

[Chap6607]CHAPTER 66:07

NATIONAL PARKS AND WILDLIFE

ARRANGEMENT OF SECTIONS

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11 of 1992

15 of 2004

G.N. 57/1994

An Act to consolidate the law relating to national parks and wildlife management; to establish the Wildlife Advisory Board; and to provide for matters incidental to or connected therewith

[1ST APRIL 1994]

PART I

PRELIMINARY

[Ch6607s1]1. Short title

This Act may be cited as the National Parks and Wildlife Act.

[Ch6607s2]2. Interpretation

15 of 2004In this Act, unless the context otherwise requires—

“aircraft” includes all flying machines, whether or not powered by engines of any sort, whether captive, navigable, or free, and whether or not controlled by human agency, and all ground effect machines or hovercraft;

“animal” includes any member of the animal kingdom and includes man;

15 of 2004“Board” means the Wildlife Advisory Board established under section 17;

“certificate of ownership” has the meaning ascribed to it under section 88;

15 of 2004“community conservation area” means a conservation area in respect of which authority and responsibility to manage and utilize certain wildlife resources therein is vested in the local community;

“dangerous animal” includes hyena, lion, leopard, hippo, elephant, rhinoceros, buffalo, or crocodile;

“dependent young” means any juvenile animal patently depending on an adult of the same species for sustenance or protection;

15 of 2004“Director” means the Director of National Parks and Wildlife;

“domestic animal” means any animal which is sufficiently tame to serve some purpose for the use of man, whether or not such use is utilitarian, and includes individual animals which were once tamed or which are in the process of being so tamed;

15 of 2004“endangered species” means any plant or animal declared as such pursuant to section 43A;

15 of 2004“environmental inspector” has the same meaning as in the Environment Management Act; Cap. 60:02

15 of 2004“firearm” has the same meaning as in the Firearms Act; Cap. 14:08

15 of 2004“fisheries officer” has the same meaning as in the Fisheries Conservation and Management Act; Cap. 66:05

15 of 2004“forest officer” has the same meaning as in the Forestry Act; Cap. 63:01

“Fund” means the National Parks and Wildlife Fund established under section 100;

“game species” means a species of animals designated as a game species under section 44;

“Government trophy” has the meaning ascribed to it under section 90;

“hours of darkness” means the period between one-half hour after sunset and one-half hour before sunrise;

“hunt” means to attempt to take;

15 of 2004“officer” means the Chief Parks and Wildlife Officer and any of the officers mentioned in section 6 (3);

“listed species” means plant or animal species listed under any international, regional or bilateral agreement to which Malawi or the Government is a party, and under regulations made pursuant to section 99;

15 of 2004“local community” includes corporate and incorporate persons and non-governmental organizations;

“plant” means any member of the plant kingdom and includes the seeds of any plant species;

“professional hunter’s licence” means a licence issued pursuant to section 92;

15 of 2004“protected area” includes a national park, wildlife reserve and nature sanctuary;

“protected species” means any plant or animal declared as such pursuant to section 43;

“re-export” in relation to specimens, means to export a specimen previously imported into Malawi;

“specimen” means any wild plant or animal, alive or dead, whether or not native to Malawi, and any readily recognizable part or derivative of such plant or animal;

“sustainable yield level” means the highest rate of harvesting a specified wildlife population which can be maintained indefinitely without reducing the capacity of the population to continue providing the said rate of harvesting;

“take” in relation to an animal, means to wound, capture, or kill the animal, or remove or destroy its nest or egg or any part of it;

“wild animal” means any animal which is rerae naturae, but does not include any domestic animal;

“wildlife” means any wild plant or animal of a species native to Malawi and includes animals which migrate through Malawi, and biotic communities composed of those species.

15 of 2004 “wildlife district” means a district designated as such pursuant to section 121A;

15 of 2004 “wildlife management authority” means any local community organization or other private organization established for the purposes of promoting local community participation in the conservation and management of wildlife.

[Ch6607s3]3. Purposes of this Act

15 of 2004(1) The purposes of this Act are—

- (a) the conservation of selected examples of wildlife communities in Malawi;
- (b) the protection of rare, endangered and endemic species of wild plants and animals;
- (c) the sustainable use of wildlife and minimization of conflict between human beings and animals;
- (d) the control of dangerous vertebrate species;
- (e) the control of import, export and re-export of wildlife species and specimens;
- (f) the implementation of relevant international treaties, agreements or any other arrangement to which Malawi or the Government is a party;
- (g) the promotion of local community participation and private sector involvement in conservation and management of wildlife; and
- (h) the protection and management of protected areas.

