

National Environmental Management: Protected Areas Act 57 of 2003 (PAA)

Topic: Environment, Protected Areas

IN A CALABASH

Introduction

The National Environmental Management: Protected Areas Act 57 of 2003 (PAA) provides for the protection and conservation of ecologically-viable areas representative of South Africa's biodiversity and its natural landscapes and seascapes.

The PAA seeks to ensure that certain geographical areas of environmental and cultural significance located within the borders of South Africa are protected and preserved for future generations.

Note: The PAA has repealed the National Parks Act 57 of 1976 (NPA). All existing parks declared under the NPA will now be regulated and protected as protected areas under the PAA.

Objectives of the Act

As part of the strategy to manage and conserve biodiversity, the PAA states that areas of environmental significance in South Africa may be declared as protected areas.

The PAA provides for–

- the establishment of a national register which will detail and set out all declared national, provincial and local protected areas found on state, private or communal land in South Africa;
 - the protection and management of declared national, provincial and local protected areas in accordance with prescribed national norms and standards;
 - inter-governmental co-operation between the national, provincial and local governments;
 - the promotion of the sustainable use of these protected areas in a manner that will preserve the ecological character of such areas; and
 - the promotion of participation of local communities in the management of these protected areas, where appropriate.
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Application of the Act and its implication to Tourism

The PAA applies to the national, provincial and local authorities.

The PAA applies to any person who has been given the responsibility to manage a protected area, including any person or business entity who may own a piece of land which has been declared as a protected area.

The PAA applies to any parks board, parks manager, environmental developer and relevant directors, general managers and employees of any entity operating or in charge of a protected area, such as a special nature reserve, national park and/or world heritage site.

The PAA applies to all persons who enter into a protected area, such as a special nature reserve, national park, world heritage site or marine protected area.

The PAA has specific significance to the tourism industry because it is these parks that tourists visit. As such, they must be looked after and preserved for future generations in order to grow and develop the tourism industry.

The PAA must be interpreted and applied in accordance with the national environmental management principles and be read with the applicable provisions of the National Environmental Management Act 107 of 1998 (NEMA).

Summary of the provisions of the Act

The State will act as the trustee of all areas which have been declared protected areas.

Kinds of protected areas

The following areas may be declared as protected areas in South Africa:

- special nature reserves, nature reserves, including wilderness areas, and protected environments;
- world heritage sites;
- specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act 84 of 1998; and
- mountain catchment areas declared in terms of the Mountain Catchment Areas Act 63 of 1970.

Purpose of protected areas

An area may be declared as a protected area in order–

- to protect ecologically-viable areas representative of South Africa's biological diversity and natural landscapes and seascapes;
- to preserve the ecological integrity of those areas;
- to conserve biodiversity in those areas;
- to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;
- to protect South Africa's threatened or rare species;
- to protect an area which is vulnerable or ecologically sensitive;

- to assist in ensuring the sustained supply of environmental goods and services;
- to provide for the sustainable use of natural and biological resources;
- to create or augment destinations for nature-based tourism;
- to manage the interrelationship between environmental biodiversity, human settlement and economic development;
- to contribute to human, social, cultural, spiritual and economic development; or
- to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species.

Register of protected areas

The Minister must maintain a Register of Protected Areas which must contain a list of all protected areas and indicate the kind of protected area in each case.

Norms and standards

The Minister may, from time to time, prescribe the following norms and standards for the achievement of any of the objectives housed under the PAA, including–

- standards for the management and development of protected areas, including indicators to measure compliance with these norms and standards; and
- reporting standards for management authorities of those protected areas.

Retrospective application of the PAA

A protected area that was reserved or protected in terms of provincial legislation must be regarded to be a nature reserve or protected environment for the purpose of the Act.

The PAA, where applicable and depending on the context, applies to any world heritage sites declared in terms of the World Heritage Convention Act 49 of 1999.

The PAA, where applicable and depending on the context, applies to specially protected forest areas, forest nature reserves or forest wilderness areas declared in terms of the National Forests Act 84 of 1998.

