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GOVERNMENT NOTICE

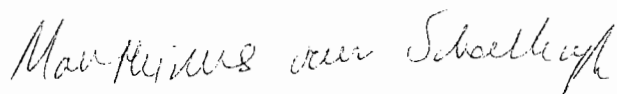
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R. 210

27 February 2009

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004**(Act NO. 10 OF 2004):****THREATENED OR PROTECTED SPECIES SECOND AMENDMENT
REGULATIONS, 2009**

I, Marthinus Christoffel Johannes Van Schalkwyk, Minister of Environmental Affairs and Tourism, under section 97 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), made the regulations in the Schedule.



**MARTHINUS VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

SCHEDULE**Definitions**

1. In these regulations—

“**the Regulations**” means the Threatened or Protected Species Regulations, 2007, published in Gazette No. 29657, Notice No. R. 152 of

23 February 2007, as amended by Notice No. R. 69 of 28 January 2008, published in Gazette No. 30703, as amended by Notice No. R. 209 of 27 February 2009, published in Gazette No. 31962.

Regulation 3 of the Regulations

2. The following regulation is hereby substituted for regulation 3 of the Regulations:

“3. (1) All permit applications must be decided upon by an issuing authority.

(2) The Minister is the issuing authority for permits relating to the carrying out of restricted activities involving any listed threatened or protected species—

- (a) in a protected area or an area managed by or under control of an organ of state, where the restricted activities will be carried out by an official of an organ of state;
- (b) that are marine species, including listed threatened or protected marine species in marine protected areas;
- (c) by an organ of state for the control of damage causing animals originating from protected areas or private land in compliance with regulation 14.

(3) The MEC is designated as an issuing authority for permits relating to the carrying out of restricted activities involving specimens of listed threatened or protected species in the province, excluding permits relating to—

- (a) restricted activities carried out by officials of organs of state in protected areas or areas under control of organs of state;
- (b) listed threatened or protected marine species;

- (c) the control of damage causing animals by an organ of state originating from protected areas or private land in compliance with regulation 14; and
- (d) listed threatened or protected species where the restricted activity will be carried out by a national department on land under its jurisdiction.

(4) The MEC must enter into an agreement with the management authority of a national park in relation to the control of damage causing animals originating from the national park.

(5) An official of the Department or a organ of state may exercise a power or duty of an issuing authority in terms of the Biodiversity Act or these regulations to the extent that that power or duty has been delegated or sub-delegated to that official in terms of section 42 or 42A of the National Environmental Management Act, 1998 (Act No. 107 of 1998)."

Amendment of regulation 71 of the Regulations

3. Regulation 71 of the Regulations is hereby amended by the substitution of subregulation (3) for the following subregulation:

"(3) Any person who, immediately before the commencement of these Regulations, legally conducted a restricted activity involving wild specimens of a threatened or protected species of *Encephalartos* or trade in artificially propagated specimens of critically endangered or endangered species of *Encephalartos*, referred to in regulation 25(1) and (2), may continue with the activity until such date as determined by the Minister by notice in the Gazette."

Short title and commencement

3. These regulations are called the Threatened or Protected Species Second Amendment Regulation, 2009, and take effect on the date of publication thereof.
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