(2) For the better achievement of the purposes of this Act, the Minister and every other person responsible for the administration of this Act shall ensure that any measures taken or instituted under this Act are based on the results of scientific investigation including the monitoring of species status and habitat condition:

Provided that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reason for postponing cost-effective measures to prevent degradation of wildlife.

(3) The provisions of this Act which relate to the management of species in wild habitats, shall refer only to species presently or formerly native to Malawi and shall not be construed as authorizing the introduction of exotic plants or animals into wild habitats within Malawi.

[Ch6607s4]4. Ownership of wild animals or plants

15 of 2004(1) Where any plant or animal other than a protected species is lawfully taken by any person, the ownership of such plant or animal shall, subject to the provisions of this Act, vest in that person.

(2) If any protected species is lawfully taken pursuant to a licence issued under this Act, the ownership of such animal or plant shall, subject to the provisions of this Act and to the terms and conditions of the licence, vest in the licensee.

(3) If prior to the commencement of this Act, any wild plant or animal is lawfully vested in any person such plant or animal shall, subject to the provisions of this Act, vest or continue to be vested in that person.

(4) Except with the authority under any licence, nothing in this section shall be deemed to transfer to any person the ownership of any protected animal found dead or dying, or a protected plant that has been cut down.

(5) If any person takes any protected animal or protected plant in contravention of this Act, the ownership of the animal or plant shall not be transferred to that person.

PART II

ADMINISTRATION

[Ch6607s5]5. Chief Parks and Wildlife Officer and other officers

For the purpose of implementing this Act, there shall be appointed in the public service an officer to be designated as the Chief Parks and Wildlife Officer and other officers subordinate to him who shall be responsible for the administration of this Act subject to any general or special directions of the Minister.

[Ch6607s6]6. Duties of the Chief Parks and Wildlife Officer

15 of 2004(1) The Chief Parks and Wildlife Officer shall, subject to the general or special directions of the Minister, be responsible for the management of national parks and wildlife throughout Malawi and, in particular, for implementing the provisions of this Act, and shall exercise control over

protected areas in accordance with the provisions of this Act and any order declaring a national park, a wildlife reserve or a nature sanctuary.

(2) Every officer shall exercise such functions and duties as may be conferred upon him by this Act or as may be delegated or assigned to him by the Chief Parks and Wildlife Officer and wildlife management authority.

(3) For purposes of this Act, the following persons shall be officers—

(a) parks and wildlife officers;

(b) fisheries officers, forest officers, environmental inspectors, customs officers, members of the Malawi Police Service, members of the Malawi Defence Force and Honorary Parks and Wildlife Officers as the Minister may designate by notice published in the Gazette; and

(c) such other public officers as the Minister may designate by notice published in the Gazette.

(4) The Minister may, by regulations, set out circumstances in which any of the persons specified in paragraphs (a), (b) and (c) of subsection (3) may authorize or order any person to perform duties under this Act.

(5) Notwithstanding the definition of “worker” in the Workers’ Compensation Act, an officer, other than an Honorary Parks and Wildlife Officer, who— Cap. 55:03

(a) suffers injuries in the course of performing his duties under this Act; or

(b) dies as a result of injuries suffered in the course of performing his duties under this Act,

shall be paid compensation which shall be calculated in accordance with the provisions of the Workers’ Compensation Act. Cap. 55:03

(6) The Director may, in the performance of his duties under this Act, delegate in writing any of his duties to a wildlife management authority or any other public officer.

(7) Every wildlife management authority and every officer shall, in the performance of his duties under this Act, be subject to the directions of the Director.

(8) The Minister may, on the recommendation of the Board, make regulations providing for conduct of officers, by class or generally, in the performance of their duties under this Act:

Provided that the services of a public servant shall not be terminated except in accordance with the procedure laid down in the Public Service Act. Cap. 1:03

[Ch6607s7]7. Appointment of an Honorary Parks and Wildlife Officer

15 of 2004(1) The Minister may appoint any person to be an Honorary Parks and Wildlife Officer to assist in the implementation of this Act for such period not exceeding three years as the Minister shall specify in the instrument of appointment, and may, in like manner, renew or revoke any such appointment and shall cause notice of the appointment, renewal or revocation to be published in the Gazette.

(2) The appointment of any Honorary Parks and Wildlife Officer may be—

- (a) general, in which case it shall authorize the officer to act in any part of Malawi; or
- (b) limited, authorizing the officer to act only within a specified part or specified parts of Malawi.

(3) An Honorary Parks and Wildlife Officer may at any time be called by the Chief Parks and Wildlife Officer to serve on such official duties under this Act and for such length of time as may be agreed between the officer and the Chief Parks and Wildlife Officer.