The PAA, where applicable and depending on the context, applies to mountain catchment areas declared in terms of the Mountain Catchment Areas Act 63 of 1970.

Declaration of special nature reserves

The Minister may, by notice in the Gazette, declare an area as a special nature reserve or as part of an existing special nature reserve and assign a name to such reserve.

A declaration may only be issued to protect highly sensitive and outstanding ecosystems, species or geological or physical features in the area and to make the area primarily available for scientific research or environmental monitoring.

Such declaration may be issued in respect of private land if the owner has consented to the declaration by way of a written agreement with the Minister.

Declaration of nature reserve

The Minister or the MEC may, by notice in the Gazette, declare an area as a nature reserve or as part of an existing nature reserve and assign a name to the reserve.



A declaration may only be issued to protect the area if the area–

- has significant natural features or biodiversity;
- is of scientific, cultural, historical or archaeological interest;
- is in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services;
- to provide for a sustainable flow of natural products and services to meet the needs of a local community;
- to enable the continuation of sustainable traditional consumptive uses as are; or
- to provide for nature-based recreation and tourism opportunities.

A notice may be issued in respect of private land if the owner has consented to the declaration by way of a written agreement with the Minister or the MEC.

Designation of nature reserve as wilderness area

The Minister or MEC may, by notice in the Gazette, designate a nature reserve or part thereof as a wilderness area.



A notice may only be issued–

- to protect and maintain the natural character of the environment, biodiversity, associated natural and cultural resources and the provision of environmental goods and services;
- to provide outstanding opportunities for solitude; or
- to control access which, if allowed, may only be by non-mechanised means.

Before designating a nature reserve or part of a nature reserve as a wilderness area, the Minister or MEC must consult the management authority of the nature reserve.

Declaration of protected environment

The Minister or the MEC may, by notice in the Gazette, declare any area as a protected environment or as part of an existing protected environment and assign a name to the protected environment



A protected area declaration may only be issued–

- to regulate the area as a buffer zone for the protection of a special nature reserve, world heritage site or nature reserve;
- to enable owners of land to take collective action to conserve biodiversity on their land and to seek legal recognition therefor;
- to protect the area if the area is sensitive to development due to its–
 - o biological diversity;
 - o natural characteristics;
 - o scientific, cultural, historical, archaeological or geological value;
 - o scenic and landscape value; or
 - o provision of environmental goods and services;
- to protect a specific ecosystem outside of a special nature reserve, world heritage site or nature reserve;
- to ensure the sustainable use of natural resources in the area; or
- to control change in land use in the area if the area is earmarked for declaration as, or inclusion in, a nature reserve.

A notice may be issued in respect of private land if the Minister or the MEC has given the owner notice in writing and the owner has requested or consented to the declaration.

Management authorities

The Minister or MEC may assign the management of a special nature reserve or a nature reserve to a suitable person, organisation or organ of state. The Minister or MEC may assign the management of a protected environment to a suitable person, organisation or organ of state if the owner and lawful occupier has requested or consented to such assignment and was given notice in writing.

The person, organisation or organ of state to whom the management of a protected area has been assigned is the management authority of the area.

Access to special nature reserve

No person may not enter–

- a special nature reserve;
- reside in a special nature reserve; or
- perform any activity in a special nature reserve,

unless authorised.

Access to nature reserve and world heritage site

Despite any other legislation, no person may enter or reside in the reserve or site without the written permission of the management authority of a nature reserve or world heritage site.

Use of aircraft in special nature reserve or world heritage site

A special nature reserve or world heritage site includes the air space above the reserve or site to a level of 2 500 feet above the highest point of the reserve or site. No person may land or take off in an aircraft in a special nature reserve or world heritage site. No person may fly over a special nature reserve or world heritage site at an altitude of less than 2 500 feet.

However, this will not apply to an emergency or a person acting on the instructions of the management authority.

