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**GOVERNMENT NOTICE**

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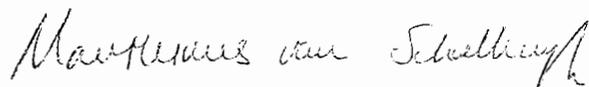
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

No. R. 209

27 February 2009

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004  
(ACT 10 OF 2004): THREATENED OR PROTECTED SPECIES AMENDMENT  
REGULATIONS, 2009**

I, Marthinus Christoffel Johannes Van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby withdraw Notices Nos. 916 and 917 published in Government Gazette No. 31360 on 29 August 2008, and 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.

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution for the definition “management plan” of the following definition:

**“management plan”**, means—

- (a) a management plan referred to in section 41 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- (b) a biodiversity management plan developed in terms of section 43 of the Biodiversity Act; or
- (c) a management plan done in terms of paragraph 6 of the National Norms and Standards for the Management of Elephants in South Africa, 2008, issued in terms of section 9 of the Biodiversity Act.”.

**Amendment of regulation 6 of the Regulations**

3. Regulation 6 of the Regulations is hereby amended by the deletion of the word “and” at the end of subregulation (3)(d) and the insertion in subregulation (3) after paragraph (d) of the following paragraph:

“(dA) an approved management plan; and”.

**Amendment of regulation 25 of the Regulations**

4. Regulation 25 of the Regulations is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) trade in artificially propagated specimens of critically endangered or endangered *Encephalartos* species or the export of such specimens, with a stem diameter of more than 15cm, except where provided for in a Biodiversity Management Plan approved by the Minister in terms of section 43 of the Biodiversity Act;”.

**Amendment of regulation 73 of the Regulations**

5. Regulation 73 of the Regulations is hereby amended by—
- (a) the insertion in subregulation (1) after paragraph (a) of the following paragraph:  
“(aA) undertakes an activity prohibited in terms of regulations 23, 24, 25, 26, or operates in contravention of subregulation 27(1);”; and
- (b) the addition to subregulation (1) of the following paragraph:  
“(e) permits or allows any other person to undertake any restricted activity, which is an offence, in terms of paragraph (a).”.
- (c) the insertion in subregulation (2) after paragraph (a) of the following paragraph:

“(aA) conducts a captive breeding operation, commercial exhibition facility, nursery, scientific institution, sanctuary, rehabilitation facility or acts as a wildlife trader involving specimens of any listed threatened or protected species without being registered with the issuing authority in terms of Chapter 3 of these regulations;”; and

(d) the addition of the following subregulation:

“(6) A person who—

(a) owns or is in control of an elephant or land on which an elephant roams or is kept, or

(b) is a management authority of a protected area,

is guilty of an offence if he or she or it fails to comply with the norms and standards issued in terms of section 9 of the Biodiversity Act.”.

#### **Short title and commencement**

6. These regulations are called the Threatened or Protected Species Amendment Regulations, 2009, and come into operation on the date of publication thereof.

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