(4) Subject to subsection (3), an Honorary Parks Wildlife Officer shall perform his duties under this Act on voluntary basis and the Government shall not be bound to pay an Honorary Parks and Wildlife Officer.

[Ch6607s8]8. Powers of officers

15 of 2004(1) Any officer may, without warrant, enter upon any land, building, tent, motor vehicle, trailer, container, aircraft or boat for the purpose of ensuring that the provisions of this Act are being complied with or for the purpose of preventing or detecting any offence under this Act.

(2) Subject to subsection (3), an officer may carry and use firearms.

(3) The Minister may, on the recommendation of the Board, make regulations—

- (a) specifying, by name or rank, officers or class of officers who may carry and use firearms;
- (b) governing the carrying and use of firearms by officers; and
- (c) governing the discipline and conduct of officers authorized under this Act to carry and use firearms.

(4) An officer shall, for purposes of the Firearms Act, be deemed to be a person in the service of the Government acting in accordance with his duties as such. Cap. 14:08

[Ch6607s9]9. Seizure of specimens and articles

15 of 2004(1) Any officer may, without warrant, search any land, building, tent, motor vehicle, trailer, container, aircraft, boat or any baggage or package—

(a) if he has reasonable grounds for believing that any person has committed or is committing or is about to commit an offence under this Act; or

(b) to verify any document or matter purported to have been issued under this Act,

and if such officer finds any specimen or article which appears to have been obtained, possessed, used or about to be used in committing an offence under this Act, he shall seize such specimen or article.

(2) Any officer who seizes any specimen or article pursuant to subsection (1) shall give to the person from whom it was seized a receipt therefor in the prescribed form if any, signed by the officer.

[Ch6607s10]10. Return of seized specimens and articles

Where the Chief Parks and Wildlife Officer is notified in writing by the Director of Public Prosecutions that no prosecution should be instituted for an offence committed in connexion with or in respect of any specimen or article seized under section 9, or where such prosecution has, if concluded, not resulted in the conviction of that person in respect thereof, any specimen or article seized shall be returned to its owner within fourteen days of the receipt by the Chief Parks and Wildlife Officer of such written notice from the Director of Public Prosecutions:

Provided that any such specimen or article shall not be so returned if the court has ordered it to be forfeited or destroyed under the provisions of this Act or any other written law.

[Ch6607s11]11. Barriers to be placed across roads

Any officer may place or cause to be placed a barrier across any road for the purpose of examining or searching any motor vehicle or trailer or questioning any person:

Provided that such barrier shall conform to specifications laid down by the Chief Parks and Wildlife Officer who shall act in consultation with the other relevant authorities including, more particularly those responsible for roads and road traffic.

[Ch6607s12]12. Arrest of persons for committing offences

(1) Where any person is found committing or is reasonably suspected of having committed or of being about to commit an offence under this Act, any officer may without warrant arrest such person.

(2) Any person arrested pursuant to subsection (1) shall, as soon as possible, through police officers be charged with the appropriate offence and be taken before a court, and shall not be detained longer than is necessary.

[Ch6607s13]13. Prosecution by officers

(1) The Director of Public Prosecutions may, at the written request of the Chief Parks and Wildlife Officer, in writing nominate, by name or rank, any officer or class of officer of the Department of National Parks and Wildlife to undertake and prosecute criminal proceedings in respect of any offence

alleged to have been committed by any person in contravention of this Act and may at any time, without assigning any reason thereof, in writing, cancel any such nomination.

(2) In undertaking or prosecuting any proceedings pursuant to subsection (1), such officer shall act in accordance with the general or special directions of the Director of Public Prosecutions and shall, for the purpose of any such proceedings, have the powers of a public prosecutor appointed under any written law for the time being in force.

[Ch6607s14]14. Production of documents for inspection

15 of 2004Any document issued pursuant to this Act shall, upon request, be produced by the holder thereof for inspection by any officer.

[Ch6607s15]15. Obstruction of officers, etc.

Any person who—

- (a) obstructs any officer in the performance of his functions under this Act;
- (b) refuses to furnish to any officer on request, particulars or information to which the officer is entitled by or under this Act;
- (c) willfully or recklessly gives to any officer false or misleading information which the officer is entitled to obtain under this Act,

shall be guilty of an offence.

[Ch6607s16]16. Alteration, etc., of official record

15 of 2004Any person who, without lawful authority—

- (a) alters, defaces or removes any official record maintained in pursuance of this Act or any regulation or order made under this Act; or
- (b) alters or defaces any prescribed document issued under this Act,

shall be guilty of an offence.