Commercial and community activities in a nature reserve and world heritage site

The management authority of a nature reserve and world heritage site may, despite any regulation but subject to the management plan of the reserve or site, carry out or allow—

- a commercial activity in the reserve or site;
- an activity in the reserve or site aimed at raising revenue;
- enter into a written agreement with a local community inside or adjacent to the reserve or site to allow members of the community to use in a sustainable manner biological resources in the reserve or site; and
- set norms and standards for any such activity.

An allowed activity may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve or world heritage site.

The management authority of the nature reserve or world heritage site must establish systems to monitor the biodiversity and the impact of allowed activities on the reserve or site and compliance with any agreement entered into and any norms and standards set.

Any activity carried out lawfully in terms of any existing agreement may continue until the date of termination of such agreement, provided that the agreement may not be extended or varied so as to expire after the original intended expiry date without the consent of the Minister.

No development, construction or farming may be permitted in a nature reserve or world heritage site without the prior written approval of the management authority.

Internal rules

The management authority of a nature reserve or world heritage site may make rules for the proper administration of the area, in accordance with prescribed norms and standards.

Rules made must be consistent with the environmental laws and the management plan for the area, will bind all persons in the area, including visitors and may, as a condition for entry, provide for the imposition of fines for breaches of the rules.

Activities in a protected area

No person must, other than in an open access protected area, special nature reserve, national park or world heritage site, without the prior written consent of the management authority—

- introduce any species, specimen or part thereof to a special nature reserve, national park or world heritage site;
- engage in any restricted activity;
- intentionally disturb any species or specimen;
- feed any species or specimen;
- use any recording of the sound of a species or specimen or the imagery or scent of a species or specimen to attract animals;
- remove any wood, sand, gravel, stone, sea shell, guano or other material;
- cut, damage, remove, destroy or be in possession of any plant or any part thereof, including dry wood or firewood;
- intentionally cause pollution, deface cultural heritage resources, harm or cause death to any individual or population of any protected species;
- significantly alter or change the sense of place or any environmental, cultural or spiritual values; or
- remove or be in possession of a cultural artefact.

Furthermore, no person may open or close the mouth of a tidal lagoon or a tidal river within any special nature reserve, national park or world heritage site without the prior written permission of a management authority and subject to the management plan.

Admission

No person shall enter or remain in a special nature reserve, national park, world heritage site or a part thereof without the payment of an entrance fee as determined by a management authority from time to time.

Where a fee is determined by a management authority for the hire of accommodation or recreational facilities in a special nature reserve, national park or world heritage site, no person may enter or remain within the boundaries of the accommodation or recreational facilities unless that person has paid the fee for the hire of the accommodation or the recreational facilities or has been permitted by the management authority to do so.

Entrance and exit

No person may enter or leave a special nature reserve, national park or world heritage site at any place other than through an official point of entry or exit, without the written permission of the management authority.

When a public road or railway line passes through a special nature reserve, national park or world heritage site, a person may use such a road or railway line to travel to a destination outside boundaries of such reserve as long as he or she does not leave the road or enter the reserve.

Points of entry and exit

When the payment of a fee or the issue of a permit is required for entry to a special nature reserve, national park or world heritage site, a person entering in a vehicle must ensure that the receipt for the entrance fee is displayed at all times in the vehicle until he, she or the vehicle leaves.

When the issue of a permit is required for camping in a special nature reserve, national park or world heritage site, a camper must ensure that the permit authorising him or her to camp is displayed at all times in the vehicle.

A receipt for an entrance fee or a permit must be displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position or, if that is not possible, in a prominent position in or on the vehicle, so that it is facing outwards from the vehicle and can be easily seen and read by a person standing outside the vehicle.

This does not apply if the person enters or camps in a special nature reserve, national park or world heritage site as the client of a person conducting a tour for a fee or reward if the vehicle concerned is owned by, or is under the control of, a tour operator approved by the management authority.

Any person who enters a special nature reserve, national park or world heritage site by aircraft or vessel may, after disembarking, travel by vehicle to the nearest place designated by a management authority to obtain the necessary proof permitting entry.

