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Dear Speaker

**SUBMISSION OF THE DRAFT REGULATIONS FOR THE REGISTRATION OF PROFESSIONAL HUNTERS, HUNTING OUTFITTERS AND TRAINERS TO THE NATIONAL COUNCIL OF PROVINCES FOR APPROVAL**

Tabling of the draft Regulations for the registration of professional hunters, hunting outfitters and trainers has reference.

In terms of Section 97(3A) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA), I hereby table the draft Regulations for the registration of professional hunters, hunting outfitters and trainers. The draft regulations have been developed in terms of section 97(1)(dA) of NEMBA.

The electronic version of the document and 60 copies of this report will be delivered to the Clerk of Papers prior to tabling as per Parliamentary requirement.

  
**MRS B E E MOLEWA, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS**

DATE: 2016/07/14

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**GOVERNMENT NOTICE**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**


**NO.**

**2016**

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004  
(ACT NO. 10 OF 2004)**

**REGULATIONS FOR THE REGISTRATION OF PROFESSIONAL HUNTERS, HUNTING  
OUTFITTERS AND TRAINERS**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby in terms of section 97(1)(dA) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), issue the regulations for the registration of professional hunters, hunting outfitters and trainers set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **TABLE OF CONTENTS**

#### **CHAPTER 1**

##### **INTERPRETATION, PURPOSE AND APPLICATION**

1. Definitions
2. Purpose and application of these Regulations

#### **CHAPTER 2**

##### **APPLICATION FOR REGISTRATION AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER**

3. Requirement in terms of these Regulations to operate as a professional hunter, hunting outfitter or trainer
4. General requirement to operate as professional hunter, hunting outfitter or trainer
5. Issuing authority
6. Application to register as a professional hunter, hunting outfitter or trainer

#### **CHAPTER 3**

##### **REQUIREMENTS TO REGISTER AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER**

7. Requirements to register as professional hunter
8. Requirements to register as hunting outfitter
9. Requirements to register as trainer

#### **CHAPTER 4**

##### **ADMINISTRATION OF REGISTRATION AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER**

10. Consideration of and decision on application to register as professional hunter, hunting outfitter or trainer
11. Factors to be taken into account when considering applications for registration as professional hunter, hunting outfitter or trainer
12. Request for additional information
13. Issuing of a registration

14. Compulsory conditions applicable to the holder of a registration as professional hunter, hunting outfitter or trainer
15. Validity of registration
16. Amendment of registration
17. Refusal, suspension or cancellation of registration

## **CHAPTER 5**

### **MISCELLANEOUS**

18. Additional requirement applicable to the holder of a registration as hunting outfitter
19. Reporting by the Department and provincial conservation authorities
20. Compliance monitoring
21. Transitional provision
22. Offences and Penalties
23. Short title and commencement

## CHAPTER 1

### INTERPRETATION, PURPOSE AND APPLICATION

#### Definitions

1. (1) In these Regulations, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act has the same meaning, and—

**“agent”** means a person who markets, offers or advertises the hunting of a specimen of an indigenous species to a hunting client for or on behalf of a hunting outfitter;

**“applicable provincial legislation”** means legislation in terms of which biodiversity matters are regulated in a province;

**“applicant”** means a person who applies for registration in terms of these regulations;

**“approved syllabus”** means the contents of a professional hunting course that have been approved by all provincial conservation authorities;

**“approved protocol”** means the protocol relating to the assessment of candidates, inspection of facilities where the professional hunting course is presented and the moderation of trainers, as approved by MINMEC;

**“Biodiversity Act”** means the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004);

**“hunt”** in relation to a specimen of an indigenous species has the same meaning as defined by the TOPS Regulations;

**“hunting client”** means a person who is not a citizen of the Republic or a permanent resident within the Republic, and who pays or rewards any other person for or in connection with the hunting of a specimen of an indigenous animal species;

**“hunting outfitter”** means a person who is authorized in terms of applicable provincial legislation to operate as a hunting outfitter, and assigns a similar meaning to a hunting contractor referred to in terms of applicable provincial legislation;

