

# **LAWS OF THE NEW SUDAN**

## **WILDLIFE CONSERVATION AND NATIONAL PARKS ACT, 2003**

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**(PROVISIONAL ORDER)**

# Laws of the New Sudan

## Wild Life Conservation and National Parks Act, 2003

### Chapter 1

#### Preliminary

**Section 1. Title and Commencement:-**

This Act may be cited as “The Wildlife Conservation and National Parks Act, 2003” and shall come into effect on the date of signature by the Chairman.

**Section 2. Repeal and Saving:-**

The Wildlife and Environment Conservation and Protection Act 1994 is hereby repealed, provided that all orders and Regulations made thereunder shall be valid till repealed or amended in accordance with the provisions of this Act.

**Section 3. Application:-**

The provisions of this Act shall be applied for the conservation management and protection of Wildlife, forests and environmental resources, and establishment of National Parks, Game Reserves, Forest Reserves and other protected areas in the New Sudan.

**Section 4. Definitions:-**

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings herein after respectively assigned to them respectively:-

“**Animal**” means any vertebrate animal, bird, reptile, including wild fish eggs and young thereof, but does not include domestic animals.

“**Authorized Officer**” means the Director General, Senior Inspectors, Inspectors, Wildlife Officers, Non-commission officers and Scouts or any other Officers of the Directorate, any Police Officer, Forest Officer or Guard and Range Officer and Customs Officer for the purpose of Chapter 7 only or any other persons designated as an authorized Officer by the order of the Director General.

“**Capture**” includes any attempts to capture.

“**Chairman**” means the Chairman of the Sudan People’s Liberation Movement (SPLM) Civil Authority of New Sudan (CANS).

“**Commissioner**” means the Commissioner of the Secretariat.

“**Controlled Area**” means any area set aside in accordance with the provisions of section 16 of this Act for the management and utilization of Wildlife Forestry and Fishery resources and Environmental Protection in which the hunting and capture

of animals, cutting of trees fishing and other uses of Wildlife and human activities that affect the Environment such as pollution, industrial and radioactive waste dumping, cutting and burning practices, shall be controlled in accordance with the provisions of **Sections 18, 19, and 20 of this Act.**

**“Dangerous Animals”** means Elephants, Rhinoceros, Hippopotamus, Buffalos, Lions, Leopards, Crocodiles or any animal designated as dangerous animal by the Director General by a written order.

**“Dealer”** means any person who, in the course of business or trade, imports, processes, buys, or sells any animal or Trophy or fish or cuts trees or any other products which may have negative effect on the Environment, whether on his own behalf or on behalf of any other person.

**“Directorate”** means the directorate of Wildlife and Environment, Conservation and Protection.

**“Director General”** means the Director General of the Secretariat of Wildlife Conservation, Environment Protection and Tourism.

**“Environment”** means all the animals (Fauna) and plants (Flora), Soil, Water, Hills, Valleys and everything needed for the survival of living creatures including man.

**“Forest Reserve”** means any area set aside in accordance with the provisions of Section 16 of this Act, for the purpose of Conservation, Protection and management of natural forests, its habitat and Environment and in which tree cutting and certain other activities of forest or its habitat and Environment are prohibited or controlled in accordance with the provisions of Sections 17, and 20 of this Act.

**“Honorary Wildlife Officer”** means any person appointed as an honorary Wildlife Officer by the Director General.

**“Hunting Trip”** means any trip or Safari undertaken primarily for the purpose of hunting.

**“Park”** means any area set aside in accordance with the provisions of Section 8 or 9 of this Act for the conservation, protection, propagation and management of wildlife and wild vegetation or for protection of sites, landscape and Geological formations of particular scientific value, for the benefit and enjoyment of general public and in which hunting, capture of animals, destruction or collection of plants, human settlements, and certain other human activities disruptive of wildlife and natural environment are prohibited or strictly controlled, in accordance with the provisions of Sections 13, 14, and 15 of this Act.

**“Professional Hunter”** means any person who, for hire or reward conducts hunting or photographic parties or any person other than a tracker, driver, bearer or domestic servant who, for hire or reward assists any person or party in the hunting or photography of any animal.

**“Protected Animal”** means any animal listed in schedules I, II and III of this Act.

“Protected Trophy” means the protected trophy of any animal.

**“Secretariat”** means the Secretariat of Wildlife Conservation Environment Protection and Tourism.

**“To Buy”** Includes to exchange, or barter, or offer to exchange or barter.

**“To Hunt”** means to pursue, molest, wound or kill any animal by any method or means and includes any attempt to pursue, molest, wound or kill any animal or take, or destroy or disturb its eggs or nest or natural environment.

**“To Sell”** Includes to exchange, barter or to offer for sale or barter.

**“Trophy”** means any dead animal or part thereof not included in a manufactured or processed article except where it has ceased to be readily in an identifiable form as a result of such manufacturing or processing and any nest, egg or eggshell.

**“Vermin”** In relation to any area, means any animal which in terms of section 29 is a vermin in that area.

## **Chapter 2**

### **WILDLIFE CONSERVATION AND ENVIRONMENT PROTECTION POLICY**

#### **Section 5. Policy:-**

- 1) Wildlife constitutes an important national natural wealth and heritage of the New Sudan.
- 2) The New Sudan authority, shall conserve, protect and utilize this natural wealth for the benefit and enjoyment of all its people in accordance with Law.