Any person who does not use a vehicle to enter a special nature reserve, national park or world heritage site must display or be in possession of proof of entry in a manner determined by a management authority.

Vehicles

No person shall enter or take a vehicle or vessel in a national park or world heritage site onto a place, road, river or water area in an unsafe, reckless or negligent manner.

No person driving a vehicle in a special nature reserve, national park or world heritage site may—

- drive, park or stop in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
- drive, park or stop in any manner that causes an obstruction or blocks the pathway of a management operation or emergency vehicle;
- park a vehicle in a place other than in a designated parking place;
- drive or park anywhere except on a designated road or place;
- damage or act in a manner that could cause damage to a road, plants or animals;
- drive or operate any vehicle in a reckless or negligent manner or in a deliberate or intentional disregard for the safety of any person, species, specimen or property of whatever nature.

Prohibitions

No person may stay overnight in a special nature reserve, national park or world heritage site—

- without the permission of a management authority;
- without payment of the applicable fees as determined by the management authority;
- without first reporting to the designated reception office in a special nature reserve, national park or world heritage site or to an authorised official assigned to perform escort duty;
- where no accommodation has been reserved or is available for that person;
- on a houseboat or any vessel without the permission of the management authority;
or
- at any place other than a place designated by the management authority.

No person may camp in a special nature reserve, national park or world heritage site except in an area set aside by the management authority for that purpose and with the permission of a management authority.

No person may enter, leave or travel in a special nature reserve, national park or world heritage site at any time except for the times determined by the management authority from time to time and with the permission of the management authority,.

Permits for vessels

Any person intending to use a vessel in a water area must apply for a permit for such a vessel in a form determined by a management authority.

Operating rules

No vessel or vehicle which is propelled by means of a propeller above the water shall be used in a water area.

No person may paint any vessel in a water area without the prior written approval by management authority.

No person may dispose of any solid or liquid waste, including motor oil, into a water area except in places specifically designated by the management authority therefor.

No person may intentionally obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the special nature reserve, national park or world heritage site.

No person may throw, roll or discharge any stone, substance or missile to endanger any person or species or specimen in a special nature reserve, national park or world heritage site.

No person may deface, paint, write on, cut names or letters in or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property or in any other manner spoil features, buildings or facilities in a special nature reserve, national park or world heritage site without the written permission of the management authority to do so.

Only a duly authorised person may move, deface or otherwise interfere with a protected area notice, notice-board, notice or other sign-board put on to, affixed to or placed in a special nature reserve, national park or world heritage site by a management authority or by a life-guard.

Development

No development shall be implemented—

- in any area other than an area specifically designated in a management plan for such development; and
- before a management authority has indicated in writing the nature and extent of the strategic or environmental impact assessment required for the development.

No activity which requires that an environmental impact assessment be undertaken may be implemented before a management authority has approved the environmental impact assessment, with or without conditions.

Authorised activities

A person may not undertake any of the following activities in a special nature reserve, national park or world heritage site without a licence, permit or agreement and payment of the appropriate fees—

- the filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device;
- the conducting of tours;
- the conducting of any kind of competition;
- the selling or hiring of goods or the offering of goods for sale or hire;
- the provision of, or the offering to provide, any service for a fee or reward;
- the conducting of speed trials;
- the conducting of research;
- an activity of any kind for the purpose of fund raising, personal gain or making a profit;
- any organised or special event, including sporting or cultural events; or
- visual imaging of animals for purposes of any virtual hunting or other such activity.

Commercial and community activities

A management authority may set aside a part of a national park or world heritage site as an area in which a particular activity may be undertaken by visitors, communities or interest groups by making an internal rule. The internal rule in which such area is described must be displayed at the entrance to the national park or world heritage site. The activity must not compromise the purpose for which the national park or world heritage site was established.

Other activities

No person may—

- use or cause to be used any loud speaker, similar device or other noisy equipment;
- construct or erect any booth, marquee or other structure; or
- organise, cause to be organised, attend or participate in any public meeting, demonstration or gathering,

in a special nature reserve, national park or world heritage site without the written permission of a management authority.