**“IPPHC”** means the Inter-Provincial Professional Hunting Committee;

**“MINMEC”** means an intergovernmental forum of the Minister and Members of the Executive Councils responsible for environmental matters in the provinces, established in terms of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);

**“national Appeal Regulations”** means the Appeal Regulations promulgated in terms of section 44(1)(a) of the National Environmental Management Act;

**“person”** means a natural or juristic person;

**“professional hunter”** means a person who is authorized in terms of applicable provincial legislation to operate as a professional hunter;

**“professional hunting course”** means a course which—

(a) is approved by all provincial conservation authorities for the training of professional hunters or hunting outfitters; and

(b) contains, as a minimum, the approved syllabus;

irrespective of whether or not such a course is registered in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

**“provincial conservation authority”** means the provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

**“registration”** means a registration in terms of these Regulations;

**“Republic”** means the Republic of South Africa;

**“TOPS Regulations”** means the regulations pertaining to threatened or protected species, as promulgated in terms of section 97 of the Biodiversity Act; and

**“trainer”** means a person who is authorized in terms of applicable provincial legislation to operate as a trainer, and assigns a similar meaning to a director of a professional hunting school referred to in terms of applicable provincial legislation.

(2) In these regulations, a word or expression which is a derivative or other grammatical form of a word or expression defined in subregulation (1) or in Biodiversity Act, has a corresponding meaning, unless the context indicates that another meaning is intended.

### **Purpose and application of these Regulations**

2. (1) The purpose of these Regulations is to provide a system for the national registration of professional hunters, hunting outfitters and trainers.

(2) These Regulations must be read in conjunction with the Biodiversity Act, the TOPS Regulations and applicable provincial legislation.

(3) These Regulations do not absolve the holder of a registration to comply with the provisions of applicable provincial legislation.

(4) The provisions of these Regulations, as far as it relates to hunting, apply to a specimen of an indigenous species as defined in the Biodiversity Act.

(5) These Regulations apply within the borders of the Republic only.

## **CHAPTER 2**

### **APPLICATION FOR REGISTRATION AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER**

#### **Requirement in terms of these Regulations to operate as a professional hunter, hunting outfitter or trainer**

3. A person may not operate as a professional hunter, hunting outfitter or trainer, unless he or she is registered as such in terms of these Regulations.

### **General requirement to operate as professional hunter, hunting outfitter or trainer**

4. (1) A person who operates as a professional hunter, hunting outfitter or trainer within the Republic, must at all times be—
- (a) the holder of a permit issued in terms of applicable provincial legislation that authorizes him or her to operate as a professional hunter, hunting outfitter or trainer, in each of the provinces where he or she so operates; and
  - (c) registered in terms of these Regulations.

### **Issuing authority**

5. The Minister is the issuing authority in relation to an application to register as a professional hunter, hunting outfitter and trainer.

### **Application to register as a professional hunter, hunting outfitter or trainer**

6. (1) A person who intends to apply for registration in terms of these Regulations as a professional hunter, hunting outfitter or trainer, must—

- (a) first obtain a permit from the relevant conservation authority in the province where he or she intends to operate as a professional hunter, hunting outfitter or trainer; and
- (b) then apply for registration in terms of these Regulations.

(2) Unless the Minister directs otherwise, a person must submit an application to register as a professional hunter, hunting outfitter or trainer, to the Department.

(3) The form for an application contemplated in subregulation (2) is set out in Annexure 1 to these Regulations.

## **CHAPTER 3**

### **REQUIREMENTS TO REGISTER AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER**

#### **Requirements to register as professional hunter**

7. A person who applies for registration as a professional hunter in terms of these Regulations must submit to the Department—

- (a) a completed application form;
- (b) proof that he or she—
  - (i) is a South African citizen;
  - (ii) has a valid permanent residency permit; or
  - (iii) is the holder of a permit issued by the Department of Home Affairs in terms of the Immigration Act, 13 of 2002 (Act No. 13 of 2002), in the case that he or she is not a South African citizen or the holder of a valid permanent residency permit;

- (c) proof that he or she is of the minimum age of 18;
- (d) a copy of a valid permit issued by any provincial conservation authority authorizing him or her to operate as a professional hunter in that particular province; and
- (e) proof of payment of a prescribed application fee as set out in Annexure 3 to these Regulations.