## **Chapter 3**

### **Administration**

#### **Section 6.**

- 1) The administration and execution of the policy shall be vested in the Secretariat.
- 2) The objective and functions of the Secretariat shall include:-
  - a) The conservation, management and administration of parks, controlled areas and other protected game reserves.
  - b) The development, in cooperation with other competent authorities, of Tourism based on wildlife in the New Sudan and the development of other forms of rational utilization of the wildlife and environment resources;
  - c) The control of hunting, the management preservation, conservation and protection of wildlife and environmental resources and the control of trade in protected animals and trophies;
  - d) The promotion of Education and the dissemination of information about wildlife resources in the New Sudan, in cooperation with the competent authorities;
  - e) The training of wildlife Officers, Non-commissioned officers and game Scouts and other personnel of the Secretariat;

- f) The development and carrying out of research on wildlife and environmental resources with a view of their optimum preservation, conservation, management and protection;
- g) the management and administration of zoological gardens.
- h) The administration and enforcement of the provision of this Act and the attainment of its objectives.

**Section 7.**

The Director General may authorize in writing, a Director or any other wildlife Officer in the Secretariat to exercise any or all the powers conferred upon him by this Act either concurrently with him or in his absence, subject to such conditions including observation of territorial jurisdiction as may be prescribed by the Director General in such written authorization.

**Chapter 4**

**National Parks and Other Protected Areas.**

**Section 8.**

The areas defined in schedule (IV) of this Act are hereby declared to be national parks within the meaning of this Act, and shall be known by the names assigned to them in such schedule.

**Section 9.**

- 1) The Director General, may undertake surveys of other areas of great natural beauty or of major importance from the point of view of their wildlife and environmental resources, and may, if he considers it to be in the national interest, propose the establishment of further national parks or the extension of the existing national parks, game reserves, forest reserves and protected areas.
- 2) The declaration of any area to be a national park shall be an order issued by the Chairman.
- 3) No national park shall be abolished either in whole or in part, nor shall its boundaries be altered in any way except by order issued by the Chairman.

**Section 10.**

No person other than wildlife official on duty shall enter a national park unless in possession of a valid permit issued in respect of that national park.

**Section 11.**

- 1) Entry permits may be issued by the Director General or by any Officer authorized by him in writing to issue entry permits on his behalf, and shall be

in such form and subject to the payment of such fees as may be prescribed in any regulations made under this Act, and shall be subjected to such other conditions as may be prescribed in this Act or any regulations made hereunder, or in the permit itself.

- 2) The Director General or any wildlife officer issuing any entry permit under this section may, at his discretion, waive any prescribed entry fees in the case of any organized parties of school children, students, state officials or any other distinguished visitors specified in any regulations made under this Act.
- 3) Notwithstanding the provisions of this section, the Director General or any authorized Officer may:-
  - a) Refuse to issue any entry permit or to allow any person to enter any national park where he has reasonable grounds to believe that such person may commit an unlawful act or cause a public disturbance within such national park, or;
  - b) For any good and sufficient reason; cancel any entry permit and order any person to leave the national park forthwith, where he has reasonable grounds to believe that such person has committed or is likely to commit any offense against the provisions of this Act or regulations made thereunder, or has caused or is likely to cause a public disturbance within the national park.

#### **Section 12.**

- 1) Persons entering a national park do so at their own risk and no liability shall be attached to the New Sudan Authority, the Director General, or any Officer, or employee of the Secretariat for any loss of life or property or damage or injury sustained by any person in any park by reason of the presence, action or depredation of any animal.
- 2) Game Scouts on Anti-poaching duty or patrol are empowered to capture or arrest any poacher in any national park, forest reserve or controlled area.
- 3) Any poacher who violently resists arrest shall be liable to armed action and no liability as a result of such action shall be attached to the New Sudan Authority, Director General, or the executor of the mission.

#### **Section 13.**

No person shall hunt, cut a plant or capture any animal within a national park.

#### **Section 14.**

Except with the written authorization of the Director General, which authorization shall be given only in the interest of the proper management and development of the national park, no person shall within any national park:-

- a) Cut, clear burn or otherwise damage or remove any tree, bush, plant or other vegetation or any part thereof;
- b) Occupy, cultivate or plant any land or otherwise grow or harvest any crop;
- c) Construct or occupy any house, hut, shelter or, any other structures;
- d) Notwithstanding the provisions of any other law, mine, quarry, drill for or remove any minerals, stones, gravel, earth or other substances, or prospect for such substances;
- e) Fish, otherwise than with hand held rod and lines;
- f) Obstruct, divert or pollute any river, pool, lake, or other points of water;
- g) Perform any act or engage in any other activity likely to destroy, endanger or disturb wildlife in the national park or to destroy or shelter or alter its natural habitat and environment.
- h) Use a national park as a disposition ground for any kind of waste.

**Section 15.**

Except with the written authorization of the Director General or Officer in charge of the national park concerned, and subject to the conditions of any such authorization, no person shall within any national park:-

- a) Bring into any national park any weapon, ammunition, explosives, trap, snare or poison, or be in possession of any such articles within any national park;
- b) Fish with hand held rod and line;
- c) Introduce any domestic or other animal or permit any domestic animal stray into any national park.

**Section 16.**

- 1) The Commissioner may, by order duly written declare any area to be a game or forestry reserve or controlled area;
- 2) No game or forest reserve or controlled area shall be abolished or alienated whether in whole or part, nor shall its boundaries be altered in any way except by order of the Commissioner.

**Section 17.**

No person shall hunt cut a plant or capture any animal or cut trees within any game or forest reserve.

**Section 18.**

No person shall hunt cut a plant or capture any animal in a controlled area except under a Controlled Area Permit issued in accordance with section 44 of this Act.

**Section 19. The Director General may for such Controlled Area:-**

- a) Establish maximum annual quotas for the hunting cutting plants or capture of species of animals, and/or;
- b) Restrict the number of persons permitted to hunt at any one time or during any one season; he shall issue Controlled Area Permits and grant concessions in such areas in accordance with such quotas and numbers.