Protected area notice

A management authority may, from time to time and by means of a protected area notice displayed at the entrance to or at other relevant places of a national park or world heritage site—

- set aside any land, airspace or water area;
- designate any land or water area as a recreation area;
- designate any land or water area for any other purpose;
- prohibit or restrict the use and access of any person, vehicle, vessel, pet, species or specimen to any land or water area or any other place or part thereof; or

- designate the times and conditions during which and subject to which any sports or other activities may be practised or performed on such land or water area, in a national park or world heritage site or part thereof.

The management authority may, by protected area notice, designate any area within a special nature reserve, national park or world heritage site as an area within which one or more activities otherwise prohibited may be undertaken. A prominent protected area notice to this effect must be displayed in and around the designated area.

A protected area notice may impose conditions on the participation in or undertaking of any activity in a special nature reserve, national park or world heritage site. A management authority may vary or revoke a protected area notice at any time by a subsequent protected area notice.

Recreation areas

A management authority must display any required protected area notice within a recreation area.



In relation to recreation areas, a management authority must—

- ensure that those areas are open to the public between sunrise and sunset, unless specified otherwise in terms of a protected area notice; and
- prominently display a protected area notice at every entrance to a recreation area indicating—
 - o the opening and closing times of that recreation area; and
 - o any internal rules made by the management authority in relation to that recreation area.

Prohibitions in water areas

A management authority may restrict or permit any use of or activity in a water area or any part thereof within a special nature reserve, national park or world heritage site.

No person may launch or use, a vessel on a dam, reservoir, lake, river or other body of water in a special nature reserve, national park or world heritage site without the permission of a management authority unless the water has been set aside by the management authority for the use of vessels.

Bathing and swimming

No person may bathe, dive or swim in any area in a national park or world heritage site—

- except where bathing and swimming is permitted; or
- where bathing and swimming is prohibited by a life-guard by means of appropriate signs at both ends of the area, for as long as the state of the water is considered unsafe.

Safety ropes

No person shall hang from, sit on, interfere with or cause safety ropes or other devices to sink where such safety ropes or devices are provided for the assistance of bathers in distress or for the protection of bathers.

Life-saving apparatus

Except in an emergency, no person except an authorised official or a life-guard may handle, touch or use in any manner a life-saving rope, buoy or other life-saving apparatus installed or maintained in or at a water area, or do anything which will impede the proper working of such life-saving apparatus.

Water skiing

No person may water ski in a water area other than in a place and at times permitted by a management authority and between sunset and sunrise.

Prohibitions on land and in airspace

No person may, without the prior written permission of a management authority–

- engage in the sport of climbing rock faces;
- engage in the sport of parachuting or abseiling;
- use a hang glider or any other kind of glider;
- launch or fly a hot air balloon;
- fly model planes or gliders;
- engage in the sport of any kind of boarding;
- operate any motorised vehicle for recreational purposes; or
- drive a vehicle off-road or off designated roads or tracks, in a national park or world heritage site except in an area set aside by the management authority for that purpose.

Use of biological resources

A management authority may grant to any local community the right to the sustainable use of biological resources by issuing a license or permit or entering into of a written agreement, on the conditions it deems necessary and against payment of the determined fees, if any.

Access

In accordance with a management plan or co-management agreement, a management authority may grant a local community access to part or parts of a special nature reserve, national park or world heritage site for cultural, spiritual, heritage or religious purposes by issuing a license or permit or entering into of an agreement, on the conditions it deems necessary and against payment of the determined fees, if any.

Register of local communities

A management authority of a national park or world heritage site must establish by open invitation and maintain a register of local communities with rights in that national park or world heritage site.

Research and monitoring

No person may carry out scientific research in a special nature reserve, national park or world heritage site without the written permission of a management authority.

Any person undertaking research or monitoring projects in a special nature reserve, national park or world heritage site must–

- submit a research project proposal to a management authority in a format determined by the management authority;
- submit all data and information gathered to the management authority in a format determined by and at stages of the project specified by the management authority;
- submit copies of all reports and publications as a result of the research project to the management authority within four weeks of their publication; and
- pay an administration fee to the management authority if required to do so.