#### **Requirements to register as hunting outfitter**

**8.** A person who applies for registration as a hunting outfitter in terms of these Regulations must submit to the Department—

- (a) a completed application form;
- (b) proof that he or she—
  - (i) is a South African citizen;
  - (ii) has a valid permanent residency permit; or
  - (iii) is the holder of a permit issued by the Department of Home Affairs in terms of the Immigration Act, 13 of 2002 (Act No. 13 of 2002), in the case that he or she is not a South African citizen or the holder of a valid permanent residency permit;
- (c) proof that he or she is of the minimum age of 18;
- (d) a copy of a valid permit issued by any provincial conservation authority authorizing him or her to operate as a hunting outfitter in that particular province; and
- (e) proof of payment of a prescribed application fee as set out in Annexure 3 to these Regulations.

#### **Requirements to register as a trainer**

**9.** A person who applies for registration as a trainer in terms of these Regulations must submit to the Department—

- (a) a completed application form;
- (b) proof that he or she—
  - (i) is a South African citizen;
  - (ii) has a valid permanent residency permit; or
  - (iii) is the holder of a permit issued by the Department of Home Affairs in terms of the Immigration Act, 13 of 2002 (Act No. 13 of 2002), in the case that he or she is not a South African citizen or the holder of a valid permanent residency permit;
- (c) a copy of a valid permit or letter of appointment issued by any provincial conservation authority authorizing him or her to operate as a trainer in that particular province; and
- (d) proof of payment of a prescribed application fee as set out in Annexure 3 to these Regulations.



## CHAPTER 4

### ADMINISTRATION OF REGISTRATION AS PROFESSIONAL HUNTER, HUNTING OUTFITTER OR TRAINER

#### Consideration of and decision on an application to register as a professional hunter, hunting outfitter or trainer

**10.** (1) The consideration of an application for registration as a trainer in terms of these Regulations by a person who has not operated as a trainer in any province prior to the commencement of these Regulations, is subject to the following evaluation procedure when obtaining a permit in terms of applicable provincial legislation to operate as a trainer—

- (a) an inspection of the facilities of the applicant and scrutiny of the training manual by an official of the conservation authority, but preferably the IPPHC representative, of the province in which the applicant intends to operate as trainer;
- (b) if the facilities and training manual contemplated in paragraph (a) are found to be in order by the official of the relevant provincial conservation authority, an evaluation of the permit application, which includes the information contemplated in subregulation (2), by the IPPHC at its first meeting following receipt of the permit application by the official of the relevant provincial conservation authority;
- (c) if the IPPHC is satisfied with the applicant and information contemplated in subparagraph (2), an interview of the candidate by members of—
  - (i) the IPPHC;
  - (ii) an association representing the professional hunting industry on a national level; and
  - (iii) an association representing trainers on a national level; and
- (d) a positive recommendation by the members contemplated in subparagraph (c) to the provincial conservation authority that received the permit application.

(2) The information contemplated in subparagraph (1)(b) includes the following—

- (a) a full *curriculum vitae* containing—
  - (i) the applicant's personal detail;
  - (ii) the applicant's past ten (10) years' experience in the accompanying of hunting clients and the organizing and management of hunts, including an approximate number of hunts organized and total number of hunting clients accompanied, where the hunting clients accompanied by the applicant himself/ herself are separated from those accompanied by other professional hunters;
  - (iii) references from hunting clients;
  - (iv) copies of professional hunters and hunting outfitters permits, valid at the time of this application;