**Section 20.**

The Director General may, under section 57, make regulations prohibiting or controlling entry into, settlement, cultivation, grazing, cutting or burning of trees or other vegetation, or such other activities as he may deem necessary for the protection of wildlife, its habitat and environment in any game reserve, forest reserve or controlled area.

**Section 21.**

- 1) The Director General, on the recommendations of the Director for tourism may, grant concessions to nationals of the New Sudan for the construction and operation of lodges, camps and other tourist facilities and services, within any national park, game reserve or forest reserve where he is satisfied that the granting of concessions will be in the interest of proper management and development of such national park, game reserve or forest reserve and is likely to have significantly adverse effect upon the ecology, landscape and aesthetic value of such national park, game reserve or forest reserve.
- 2) Detailed plans of the siting and construction of any building or construction which the concession holder proposes to erect in the national park shall be submitted in advance to the Director General and shall be subject to his written approval.
- 3) No person or body, whether public or private, other than the Secretariat shall operate any commercial undertaking or service of whatever kind within the national park, game reserve or forest reserve, except under the authority and in accordance with the terms and conditions of a concession agreement granted under this section and subject to the payment of such fees as may be specified in the concession agreement.
- 4) Any significant departure from or violation by the concession holder of the terms and conditions of a concession agreement granted under this section shall entitle the Director General to suspend the agreement or invoke such other penalties as may be specified in the concession agreement.

**Section 22.**

- 1) The Director General may, at his discretion, grant concessions for the development of game reserve hunting or viewing and the construction and operation of tourist facilities in particular controlled areas or parts of such areas.

- 2) Such concessions shall be subject to such conditions and payment of such fees as may be specified in the concession agreement.
- 3) The Director General, in granting such concessions, shall take into account the amount of benefits, including added possibilities of gainful employment likely to accrue to the local population, and previous experience of the applicant.

**Section 23.**

The establishment or extension of any national park, game reserve, forest reserve or control area, shall be within the framework of any national land use planning in force.

**Section 24.**

The establishment or extension of any national park, game reserve, forest reserve or controlled area, shall be deemed to be for public interest.

## **Chapter 5**

### **Protected Animals**

**Section 25.**

No person shall hunt or capture any animal listed in Schedule I attached to this Act.

**Section 26.**

No person shall hunt or capture any animal listed in Schedule II attached to this Act, except under a valid Schedule II hunting licence issued in accordance with the provisions of Sections 34 and 36, or a special permit issued in accordance with the provisions of section 46 or 47 of this Act.

**Section 27.**

- 1) No person shall hunt with firearms or birds of prey or capture any animal listed in Schedule II, except under a valid ordinary hunting licence issued in accordance with the provisions of Sections 34 and 36, or a special permit issued in accordance with the provisions of section 46 or 47 of this Act.
- 2) Nothing in this section shall make it illegal for any person to hunt any animal listed in Schedule III attached to this Act without the use of firearms or birds of prey provided that such hunting is not in contravention of any provisions of this Act or Regulations issued hereunder.

**Section 28.**

- 1) The Director General may from time to time by notice published in the Gazette or in any national or local newspaper, declare any period of the year to be a close season, during which the hunting or capture of any animal in any area named in such notice whether protected or not, shall be prohibited.

- 2) Any notice issued by the Director General under this section shall be given due publicity in the areas concerned by means of Radio and Television broadcasting and such other methods of publicity as the Director General in consultation with the local authority may deem appropriate.

**Section 29.**

- 1) Notwithstanding the provisions of section 27, the Director General may, by notice declare any animal to be vermin, either generally or in any specific area, and it shall not be necessary to hold a Hunting Licence to hunt any such animal in such area, provided that nothing in this section shall be taken as authorizing the hunter of such animals in any national park, game reserve, forest reserve or in any controlled area, except under a valid controlled area permit.
- 2) Provisions may be made in any such notice for the payment of rewards for killing of vermin.

## **Chapter 6**

### **Prohibited Methods Of Hunting**

**Section 30. No person shall, except with the written authorization of the Director General:-**

- a) Hunt or capture any animal that is obviously immature or is a female or a female accompanied by its young;
- b) Hunt or capture any animal during the hours of darkness (that is, during the period commencing one half hour after sun set and ending one half hour before sun rise);
- c) Crash or shoot any animal by or from any moving motor vehicle, public conveyance, train, aircraft including Helicopter, Launch or other Craft Propelled by mechanical means or attached to any craft propelled by mechanical means;
- d) Set fire to any grass or other vegetation for the purpose of hunting or capturing any animal;
- e) Use dogs for hunting or driving game, save in the case of birds;
- f) Employ or possess for the purpose of employing any of the following for the purpose of hunting or capturing animals:-
  - i) Any drugs, poisons, poisonous weapons or poisons baits;
  - ii) Any explosives or missiles containing detonators;
  - iv) Any traps, snares, gins, nets, deadfalls, pits or set guns;

- iv) Any lures, artificial calls, electronic devices or recordings;
- v) Any artificial light;
- vi) Any fire arm capable of firing more than one round at each pull of the trigger, or any other type of fire arm prohibited in any regulations made under this Act, either generally or the hunting of particular species of animals;
- vii) Any other methods of hunting or capturing animals prohibited in any regulation made under this Act.