Special use permits

A management authority may determine activities in special nature reserves, national parks and world heritage sites, generally or in specific, for which special use permits are required.

A management authority may impose such conditions as the management authority deems appropriate from time to time, including but not limited to, the imposition of fees for the activities in special use permits.

A management authority must include in the internal rules applicable to the special nature reserve, national park or world heritage site a list of activities for which a special use permit is required, the conditions that pertain to such permit for each activity and the fees, if any, to be paid for such a permit.

Interference with management authority equipment

No person may interfere with, put into operation, damage, climb on or board any vehicle, vessel, dredging apparatus or any other implement which is the property of or is used by a management authority or its agents in a special nature reserve, national park or world heritage site without prior permission.

Misuse of facilities

No person may interfere with, misuse, damage or use in conflict with any management authority directions any building, signage, convenience shelter, changing room, pier, landing stage, raft, buoy or other facility or structure provided or erected by a management authority.

No person may fail to comply with the directions of any notice affixed by a management authority to a building, structure or facility.

No person may block or restrict any access to any road, other point of entry or within the special nature reserve, national park or world heritage site.

Prohibited activities

A person is not in contravention if that person needs to undertake the prohibited activity—

- to perform his or her obligations as an employee, agent or contractor of a management authority under his or her contract with, or mandate from, the management authority;
- to carry out public duties as an employee, agent or contractor or an organ of State within a special nature reserve, national park or world heritage site; or
- to fulfil his or her duties as an authorised official.

Interference with soil or substrate

No person may—

- remove from a special nature reserve, national park or world heritage site any—
 - o soil, rock, mineral or similar material;
 - o wood, mulch or other dead vegetation;
 - o fossil, archaeological remains or cultural artefacts;
 - o ritual or spiritual remains;
 - o coral or shells; or
 - o a shipwreck, flotsam or jetsam;
- dig or intentionally disturb in a special nature reserve, national park or world heritage site—
 - o any soil or similar material;
 - o any wood, mulch, peat or other dead vegetation or animal;
 - o termite mounds;
 - o fossil, shell midden, archaeological remains or paleontological specimens or meteorites; or
 - o any of the marine components or any object or material that is or was used for any ritual, spiritual or other practice,

except with the prior written permission of a management authority.

No person may—

- construct or abstract and water from an impoundment or weir on any river or river bed within a special nature reserve, national park or world heritage site; or
- abstract any water by means of a pump, pipes, gravitation or any other means located outside the boundary of a special nature reserve, national park or world heritage site from any river or river bed forming a boundary with a special nature reserve, national park or world heritage sites,

without the written permission of a management authority and without conducting an environmental impact assessment.

Littering

No person may—

- deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or other waste material except in an area or receptacle provided for that purpose;
- deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing;

- deposit or leave any offal, dead species, specimen or dung;
- deposit, except in any receptacle provided for litter, any domestic garbage;
- intentionally break any article of glass, china, pottery, plastic or other brittle material;
- deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product thereof; or
- discard or discharge any toxic chemical or substance, pharmaceutical substance, including biocides, or any other pollutant or harmful substance.

in a special nature reserve, national park or world heritage site.

Pollution of water

No person may, at any time or in any manner including by the use of detergents, pollute any water in a river, spring, pan, well, borehole, groundwater, dam, reservoir or lake in a special nature reserve, national park or world heritage site.