- (v) references from an internationally recognized professional hunter's association, where applicable;
  - (vi) details of experience in marketing hunting overseas, including details of at least one major international hunting convention attended; and
  - (vii) a summary of presentations made by the applicant in order to demonstrate the applicant's communication and presentation skills;
- (b) a résumé of the lecturers who will be appointed to lecture on the various subjects;
- (c) details of the necessary training facilities, which must include as a minimum the following —
- (i) accommodation sufficient for the number of students he or she intends to accommodate;
  - (ii) washing and sanitary conveniences;
  - (iii) sufficient ablution facilities;
  - (iv) shooting range;
  - (v) gun safe or safes sufficient to hold all students' fire arms;
  - (vi) provide terrain where specimens of indigenous species are present for practical experience in an extensive wildlife system or semi-extensive wildlife system;
  - (vii) hunting, skinning, handling and dispatch services;
  - (viii) transport;
  - (ix) first aid and firefighting services;
  - (ix) staff services; and
  - (x) lecture room with the necessary audio-visual equipment, slide shows for species identification, which includes small and large mammals and birds, and practical training material; and
- (d) a copy of the training manual to be used by the applicant.

(3) Upon receipt of an application for the registration as a professional hunter, hunting outfitter or trainer, the issuing authority contemplated in regulation 5 must consider and decide on the application within 10 working days.

**Factors to be taken into account when considering an application for registration as a professional hunter, hunting outfitter or trainer**

11. When considering an application for registration as a professional hunter, hunting outfitter or trainer, the issuing authority must consider—

- (a) all the information and documentation submitted by the applicant in connection with the application, including any additional information requested by the issuing authority in terms of regulation 12 of these Regulations;
- (b) permits that have been issued by provincial conservation authorities to authorize the applicant to operate as a professional hunter, hunting outfitter or trainer, and any conditions attached thereto;
- (c) permits revoked or refused by any provincial conservation authority; and
- (d) any applicable legal requirements.

#### **Request for additional information**

**12.** (1) Notwithstanding the information contemplated in regulation 7, 8 or 9, the issuing authority may request any additional relevant information it deems necessary in support of the application.

(2) The issuing authority must request the additional information contemplated in subregulation (1), within 5 working days of receipt of the application.

(3) The issuing authority must consider and decide on the application within 10 working days of receipt of the additional information.

#### **Issuing of a registration**

**13.** (1) The issuing authority must, within 10 working days of having made a decision in terms of regulation 10 or regulation 12(3), issue a registration—

- (a) in the name of the person who will be operating as a professional hunter, hunting outfitter or trainer; and
- (b) in the form set out in Annexure 2 to these Regulations.

(2) No registration may be issued with retrospective effect.

#### **Compulsory conditions applicable to the holder of a registration as professional hunter, hunting outfitter or trainer**

**14.** (1) The issuing authority must register a professional hunter, hunting outfitter or trainer subject to the following conditions—

- (a) the holder of the registration is not authorised to operate as a professional hunter, hunting outfitter or trainer, unless he or she is also the holder of a permit, issued by the provincial conservation authority in terms of applicable provincial conservation legislation, in each province where he or she intends to operate as such;
- (b) the holder of the registration must comply with the provisions of any applicable norms and standards;
- (c) the holder of the registration must comply with the provisions and restrictions of the Biodiversity Act, the TOPS Regulations and applicable provincial legislation; and

(d) the registration is not transferable.

(2) In addition to the compulsory conditions contemplated in subregulation (1), the issuing authority must register a hunting outfitter subject to the condition that he or she must provide his or her agent with—

- (a) a mandate in which he or she officially appoints the agent to do the marketing on his or her behalf;
- (b) copies of all promotional material used by him or her;
- (c) copies of all his or her hunting rights;
- (d) a copy of his or her registration issued in terms of these Regulations; and
- (e) copies of his or her permits to operate as a hunting outfitter issued in terms of applicable provincial legislation.

### **Validity of registration**

15. (1) Registration as a professional hunter, hunting outfitter or trainer is valid throughout the Republic.

(2) Registration as a professional hunter, hunting outfitter or trainer remains valid until it is—

- (a) amended in terms of regulation 16 upon request of the holder of the registration, or upon initiative of the issuing authority, as the case may be; or
- (b) cancelled by the issuing authority in terms of regulation 17.