**Section 31.**

Nothing in this shall make it unlawful for any person to take such measures as may be reasonably necessary to defend his person or any other persons, or to protect any living stock or other property which he has a duty to protect or a legitimate interest in protecting, from a direct and immediate attack by any animal provided that:-

- a) Shooting shall be resorted to only where no other alternative is possible or feasible;
- b) This section shall not exonerate any person who has incited or provoked an animal to attack, or who, at the time of the attack, was committing an offence against the provisions of this Act or any regulations made thereunder;
- c) The burden of proving that any animal has been killed or wounded in accordance with the provisions of this section shall lie upon the person who killed or wounded such animal;
- d) Where any protected animal is killed or wounded in accordance with the provisions of this section, the facts and circumstances of such killing or wounding shall be reported immediately to the nearest authorized Officer and any trophy of such animal shall be the property of the New Sudan Authority and shall be dealt with in accordance with the provisions of section 63 or 69 of this Act.

**Chapter 7**

**Hunting Licences and Permits**

**Section 32.**

Hunting licences shall be in such forms and subject to such conditions and the payment of such fees as may be prescribed in this Act or any regulations made hereunder, and shall be of the following kinds:-

- a) Classes A, B,C and D Ordinary Hunting Licences;
- b) Schedule II Hunting Licences;
- c) Bird Licences;
- d) Commercial Crocodile Hunting Licences.

**Section 33.**

- 1) Any Ordinary Hunting Licence shall, subject to the provisions of this Act and any regulations made hereunder, entitle the holder thereof to hunt animals of the kind and number specified in such licence in accordance with the regulations issued under this Act.
- 2) An Ordinary Hunting Licence shall be valid for such a period of time as shall be specified in such licence, provided that in no case shall the validity of such licence extend beyond 30<sup>th</sup> June each year or any other time the Director General may prescribe.
- 3) No person shall hold more than one Ordinary Hunting Licence at one time.

**Section 34.**

- 1) A Schedule II Hunting Licence shall, subject to the provisions of this Act and any regulations made hereunder, entitle the holder thereof, to hunt Schedule II protected animals, of the kind and number and in the areas specified in such licence.
- 2) A Schedule II Hunting Licence may be issued only to the holder of a class A Ordinary Hunting Licence.
- 3) A Schedule II Hunting Licence shall be valid for such a period of time as shall be specified in such licence, provided that such period of validity shall not extend beyond the period of validity of the Ordinary Hunting Licence.
- 4) The holder of any Schedule II Hunting Licence shall report the killing or wounding of any Schedule II animal under such licence as soon as possible and, in any case, not later than twenty one days after the date of such killing or wounding, to the Wildlife Officer in the area in which such animal was killed or wounded, or to the nearest office of the Secretariat and shall pay such fees as may be prescribed in respect of such animal licence or in any regulations made under this Act.

- 5) The holder of the Schedule II Hunting Licence, shall, at the time of reporting the killing of any Schedule II animal under such licence, produce any trophy of such animal, together with such licence, for the purposes of registration of such trophy, and shall complete any other formalities required by this Act or regulations made hereunder.
- 6) The Wildlife Officer or other official of the Secretariat to whom a report is made under paragraph (4) of this section, shall, if satisfied that the trophy has been lawfully obtained, cause the trophy to be marked with an appropriate distinctive mark and number, and shall record such number and details of the trophy and the owner thereof in a register to be kept in such form as may be prescribed in any regulations made under this Act, and shall issue a certificate of legal ownership in respect of such trophy under section 52 of this Act.

**Section 35.**

- 1) Bird Licence shall, subject to the provisions of this Act and any regulations issued hereunder, entitle the holder thereof to hunt birds of the kind and number and in the areas specified.
- 2) A Bird Licence shall be valid for such a period of time as shall be specified in such licence, provided that in no case shall the validity of such extend beyond one year from the date of issue thereof.
- 3) No person shall hold more than one valid Bird Licence at a time.
- 4) The issue of a Bird Licence shall not be dependent on the holding of an Ordinary or Schedule II Hunting Licence

**Section 36.**

- 1) Hunting licence may be issued by the Director General or any Officer authorized in writing by him to issue licences on his behalf.
- 2) The issue of any hunting licence shall be at the discretion of the issuing Officer, who may refuse to issue such licence without assigning any reasons thereof.
- 3) No hunting licence shall be issued to any person who is not the holder of a valid fire arm licence; authorizing such person to possess firearms, and the Officer issuing any hunting licence shall require the production of such licence at the time of issuing any hunting licence.
- 4) No hunting licence shall be issued to any person unless the issuing Officer is satisfied that such person is in possession of or, will at the time of hunting under such licence be in possession of a suitable fire arm, and the issuing

Officer may require such person to undergo any shooting or other tests in order to ascertain whether such person is so competent.

- 5) No person shall transfer any hunting licence to any other person, except the person to whom it is issued and no person, shall hunt with such licence other than the owner.
- 6) Any captured or unlicensed fire arm found in any national park, game reserve, forest reserve, controlled area or other protected area shall be the property of the Secretariat.

**Section 37.**

Any person who undertakes a hunting trip, shall, before undertaking such hunting trip, report to the nearest office of the Secretariat, and the Officer in charge of such office of the Secretariat may if he considers it appropriate, require such person to be accompanied by a wildlife Scout or other Officer of the Secretariat.

**Section 38. The holder of any hunting licence shall:-**

- a) Keep a register of the animals killed or wounded under such hunting licence in such a form as may be prescribed in any regulations made under this Act, and no animal so killed or wounded, nor any parts thereof, shall be removed from the place where such animal fell, until all necessary details have been recorded in such register;
- b) In addition to any reporting requirements prescribed elsewhere in this Act, return such register to any office of the Secretariat at the expiration of such licence, or in case of a non-resident, before leaving the New Sudan.

**Section 39.**

Any person who wounds an animal and fails to kill it, shall use all reasonable endeavours to kill it at the earliest opportunity, provided that nothing in this section shall authorize any person to follow any animal into any national park, game reserve, forest reserve or controlled area, or to hunt any animal therein, contrary to the provisions of this Act.