Removal and dumping in water area

No persons may in any manner—

- remove, dredge, pump or move any sand, soil or stones from a water area;
- deposit, dump or throw sand, soil, stones or other material of any kind in a water area; or
- construct any retaining wall or weir in a water area,

without the prior written consent of a management authority and subject to the conditions imposed by the management authority

General prohibitions

No person may—

- offer any show or entertainment, conduct any business or trade or collect any money from the public, unless with prior written permission of a management authority;
- unlawfully occupy, move into, inhabit or use any existing land, building or structure;
- damage any property of the management authority;
- damage, remove or destroy any fences or gates or climb over or through such fences or gates;
- light or cause any open fire to be started or make use of an open fire, unless such fire is properly contained in a fireplace or container made available by the management authority for that purpose or the management authority authorises such;
- place, throw, dump or let out any refuse, rubbish, used containers, effluent, toilet waste or any objectionable matter;
- intentionally or negligently cause a fire or discard any burning object in any place where it may set fire to any other object likely to cause a fire other than at a place where the making of a fire is permitted by a management authority;
- carry on any agricultural or gardening activities without the prior written approval of the management authority, subject to the conditions which the management authority may lay down from time to time;
- allow any species or specimen to graze or enter upon it without the prior written approval of the management authority, subject to the conditions which the management authority may lay down from time to time;

- place, display or distribute any advertisement, promotional material or notice anywhere without the prior written permission of the management authority;
 - affix to or, in any manner whatsoever, make on any tree or any object not belonging to that person any name, letter, figure, symbol, mark, picture, sign or notice or otherwise damage any tree or other object;
 - intentionally or negligently cause any damage to any object of geological, archaeological, historical, ethnological, oceanographic, educational or other scientific interest;
 - at any time play any radio, compact disc player, music system, musical instrument or in any way whatsoever cause any noise in a manner that is likely to disturb any species or specimen or other person; or
 - behave in an offensive, improper, indecent or disorderly manner,
- in a special nature reserve, national park or world heritage site.

Firearms and dangerous weapons

No person other than an authorised official or any other person acting under the specific authority of a management authority may convey into or be in possession of any firearm or dangerous weapon or any explosive, trap or poison in a special nature reserve, national park or world heritage site.

A person in possession of a valid licence for a firearm may convey that firearm into a special nature reserve, national park or world heritage site other than an open access protected area, provided—

- the person must hand in all firearms in his or her possession to an authorized official at the first checkpoint of a management authority, whether such checkpoint is an entrance gate, a rest camp or an office of an authorised official,
- the person who takes control of the firearm must make the firearm safe and remove the magazine and any bullets that might be in the chamber of the firearm before handing the firearm to the authorised official;
- the authorised official to whom the firearm is handed must ensure that the firearm is not loaded and must seal the firearm in such a manner that the firearm cannot be used without the seal being broken;
- when leaving a special nature reserve, national park or world heritage site, the person must hand over the firearm for inspection to the authorised official at the checkpoint to determine whether any seal on the firearm is broken;
- if the seal is found to be broken, the owner or possessor of the firearm shall be guilty of an offence.

All authorised officials and people residing within a special nature reserve, national park or world heritage site must declare all firearms in their possession to the head, who shall maintain a register of such firearms.

No person may discharge a firearm within a special nature reserve, national park or world heritage site, except—

- if that person is authorised by a management authority thereto;
- for the discharge of a blank by a life-guard during an organised competition or by any other person authorised by the management authority during a sports meeting in a water area;
- in connection with the collection of specimens of aquatic life or animals for scientific purposes, subject to the written consent of the management authority;

- to give a distress signal; and
- with the prior approval of the management authority.

Restricted activities

No person may undertake, support or participate in any restricted activity within a special nature reserve, national park or world heritage site without the prior written authorisation of a management authority.

A restricted activity in relation to a specimen of a protected species means—

hunting, catching, capturing or killing any living specimen of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring, discharging a missile or injuring with intent to hunt, catch, capture or kill any such specimen;

- gathering, collecting or plucking any specimen of a listed threatened or protected species;
- picking parts of, cutting, chopping off, uprooting, damaging or destroying any specimen of a listed threatened or protected species;
- possessing or exercising physical control over any specimen of a listed threatened or protected species;
- growing, breeding or in any other way propagating any specimen of a listed threatened or protected species, or causing it to multiply;
- conveying, moving or otherwise translocating any specimen of a listed threatened or protected species;
- selling or otherwise trading in, buying, receiving, giving, donating, accepting as a gift or in any way acquiring or disposing of any specimen of a listed threatened or protected species;
- luring or baiting a specimen in or from a national park or world heritage site; or
- any other prescribed activity which involves a specimen of a listed threatened or protected species.