### **Amendment of registration**

16. (1) The issuing authority may amend a registration—

- (a) on its own initiative, to—
  - (i) remove a condition;
  - (ii) change a condition;
  - (iii) add a condition;
  - (iv) update or change any detail in respect of the registration; or
  - (v) correct a technical or editorial error in respect of the registration; or
- (b) on application by the holder of the registration.

(2) The issuing authority must—

- (a) notify the holder of the registration, in writing, of—

- (i) the proposed amendment; and
  - (ii) the reasons for the proposed amendment; and
- (b) afford the holder of the registration an opportunity of 30 days after having been informed of the proposed amendment, to submit representations regarding the proposed amendment.

(3) An application contemplated in subregulation (1)(a) must be accompanied by proof of payment of a prescribed application fee as set out in Annexure 3 to these Regulations.

**Refusal, suspension or cancellation of a registration as professional hunter, hunting outfitter or trainer**

17. (1) An application for registration as a professional hunter, hunting outfitter or trainer may be refused, or a registration as a professional hunter, hunting outfitter or trainer may be cancelled, if—
- (a) the applicant, or the holder of the registration, as the case may be, has failed to comply with any provision of the Biodiversity Act, these Regulations or the TOPS Regulations;
  - (b) the applicant, or the holder of the registration, as the case may be, has been convicted of an offence in terms of the Biodiversity Act, these Regulations or the TOPS Regulations;
  - (c) the applicant, or the holder of the registration, as the case may be, is under investigation and a docket has been registered with the South African Police Service for the contravention or failure to comply with any provision of the Biodiversity Act, these Regulations or the TOPS Regulations, until such time that the investigation is concluded and—
    - (i) no prosecution in respect of such contravention or failure is instituted against the applicant or holder of a registration;
    - (ii) the applicant, or the holder of such registration, as the case may be, is acquitted or found not guilty, if a prosecution in respect of such contravention or failure has been instituted; or
    - (iii) the applicant, or the holder of such registration, has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant or the holder of such registration has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review;
  - (d) a permit issued in terms of applicable provincial legislation to operate as a professional hunter, hunting outfitter or trainer, of such applicant or such holder of a registration, as the case may be, has been revoked in any province prior to this application for registration, or during the validity of the registration; or
  - (e) the applicant, or the holder of a registration, as the case may be, has failed to address a formal complaint lodged by a hunting client against such applicant or the holder of such registration to the satisfaction of the relevant provincial conservation authority.
- (2) In addition to the circumstances contemplated in subregulation (1), a registration as professional hunter, hunting outfitter or trainer may be cancelled if—

- (a) the holder of the registration who is acting as the professional hunter for a particular hunting client, allows any person other than such hunting client to hunt a specimen of an indigenous animal species on behalf of such hunting client;
- (b) the holder of the registration has breached a condition subject to which the registration was issued;
- (c) the holder of the registration has fraudulently altered the registration certificate; or
- (d) for any other valid reason the issuing authority may deem necessary.

(3) In addition to the circumstances contemplated in subregulations (1) and (2), the issuing authority must cancel the registration as a professional hunter or hunting outfitter if the holder of such registration has not conducted as a professional hunter, or organized as a hunting outfitter, as the case may be, any hunts within the Republic for a period of 6 years.

(4) In addition to the circumstances contemplated in subregulations (1) and (2), the issuing authority must cancel the registration as a trainer if the holder of such registration has not operated as a trainer, in the Republic for a period of 6 years.

(5) Prior to the cancellation of a registration contemplated in subregulations (1), (2) (3) or (4), the issuing authority must—

- (a) notify the holder of the registration of its intention to cancel the registration and provide reasons for the cancellation of the registration; and
- (b) afford the holder of the registration reasonable opportunity to submit representations regarding the proposed cancellation.

(6) If the issuing authority becomes aware of non-compliance with any provision of the Biodiversity Act, these Regulations or the TOPS Regulations by the holder of a registration as professional hunter, hunting outfitter or trainer, the issuing authority may suspend the registration.