**Section 40.**

Any person who, in any circumstances whatsoever, wounds any dangerous animal and fails to kill such animal, shall report the matter immediately to the nearest authorized Officer, and shall indicate in such report the approximate date and place of such wounding, the type of wounds inflicted and the parts wounded, and the efforts made to kill such animal.

**Section 41.**

- 1) The Director General or any other Officer authorized by him in writing, may, at his discretion, issue to any holder of a valid hunting licence an ammunition card.
- 2) An Ammunition Card shall be valid until 31<sup>st</sup> December of the year of issue thereof, except where the issuing Officer shall otherwise authorize in writing provided that the validity of such Ammunition Card shall not extend beyond one year from the date of issue thereof.
- 3) The holder of a valid Ammunition Card may apply to the Chief Inspector of police for the County in which the holder resides for a permit to purchase ammunition of the types and up to the maximum quantities specified in such Ammunition Card.
- 4) No person shall purchase any ammunition for the purpose of hunting except under and in accordance with the provisions of a valid ammunition card.
- 5) An ammunition card shall be subject to the payment of such fees as may be prescribed in any regulations made under this Act and to such other conditions as may be prescribed in this Act, and in any regulations made hereunder, and on the ammunition card itself.

**Section 42.**

- 1) No person shall hunt or capture any Crocodile for the purpose of selling such Crocodile or any trophy derived from it, except under and in accordance with the conditions of a valid Commercial Crocodile Hunting Permit issued by the Director General or any Officer authorized in writing by him, and subject to the payment of such fees as may be specified in regulations made under this Act.
- 2) A Commercial Crocodile Hunting Permit shall be valid for such period of time as shall be specified in such permit.

**Section 43.**

- 1) The Director General or any other Officer authorized by him in writing, may, at his discretion, issue to any suitably qualified person a Professional Hunters' Permit.
- 2) No person shall act as a professional hunter except under the authority of a Professional Hunters' Permit issued under this section.
- 3) A Professional Hunters' Permit shall be subject to the payment of such fees as may be prescribed in any regulations made under this Act, and such other conditions as may be prescribed in this Act, and in any regulations made hereunder, and the permit itself.

- 4) No Professional Hunters' Permit shall be issued to any person unless the issuing Officer is satisfied that such person is a responsible person and competent to act as a professional hunter, and the issuing Officer may require such person to undergo any shooting, Bush Craft or other tests in order to ascertain whether such person is so competent.
- 5) The holder of a Professional Hunters' Permit shall not be entitled by reason of such permit to shoot at any animal, except to prevent the escape of any animal already wounded or to ensure the safety of his client or any member of the party he is assisting.
- 6) A Professional Hunters' Permit shall be valid until 30<sup>th</sup> June of the year of issue of such permit except, where otherwise authorized in writing by the issuing Officer, provided that in no case shall the validity of such permit extend beyond one year from the date of issuance thereof.

**Section 44.**

- 1) Controlled Area Permit may be issued by the Director General or any licensing Officer authorized in writing by him to issue such permits on his behalf.
- 2) The issue of any Controlled Area Permit shall be at the discretion of the issuing Officer, who may refuse to issue such permit without assigning any reasons thereto.
- 3) A valid Controlled Area Permit shall, subject to the provisions of this Act and regulations made hereunder, entitle the holder to hunt in the controlled area or part thereof specified in such permit, animals of the kind and number specified in such permit.
- 4) A controlled Area Hunting Permit may be issued only to the holder of a valid hunting licence, and shall be valid for the period of time specified in such permit, provided that such period of validity shall not in any case exceed the period of validity of the Ordinary Hunting Licence or Bird Licence or Schedule II hunting licence.
- 5) Any animal killed or wounded under a controlled area hunting permit shall be counted as having been killed or wounded under the Holders' Ordinary Hunting Licence, Schedule II Hunting Licence or Bird Licence.
- 6) Controlled Area Permits shall be subject to payment of such fees as may be prescribed in any regulations made under this Act, and to such conditions as may be prescribed in this Act, and in any regulations made hereunder and in the permit itself.

**Section 45.**

The Director General may, at his discretion, issue a Complimentary Hunting Licence or Permit to any State or other official visitor.

**Section 46.**

The Director General, notwithstanding the provisions of sections 13,17 and 18 of this Act, may at his discretion, issue special permits authorizing the hunting or capturing of any protected animals other than any animal listed in Schedule (I) of the kind and number specified, in such permit, and in such areas as shall be so specified, which areas may include any game reserve or controlled area, and in exceptional case only, any national park, where he is satisfied that such hunting or capture is required for genuine scientific or educational purposes or for the collection of specimen for Zoological Gardens, Museums or similar institutions, and such special permits shall be subject to such conditions and the payment of such fees (if any) as may be prescribed in this Act or any regulations made hereunder, or as may be otherwise prescribed by the Director General.

**Section 47.**

The Director General may, at his discretion, on the request of the members of any local tribe or the inhabitants of any village, after consultation with the local authority for the area concerned and in the case of Schedule II animals after consultation with the civil administration of the County concerned, issue a special permit to the chief of the tribe, or the headman of the village concerned, as the case may be, authorizing such tribesmen or villagers to hunt such protected animals other than animals listed in Schedule I, in such numbers and in areas, and subject to such conditions, including the method of hunting, as may be specified in such permit.

**Section 48.**

Any refusal to grant hunting licence or permit or other document under this Act may be appealed against by the aggrieved person within a period of 30 days from the date of such refusal, in writing to the Director General, whose decision shall be final.

**Section 49.**

No person shall engage in commercial photography or filming of wildlife in the New Sudan, nor operate commercial tours for photography or filming of wildlife except with the written permission of the Director General and subject to such conditions and the payment of such fees as the Director General may prescribe.

