thence generally westwards up that stream to a point at map reference PH595352 on that map; thence north-westwards direct to a point on the Matopos Circular Drive where it crosses an unnamed stream at map reference PH589356 on that map; thence generally northwards along that drive to its intersection by a road at map reference PH587406 on that map; thence generally south-westwards along that road to its intersection by the Matopos Circular Drive at map reference PH572399 on that map; thence westwards direct to an unnamed stream at map reference PH568398 on that map;-thence generally westwards down that stream to its intersection by the eastern boundary of the Remainder of Gladstone; thence north-westwards along the eastern boundary of the Remainder of Gladstone, so as to exclude it, to the southern beacon of Lot 1 of Hazelside; thence north-eastwards along the south-eastern boundary of that property and north-westwards along the north-eastern boundary of that property to the northern boundary of Hazelside; thence north-eastwards along that northern boundary to its intersection by the Bulawayo-Kezi Road; thence generally northwards along that road following the old road to its intersection by the Bulawayo-Matopos Research Station Road at map reference PH583459 on that map; thence westwards along that road to the eastern boundary of Rhodes Estate Preparatory School. as shown on plan BM54, filed in the offices of the Surveyor-General, Bulawayo; thence northwards along that boundary to the north-eastern beacon of Rhodes Estate Preparatory School; thence northwards direct to a point on a track at map reference PH578463 on that map; thence generally northwards along that track, so as to include it, to its intersection with a track at map reference PH573484 on that map; thence northwards along that track, so as to include it, to a point at map reference PH574488 on that map on the northern boundary of the remainder of Westacre Creek; thence south-eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest 100 metres.

TOTAL EXTENT: 2 900 hectares

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SIXTH SCHEDULE (Section 43)

SPECIALLY PROTECTED ANIMALS

Animals	*Areas within which animal may be hunted without a section 37 permit*
Mammals—Mammalia	
1. Aardwolf—*Proteles cristatus*	
2. Bat-eared Fox—*Otocyon megalotis*	Wankie district
3. Cheetah—*Acinonyx jubatus*	
4. Gemsbok—*Oryx gazella*	
5. Lichtenstein's Hartebeest—*Alcelaphus Lichtensteini*	
6. Pangolin—*Manis temmincki*	
7. Rhinoceros—	
(a) Black—*Diceros bicornis*	
(b) Square-lipped—*Ceratotherium simum*	
8. Roan—*Hippotragus equinus*	
Reptiles—*Reptilia*	
1. Python—*Python sebae*	
Birds—Aves	
1. African Hawk Eagle—*Hieraaetus spilogaster*	
2. All the Bustards and Korhaans—Family *Otidae*	
3. All the Cranes—Family *Gruidae*	
4. All the Flamingoes—Family *Phoenicopteridae*	
5. All the Pelicans—Family *Pelecanidae*	
6. All the Storks—Family *Ciconiidae*	
7. All the Vulturs—Family *Aegypiidae*	
8. Ayres' Hawk Eagle—*Hieraaetus dubius*	
9. Bateleur—*Terathopius ecaudatus*	
10. Black Eagle—*Aquila verreauxi*	
11. Black-breasted Snake-Eagle—*Circaetus pectoralis*	

12. Black Sparrowhawk—*Accipiter melanoleucus*
13. Brown Snake-Eagle—*Circaetus cinereus*
14. Crowned Eagle—*Stephanoaetus coronatus*
15. Fish Eagle—*Haliaeetus vocifer*
16. Hamerkop—*Scopus umbretter*
17. Lanner Falcon—*Falco biarmicus*
18. Long-crested Eagle—*Lophaetus occipitalis*
19. Martial Eagle—*Polemaetus bellicosus*
20. Osprey—*Pandion haliaetus*
21. Peregrine—*Falco peregrinus*
22. Secretary Bird—*Sagittarius serpentarius*
23. Teita Falcon—*Falco fasciinucha*
24. Tawny Eagle—*Aquila rapax*.

SEVENTH SCHEDULE (Section 48)

SPECIALLY PROTECTED INDIGENOUS PLANTS

Plants	*Common Name*		*Areas within which plant may be picked without a section 41 permit*
Botanical name	*English*	*Afrikaans*	*Area*
Adiantaceae			
Acristuchum *aureum*	Mangrove fern		
Amaryllidaceae			
Cyrtanthus all species			
Dierama all species	Harebell Flowering grass		
Apocynaceae			
Adenium obesum (Forsk) Roem et Schult. var *multiflorum* (Klotzsch)	Sabi Star	chitsvosve, mbwayumba, chihumbu	
Pachypodium saundersonii	Lundi Star		
Arecaceae (Palmae)			
Borassus aethiopum Mart.	Borassus palm		
Raphia farinifera (Gaertn.) Hylander	Raffia palm	muware	
Asclepiadaceae			
Hoodia lugardii N.E. Br. *Tavaresia barklyi* (Thistleton-Dyer) N.E. Br.			
Cupreseaceae			
Juniperus procera Endl.	African juniper		
Cyatheaceae			
Alsophila, all species	Tree ferns	chitsamva, gombwe	
Euphorbiaceae			
Euphorbia davyi N.E. Br. *Euphorbia decidua* Bally & Leach *Euphorbia memoralis* R.A. Dyer *Euphorbia wildii* Leach			
Flacourtiaceae			
Bivinia jalbertii Tul.	Mutuputupu Tree	mutuputupu	
Liliaceae			
Aloe, all species and natural hybrids			
Gloriosa superba L.	Flame lily	kajongwe, nyakajongwe, amakukhulume, iqhude, unyawulwenkukuhu, matalamanda, gumbo-lewuku	
Orchidaceae			
All species of *epiphytic* (or *lithophytic*) orchids			
Passifloraceae			
Adenia fruticosa Burtt Davy *Adenia spinosa* Burtt Davy			
Polypodiaceae			
Platycerium alcicorne Desv.	Staghorn fern		