A restricted activity in relation to a specimen of an alien species or listed invasive species means—

- importing into a special nature reserve, national park or world heritage site, including introducing from the sea, any specimen of an alien or listed invasive species;
- possessing or exercising physical control over any specimen of an alien or listed invasive species;
- growing, breeding or in any other way propagating any specimen of an alien or listed invasive species or causing it to multiply;
- conveying, moving or otherwise translocating any specimen of an alien or listed invasive species;
- selling or otherwise trading in, buying, receiving, giving, donating, accepting as a gift or in any way acquiring or disposing of any specimen of an alien or listed invasive species; and
- any other prescribed activity which involves a specimen of an alien or listed invasive species.

A restricted activity in relation to cultural heritage elements means–

- touching, removing, altering or interfering with cultural resources;
- preventing participation in living cultural heritage; and
- preventing the cultural or spiritual development of people, groups or communities.

Construction of buildings and improvements

No person may erect, construct or transform or cause to be erected, constructed or transformed any building or any other improvement, including but not limited to a building or structure of any kind, jetty, dock, pier, landing stage, landing float, marker, anchor buoy, raft, fence, any obstruction, bridge, pontoon, road or crossing in respect of a building or other immovable property on any private land in a special nature reserve, national park or world heritage site other than in accordance with the management plan for the area and the plans, specifications and conditions have been approved by the management authority.

without the prior written approval of a management authority.

If any erection, construction or transformation takes place in conflict with the conditions laid down by the management authority, the management authority may cause the building, structure or improvement concerned to be demolished and removed and the site to be rehabilitated. The management authority will be entitled to recover the costs thereof from the person who erected, constructed or transformed it or caused it to be erected, constructed or transformed.

Any person who has applied for the erection of a building or any other improvement in respect of a building or other immovable property must–

- in the case where prior environmental authorisation is not required in terms of any law, employ an independent environmental consultant to conduct an assessment of the proposed erection or improvement in compliance with the minimum requirements set by the Act or other applicable legislation and submit the findings of the assessment to the management authority; or
- in instances where prior environmental authorisation is compulsory, provide the management authority with such environmental authorisation before the management authority considers the application,

if required to do so by the management authority.

French drains and pit latrines

No person may establish or in any way alter, extend or enlarge any french drain system, pit latrine or any other sewerage disposal system on any land situated within a special nature reserve, national park or world heritage site or replace it with another french drain system, pit latrine or any other sewerage disposal system without the prior written approval of a management authority accompanied by a site plan.

Holiday resort, caravan park, camping or picnic site

No person other than a management authority may erect, establish, transform, extend or enlarge any holiday resort, caravan park, camp site or picnic site situated on private land within a national park or world heritage site at which members of the public can

stay, camp or picnic upon payment of a fee, other than in accordance with the management plan for the national park or world heritage site and with the written approval of the management authority.

Pets

No person may allow any dog, cat or other pet belonging to or under the care of that person to enter and remain in, enter or remain in a special nature reserve, national park or world heritage site except on conditions determined by a management authority from time to time.

Any dog, cat or other pet which is found outside the permitted area and which is not in the care of any person may be caught and either removed to a pound or destroyed at the discretion of the management authority.

Any dog, cat or other pet suspected of hunting or being in pursuit of any animal may be impounded or destroyed during or after such act.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person who contravenes the Act will be guilty of an offence and subject to a fine, imprisonment of up to 5 years or both.

Any person who contravenes the Act may be evicted from the special nature reserve, national park or national heritage site.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- Awareness of protected places;
- Compilation of and compliance with management plans, where required; and
- Compliance with laws and regulations pertaining to protected places.

FURTHER INFORMATION

Regulator

Department of Environmental Affairs

Website

<http://soer.deat.gov.za/668.html>