**Section 50.**

Any person holding a licence, permit or other document issued under this Act, shall carry such licence, permit or other document with him at all times when exercising any of the privileges conferred by it, and shall produce it on request to any authorized Officer.

## Chapter 8

### Possession Of And Trade In Protected Animals

#### **Section 51.**

No person shall possess any protected animal, whether alive or dead, or the trophy of such animal, unless such animal or trophy has been lawfully obtained under the authority of a valid licence, permit or other lawful means. The burden of proving lawful possession of any such animal or trophy shall lie with the person possessing such animal or trophy.

#### **Section 52.**

- 1) The Director General or any other Officer authorized by him in writing may, on application thereof, issue a Certificate of Legal Ownership in respect of any protected animal or trophy where he is satisfied that such animal or trophy has been lawfully obtained under the authority of a valid licence or permit or by other lawful means, which certificate shall include the name of the owner, a description of the animal or trophy concerned, and the date and place of issue.
- 2) No person shall sell or transfer any animal or trophy unless he is in possession of a valid certificate of legal ownership issued in respect of that animal or trophy, upon such sale or transfer, such certificate shall, except in case of articles manufactured from parts of protected trophies, be transferred to the person buying or otherwise receiving such animal or trophy.

#### **Section 53.**

No person shall manufacture articles from protected trophies for sale or carry on the business of a dealer in protected animals or trophies, except under the authority of a valid dealers' permit, which permit may be issued by the Director General or any Officer authorized by him in writing, at his discretion and subject to the payment of such fees and to such other conditions as may be specified in any regulations made under this Act, or in the permit itself.

#### **Section 54.**

No person shall export or attempt to export any protected animal or trophy or plant except under valid Export Permit issued by the Director General or any other Officer authorized by him in writing, and in accordance with the conditions of such export permit and subject to the payment of such fees as may be specified in regulations made under this Act.

#### **Section 55.**

No export permit shall be issued in respect of any protected animal or trophy unless the Director General or other issuing Officer is satisfied:-

- a) That such animal or trophy has been lawfully obtained; and

- b) That such export will not be detrimental to the survival of such species or animal; and
- c) In the case of any animal listed in Schedule I or II, or any trophy of any such animal, that an import permit has been granted by the competent authority of importing country in respect of such animal or trophy; and
- d) In the case of any living animal, that such animal will be so prepared and shipped as to avoid any, risk of injury or damage to its health.

## **Chapter 9**

### **Powers Of The Director General**

#### **Section 56.**

The Director General may by order duly published revoke, amend or add to any or all the Schedules attached to this Act.

#### **Section 57.**

The Director General, after consultation with the Commissioner, may make regulations generally for the development, preservation, protection and management of wildlife and environmental resources in accordance with the provisions of this Act, and may, without prejudice to the generality of the forgoing make, regulations concerning:-

- a) The proper administration, management and development of national parks, game reserves, forest reserves, controlled areas and other protected areas;
- b) The forms of licences and permits and of applications therefore , the conditions, the fees payable, including the establishment of reduced fees for persons ordinarily resident in the New Sudan as appropriate, and the kind and number of animals that may be hunted or captured thereunder;
- c) The regulation of trade in animals, plants and trophies; or
- d) The marking and registration of trophies;
- e) Prohibited methods of hunting and capture of animals;
- f) The terms and conditions of any concessions to be granted under sections 22 and 23 of this Act, and the procedures to be followed in applying for and granting any such concessions;
- g) Prescribing penalties not exceeding a fine of \$500 U.S Dollars or imprisonment for a term not exceeding one year or both in case of a foreign National or a fine not exceeding Ls.100 or imprisonment for a term not exceeding six months or with both, in case of New Sudan Nationals.

## **Chapter 10**

## **Miscellaneous And Penal Provisions**

### **Section 58.**

- 1) The Director General may make Bylaws for the proper management of Zoological Gardens in the New Sudan for the regulation of entry into and conduct within such Zoological Gardens.
  
- 2) Any such Bylaws made under this section shall be posted at the entrances to the Zoological Gardens.

### **Section 59.**

Any person contravening any of the provisions of any Bylaws under the proceeding section shall be ordered to leave the Zoological Garden by any authorized Officer, and if he refuses to leave, shall be forcibly expelled from such Garden, and shall be liable for any damage caused in such Garden, in addition to any other penalty prescribed under this Act or any regulations made hereunder.

### **Section 60.**

Nothing in this Act shall make it unlawful for the Director General, or any duly authorized Officer of the Secretariat to hunt, cut trees or capture any animal, whether protected or not, in any area of the New Sudan including any national park, game reserve, forest reserve or controlled area, at any time by any method, where:-

- a) Such hunting, cutting or capture is required in the interest of proper research, management or administration, and the Officer concerned is authorized to undertake such hunting, cutting or capture by the Director General or;
- b) After consultation where possible with the local authority concerned, he considers it necessary for the safety of the public or the protection of livestock, crops or other property or;
  
- c) He considers it necessary to prevent undue suffering by any such animal; or to bring into the national park or game reserve or forest reserve or controlled area, any weapon, ammunition, animal or other things required in the course of proper exercise of his functions, or to do anything prohibited in sections 14 and 15 when required in the course of proper exercise of such functions.

### **Section 61.**

Any authorized Officer may, for the purpose of determining whether an offence has been committed against the provisions of this Act or any regulations made hereunder, require any person to produce for inspection any licence or permit required to be held by such person under this Act or regulations made hereunder,

inspect any weapon, ammunition, trophy or other article in his possession, and require such person to produce adequate means of identification.