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Zamiaceae	
Encephalartos, all species	Cycad

EIGHTH SCHEDULE (Section 80)

PROBLEM ANIMALS

1. Baboon—*Papio* spp.
2. Wild or Hunting Dog—*Lycaon pictus*
3. Spotted Hyena—*Crocuta crocuta*
4. Black-backed Jackal—*Canis mesomelas*

NINTH SCHEDULE (Section 121)

DANGEROUS ANIMALS

Buffalo	— *Syncerus caffer*
Elephant	— *Loxodonta africana*
Hippopotamus	— *Hippopotarnus amphibius*
Leopard	— *Panthera pardus*

DANGEROUS ANIMALS

Lion	— *Panthera leo*
Rhinoceros—	
(*a*) Black	— *Diceros bicornis*
(*b*) Square lipped	— *Ceratotherium simum*

TENTH SCHEDULE (Section 122)

PRESCRIBED ROADS

PART I

The principal road—

	From	*To*	*Via*
1.	Harare	Zambia border	Chinhoyi and Chirundu
2.	Harare	Mozambique border	Muroko and Nyamapanda
3.	Harare	Mozambique border (Forbes border post)	Rusape and Mutare
4.	Harare	Bulawayo-Beitbridge road	Masvingo
5.	Harare	Bulawayo	Gweru
6.	Bulawayo	Republic of South Africa border	Mbalabala and Beitbridge
7.	Bulawayo	Botswana border	Plumtree
8.	Bulawayo	Zambia border	Victoria Falls
9.	Balla Balla	Mutare	Masvingo and Birchenough Bridge
10.	Ngundu	Tanganda	—
11.	Harare	Mount Darwin	Mazowe and Bindura
12.	Mazowe	Mvurwi	—
13.	Harare-Mutoko	Shamva	—
14.	Rusape	Nyanga	—
15.	Harare-Mutare	Juliasdale	—
16.	Birchenough Beitbridge	Mount Selinda—	
17.	Mvuma	Gweru	—
18.	Gweru	Zvishavane	—
19.	Mvurwi	Mount Darvin	Centenary
20.	Makuti	Kariba	—
21.	Lion's Den	Mhangura	—
22.	Chinhoyi	Chegutu	Gadzema
23.	Chinhoyi	Alaska	—
24.	Banket	Tsatsi	Mutorashanga
25.	Harare-Chinhoyi	Mazowe	Pearson Settlement
26.	Amandas	Glendale	—
27.	Harare	Domboshawa—	
28.	Macheke	Murehwa	—
29.	Rusape-Nyanga Road	Troutbeck	—
30.	Harare-Mutare road	Watsomba	Penhalonga
31.	Mutare	Vumba and Vumba circular drive	—
32.	Mutare-Nasvubgi	Cashel	Lisnacloon
33.	Birchenough Bridge-Mount Selinda Road	Chinanimani	Skyline Junction
34.	Lisnacloon	Skyline Junction	—
35.	Masvinga-Beit Bridge Road	Lake Mutirikwe	Zimbabwe
36.	Chirumanzu on Harare-Beit Bridge Road	Gutu	—
37.	Masvingo-Mbalabala Road	West Nicholson	Mberengwa
38.	Harare-Bulawayo Road	Redcliff	—
39.	Bulawayo	Motapa	Turk Mine and Lonely Mine
40.	Bulawayo	Tsholotsho	Nyamandhlovu
41.	Bulawayo	Antelope	Matopos and Kezi
42.	Bulawayo-Victoria Falls Road	Dete	—
43.	Bulawayo-Victoria Falls road	Kamativi	—
44.	Bulawayo-Victoria Falls road	Main Camp (Hwange National Park boundary)	—
45.	Bulawayo	Gwanda	Matopo
46.	Masvingo-Mbalabala Road	Filabusi	—

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47.	Masvingo-Mbalabala Road	Gaths Mine	—
48.	Chivhu	The Range	—
49.	Harare-Mutare Road	Odzi	—
50.	Nyazura	Dorowa	—
51.	Headlands	Mayo	—
52.	Harare-Mutare Road	Shiota	Waddilove
53.	Harare-Mutare Road	Goromonzi	—
54.	Harare	New Sarum	Queensway
55.	Harare	Seke	Seke Dam
56.	Harare -Bulawayo Road	Ancient Mariner (Lake Chivero Recreational Park)	—
57.	Harare-Bulawayo Road	Lake Chivero Recreational Park	Old Toll Gate
58.	Harare-Bulawayo road at Hunyani River Bridge	Lake Chivero Recreational Park at railway crossing	—
59.	Harare-Chirundu at Inkomo junction	Harare-Chirundu road	Darwendale
60.	Chegutu	Kadoma	Chakari and Golden Valley
61.	Harare-Bulawayo road	Empress Mine	—
62.	Kwekwe	Mvuma-Gweru	—
63.	Gweru	Silobela	—
64.	Kwekwe	Gokwe	Jombe
65.	Bulawayo	Khami Dam	—
66.	Bindura	Shamva	—

PART II

All roads within—

(i) the area of a municipality or town or local government area in terms of the Urban Councils Act [*Chapter 29:15*]; or

(ii) a town ward of a rural district council or an area that has been declared in terms of the Rural District Councils Act [*Chapter 29:13*] to be a specified area; or

(iii) the area of a township, village, business centre or industrial area set aside in terms of subsection (1) of section 10 of the Communal Land Act [Chapter 20:04].

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