(7) Prior to the suspension of a registration contemplated in subregulation (6), the issuing authority must—

- (a) notify the holder of the registration of its intention to suspend the registration and provide reasons for the suspension of the registration; and
- (b) afford the holder of the registration reasonable opportunity to motivate why the registration should not be suspended.

(8) If the holder of a registration provides proof of compliance with the provisions of the Biodiversity Act, these Regulations and the TOPS Regulations in respect of subregulation (6), the registration must be re-instated immediately.

(9) The issuing authority must inform the applicant or the holder of the registration, as the case may be, of his or her rights to appeal against the decision of the issuing authority to refuse, suspend or cancel the registration and the appeal procedure to be followed in accordance with the National Appeal Regulations.

## CHAPTER 5

### MISCELLANEOUS

#### **Additional requirement applicable to the holder of a registration as hunting outfitter**

**18.** (1) The holder of a registration as hunting outfitter who makes use of an agent to market the hunting of a specimen of an indigenous species on his or her behalf is responsible for the conduct of his or her agent in so far as the agent markets within his or her mandate of such hunting outfitter, to ensure that such agent complies with the provisions of the Biodiversity Act, these Regulations and the TOPS Regulations.

(2) The hunting outfitter contemplated in subregulation (1) must provide his or her agent with—

- (a) a mandate in which he or she officially appoints the agent to do the marketing on his or her behalf;
- (b) copies of all promotional material used by him or her;
- (c) copies of all his or her hunting rights;
- (d) a copy of his or her registration issued in terms of these Regulations; and
- (e) copies of his or her permits to operate as a hunting outfitter issued in terms of applicable provincial legislation.

#### **Reporting by the Department and provincial conservation authorities**

**19.** (1) The Department must, within 5 working days, report to the provincial conservation authorities on the registration for professional hunters, hunting outfitters or trainers it has issued or refused.

(2) The Department must, as soon as practicable possible, report to the provincial conservation authorities and to the association or associations representing professional hunters, hunting outfitters and trainers on a national level, on the registration for professional hunters, hunting outfitters or trainers it has cancelled or suspended.

(3) A provincial conservation authority must, within 5 working days, report to the Department on any permit for a professional hunter, hunting outfitter or trainer it has issued or refused.

(4) A provincial conservation authority must, as soon as practicable possible, report to the Department on any permit for a professional hunter, hunting outfitter or trainer it has suspended or cancelled, or on any investigation it has instituted against a particular professional hunter, hunting outfitter or trainer.

#### **Compliance monitoring**

**20.** Inspections may be conducted from time to time, in accordance with the approved protocol, by provincial conservation officials, but preferably the IPPHC representatives, to ascertain whether the holder of a registration as a trainer operates in accordance with these Regulations and applicable provincial legislation.

### **Transitional provision**

21. Any person who, immediately before the commencement of these Regulations, lawfully operates as a professional hunter, hunting outfitter or trainer under a permit issued in terms of applicable provincial legislation, must within six months of the commencement of these Regulations, apply for registration in terms of these Regulations.

### **Offences and penalties**

22. (1) A person is guilty of an offence if he or she operates as a professional hunter, hunting outfitter or trainer without having been registered as such in terms of regulation 3.

(2) A person is guilty of an offence if he or she knowingly makes any false statement or submits any false report for the purpose of registering in terms of these Regulations, or for the purpose of enabling any other person to register in terms of these Regulations.

(3) The holder of a registration is guilty of an offence if he or she—

- (a) does not comply with any of the conditions of the registration;
- (b) does not comply with any norms and standards to which the registration applies;
- (c) has fraudulently altered the registration; or
- (d) allows any person other than his or her hunting client to hunt a specimen of an indigenous animal species on behalf of such hunting client.

(4) A person who is convicted of an offence in terms of subregulation (1) is liable to—

- (a) imprisonment for a period not exceeding five years;
- (b) a fine not exceeding five million rand, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment; or
- (c) both a fine and such imprisonment.

### **Short title and commencement**

23. These Regulations are called the Regulations for the registration of professional hunters, hunting outfitters and trainers, 2016 and come into operation on the date as indicated by Notice in the *Gazette*.