**Section 62.**

Any authorized Officer may, where he has reasonable grounds to believe that an offence has been committed under this Act or any regulations made hereunder:-

- a) Enter and search any land, building, camp, tent, premises, vehicle, aircraft, boat, park, animal or any other means of conveyance provided that no authorized Officer other than a policeman or wildlife Officer shall enter or search any private dwelling house, except with the consent of the owner thereof, or under the authority of a search warrant;
- b) Seize any weapon, ammunitions, trap, snare, light, explosive, poison, vehicle, boat, aircraft or other thing that he believes to have been used for or possessed in the commission of such offence;
- c) Seize any animal or trophy which he believes to have been taken, traded, imported, exported or possessed in contravention of this Act or any regulations made hereunder;
- d) Seize and detain any livestock or domestic animal found unlawfully within the boundaries of any national park, game reserve, forest reserve or controlled area;
- e) Suspend, and in the case of the Director General cancel any licence or permit issued under this Act or regulations made hereunder in respect of any person which made him to believe that he has committed such offence, in accordance with procedures to be established in regulations made under this Act;
- f) Arrest without warrant any person whom he has reasonable grounds to believe that he has committed such offence, and use such force as may be reasonably necessary to effect such arrest.

**Section 63.**

Any authorized Officer who seizes any article or animal under the provisions of the preceding section, shall where feasible give a written receipt therefore.

**Section 64.**

Any live animal seized in accordance with the provisions of section 62 above may, be released or destroyed at the discretion of the seizing Officer where he considers such action desirable, in order to prevent undue suffering or for other good and sufficient reasons.

**Section 65.**

Any dead animal or tree log in the case of forest or other perishable items seized in accordance with the provisions of section 62, above, may with the approval of the Director General, or authorized Officer be sold or otherwise disposed of, and any proceeds of such sale or disposal be held, pending the outcome of any court proceedings under this Act, and in the event that the court finds that the seizure

was wrongful or that no offence has been committed under this Act, or any regulations made hereunder, the court may order that such proceeds be paid to the person from whom such animal or thing was seized, otherwise it remains as property of the civil Authority.

**Section 66.**

Subject to the provisions of sections 64 and 65 above, any person arrested under section 62 above shall be brought before a court of competent jurisdiction forthwith.

**Section 67.**

Any authorized Officer may, in the investigation and prevention of any offence committed under this Act or any regulations issued hereunder, and generally in the enforcement of this Act and such regulations, exercise all or any of the powers conferred upon any policeman under the Code of Criminal Procedure, 2003.

**Section 68.**

- a) Any protected animal or trophy or tree species from forest reserve taken, traded, imported, exported, or possessed in contravention of this Act or any regulations made hereunder; or any dead animal, protected animal, or trophy or tree log which has been found and in respect of which, legal ownership has not been satisfactorily proved and;
- b) Any protected animal killed accidentally, or in defence of life or property under section 31 above, and not under any valid hunting licence, and any trophy of any such animal, shall be the property of the civil authority and shall be handed over to the nearest authorized Officer or may be seized by any authorized Officer, who shall dispose of such animal or trophy in such manner as the Director General may specify, and the revenue, if any, from such disposal shall accrue to the Secretariat.

**Section 69.**

Any person who contravenes any of the provisions of this Act or regulations made hereunder, or contravenes any conditions of any licence or permit issued to him under this Act or such regulations, commits an offence and where no other penalty is specifically provided for such offence, shall on conviction be liable to a fine not exceeding \$1000 U.S Dollars or to imprisonment for a term not exceeding five years, or with both, and shall be liable for a second or subsequent offence to a fine not exceeding \$12000 U.S Dollars or to imprisonment not exceeding seven years or with both in case of a foreign National, or Ls.120 or one year imprisonment or with both and in the second subsequent offence to Ls.200 fine or 2 years imprisonment or both in case of a New Sudan National.

**Section 70.**

Any contravention of the provisions of this Act or any regulations issued hereunder by any wildlife Officer or other member of the Secretariat shall in addition to any prosecution brought under this Act, render such Wildlife Officer or other member of the Secretariat liable to disciplinary action.

**Section 71.**

Any authorized Officer may, except where the Attorney General directs otherwise, conduct the prosecution of any offence under this Act or any regulations made hereunder.

**Section 72.**

Where any person is convicted by any court of any offence under this Act or any regulations made hereunder, the court

- a) Shall:-
  - i) Order the confiscation of any animal or trophy or tree log or proceeds of sale or disposal of such animals, or trophy or tree log under section 68 above, or any weapon, or other means of hunting or conveyance or any other non mechanical means, taken, used or involved in the commission of such offence and;
  - ii) Cancel any licence or permit issued under this Act.
- b) May order the confiscation of any vehicle, boat, aircraft or other mechanical means of conveyance used in the commission of such offence.

**Section 73.**

Any article or animal or log confiscated under the preceding section shall be disposed of in such manner as the Director General may specify, and any revenue from such disposal shall accrue to the Secretariat.

Given Under my hand this \_\_\_\_\_ day of \_\_\_\_\_ year 2003 A.D

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**Dr. John Garang de Mabior**  
**Chairman**  
**SPLM/CANS**

## **Schedule I**

### **Completely Protected Species**

#### ***Section 25.***

##### **Mammalia (Mammals)**

AARD WOLF

CHEETAH

CHIMPANZEE

COLOBUS MONKEY

ELEPHANT

PANGOLIN (all species).

RHINOCEROS (all species).

WILD ASS  
LEOPARD  
BONGO  
CARACAL (African Lynx).  
ELAND (All species).  
GIANT BUSH-BUCK  
GIRAFFE  
KUDU (All species).  
ORYNX (All species).  
SITATUNGA  
ZEBRA  
HYRAX (All species).

**AVES (Birds)**

BUSTARDS (All species)  
BALD-HEADED IBIS  
EAGLES (All species)  
SHOE BILL STORK  
VULTURES (All species)  
GREATER FLAMINGO  
GROUND HORBILL  
OSTRICH  
SADDLE BILL STORK  
SECRETARY BIRD  
SPOON BILL STORK

**Schedule II**

**Protected Species**

***Section 26.***

**Mammalia (Mammals)**

AARD VARK  
ADDAX  
ADDAX GAZELLE  
BAR BARY SHEEP (GANANA)  
GIANT FOREST HOG  
HIPPOPOTAMUS  
NUBIAN IBEX

ROAN ANTELOPE  
WHITE-EARED KOB  
LION  
HYAENA  
REED-BUCK (CHANCELLORS)  
SOMMERING'S GAZELLE  
TORA HARTEBEEST  
WARTHOG  
YELLOW-BACKED DUIKER  
BUFFALO  
NILE LECHWE

**AVES (Birds)**

BIRDS OF PREY (other than Eagles and Vultures)  
EGRETS (All species)  
HOOPOE  
IBIS (All species Except Bald Headed)  
MARABOU STORK  
WHITE STORK  
WOOLY-NECKED STORK

**SCHEDULE III**

**Protected Species**

***Section 27.***

**Mammalia (Mammals)**

AFRICAN WILD CAT  
BABOON  
DOHER REEDBUCK  
BLUE DUIKER  
BUSH BABY

BUSH-BUCK (All Sub-species except Giant Bush Buck).  
BUSH DUIKER  
BUSH PIG  
CIVET CAT  
DIK DIK (All species)  
DORCAS GAZELLE (Including ISABELLINE GAZELLE)  
FOX  
GRANT'S GAZELLE  
HARE (All species)  
HARTEBEEST (All Sub-species except TORA HARTEBEEST)  
HEDGE HOG  
HONEY BADGER  
JACKAL  
KLIPSPINGER  
KOB (Except WHITE EARED)  
MONALLA GAZELLE (THOMSON GAZELLE)  
MONKEYS (All species except COLOBUS)  
ORIBI  
PORCUPINE  
RED FLANKED DUIKER  
RUFUFRONS GAZELLE  
SERVAL SINGA GAZELLE  
TIANG  
WATER-BUCK  
WILD-DOG (Hunting Dog)

#### **SCHEDULE IV**

##### **National Parks And Game Reserves**

###### **National Parks**

1. Southern National Park.
2. Boma National Park.
3. Dinder National Park.
4. Bandingilo National Park.
5. Lantonto National Park.
6. Shambe National Park.
7. Nimule National Park.

###### **Game Reserves**

1. Zeraf Game Reserve.
2. Chelkou Game Reserve.

3. Mushra Game Reserve.
4. Kidepo Game Reserve.
5. Ashana Game Reserve.
6. Boro Game Reserve.
7. Numatina Game Reserve.
8. Fanyikang Game Reserve.
9. Juba Game Reserve.
10. Bangangai Game Reserve.
11. Mbarizunga Game Reserve.
12. Bire Kpatous Game Reserve.

## **ANNEX I**

### **Punishment for Offences committed against Schedules I, II and III**

1. **Schedule I (Completely Protected)**

All the offences against schedule I shall be punished as follows:-

- a) Imprisonment for a period not exceeding 14 years and or
- b) Fine up to Ls 10,000.
- c) Confiscation of the exhibits, the weapons used in the Commission of the offence and or the means of conveyance.

2. **Schedule II (Specially protected).**

All the offences committed against Schedule II shall be punished as follows:-

- a) Imprisonment for a period not exceeding five (5) years and or
- b) Fine up to Ls 7,500.
- c) Confiscation of the exhibits, the weapons used in the Commission

of the offence and or means of conveyance.

3. **Schedule III (Protected).**

All the offences committed against Schedule II shall be punished as follows:-

- a) For the 1<sup>st</sup> offence:-
  - i) imprisonment for a period not exceeding two (2) years and or
  - ii) fine up to Ls 100.
  - iii) confiscation of the exhibits, the weapons, used in the Commission of the offence and or the means of conveyance.
  
- b) For the second offence:-
  - i) imprisonment for a period not exceeding five (5) years and or
  - ii) fine up to Ls 300.
  - iii) confiscation of the exhibits, the weapons used in the Commission of the offence and or the means of Conveyance.

**ANNEXE II**

Any body found in possession of an animal in contravention of the provisions of this Act or the schedules shall be punished as follows:-

- a) In case of Schedule I:-
  - i) imprisonment for a term not exceeding one (1) year or fine up to Ls 300 or both.
  - ii) confiscation of the animal and the means of conveyance.
  
- b) In case of Schedule II:-
  - i) imprisonment for a term not exceeding six (6) months or fine up to Ls 180 or both.
  - ii) confiscation of the animal and the means of conveyance.
  
- c) In case of Schedule III:-
  - i) imprisonment for a period not exceeding four (4) months or fine up to Ls 120 or both.

- ii) confiscation of the animal and the means of conveyance.

### **ANNEXE III.**

- a) Any body who uses prohibited methods of hunting or capture of animals or birds shall be punished as follows:-
  - i) imprisonment for a term not exceeding two (2) years or fine not exceeding Ls 100 or both.
  - ii) confiscation of the weapon used as a method for the commission of the offence.
  
- b) Any body who enters a national park or game reserve without permission commits an offence and shall be punished with imprisonment or fine or both.
  
- c) Anybody who takes photographs or films of wildlife without permission shall:-
  - i) in the case of photographs shall be fined with an amount not exceeding Ls 100 and the Cameras shall be confiscated.
  - ii) in case of filming of wildlife, shall be fined with an amount not exceeding Ls 500 and video camera confiscated.