PART III

WILDLIFE RESEARCH AND MANAGEMENT BOARD

[Ch6607s17]17. Establishment of the Board

There is hereby established a board to be known as the Wildlife Research and Management Board.

[Ch6607s18]18. Composition of the Board

15 of 2004(1) The Board shall consist of—

- (a) the following ex officio members—
 - (i) the Director;
 - (ii) the head of Wildlife Research Unit, or his designated representative;
 - (iii) the Commissioner for Local Government, or his designated representative;
 - (iv) the Director of Fisheries, or his designated representative;
 - (v) the Director of Forestry, or his designated representative;
 - (vi) the Director of Environmental Affairs, or his designated representative;
 - (vii) the Director of Tourism, or his designated representative;
 - (b) one member with recognized qualifications, experience or specialization in matters relevant to conservation, preservation or protection of wildlife;
 - (c) two members representing the private sector appointed by the Minister;
 - (d) three members representing the general public; and
 - (e) two members representing non-governmental organizations appointed by the Minister.
- (2) The minister shall designate one of the members to be Chairman of the Board.
- (3) A member of the Board appointed under subsection (1) (b), (c) and (d) shall hold office for a period of three years unless his appointment be sooner terminated and shall be eligible for reappointment.
- (4) The membership of the Board as first and subsequently appointed and every change in the membership to the Board shall be published in the Gazette.
- (5) The office of the Chief Parks and Wildlife Officer shall provide the Secretariat of the Board.
- (6) The office of a member appointed pursuant to subsection (1) (b), (c), (d) and (e) shall become vacant—
- (a) upon his death;
 - (b) if he is absent from three consecutive meetings of the Board without the approval of the Chairman or without other valid cause;
 - (c) upon the expiry of one month's notice in writing of his intention to resign his office, given by the member to the Chairman;

(d) if he is convicted of an offence under this Act; or

(e) if the Minister so directs.

[Ch6607s19]19. Functions of the Board

15 of 2004The function of the Board shall be to advise the Minister on all matters relating to protected areas and wildlife management in Malawi, including in particular but not limited to—

(a) advising on the declaration of areas which, for the purpose of protecting wildlife species, biotic communities, sites of special interest or aesthetic values and promoting education on wildlife, the Board considers should be declared national parks, wildlife reserves or nature sanctuaries under this Act; and

(b) advising on the import, export and re-export of wildlife specimens into and out of Malawi.

[Ch6607s20]20. Meetings of the Board

(1) The Board shall meet not less than twice a year at such places and times as the Chairman may determine.

(2) The Board shall further meet at any time at the request, in writing, of any three of its members.

(3) The Board may at the discretion of the Chairman invite any person or persons to attend any meeting of the Board and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote.

(4) In the absence of the Chairman from any meeting of the Board the members present, if constituting a quorum, shall elect one of their number to preside at the meeting.

(5) A majority of the members of the Board shall constitute a quorum.

(6) At all meetings of the Board the decisions shall be reached by a simple majority, and the Chairman or other person presiding shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

(7) The Chairman of the Board shall report to the Board at each meeting thereof the action taken in respect of any matter on which the Board has advised the Minister.

(8) The Board shall determine its own procedure.

[Ch6607s21]21. Members of the Board not deemed public officers

A member of the Board who is not a public officer shall not, by virtue only of his membership to the Board, be deemed to be an officer in the public service.

[Ch6607s22]22. Allowances

15 of 2004A member of the Board or a committee thereof shall be paid such allowances as the Minister may determine.

15 of 2004PART IIIA

LOCAL COMMUNITY PARTICIPATION AND PRIVATE SECTOR INVOLVEMENT

[Ch6607s22A]22A. Purposes of this Part

15 of 2004The purpose of this Part is to provide for local community participation and private sector involvement in conservation and management of wildlife.

[Ch6607s22B]22B. Wildlife management agreement

15 of 2004(1) For proper management of wildlife, the Director may enter into a wildlife management agreement with a wildlife management authority providing for, inter alia—

- (a) a management plan;
- (b) assistance to be provided by the Department of National Parks and Wildlife; and
- (c) rights and duties of the wildlife management authority.

(2) The Director may enter into concession agreements for purposes of managing, and investing in, such protected areas, in whole or part thereof, as may be determined by the Board.

(3) Subject to performance of unfulfilled obligations under a wildlife management agreement or a concession agreement or the rights of a third party, a wildlife management agreement or a concession agreement may be terminated by either party.

(4) In the event of any dispute which cannot be resolved by the parties arising under a wildlife management agreement or a concession agreement, the matter shall be referred to the Minister:

Provided that any party aggrieved with the decision of the Minister may, within thirty days of the decision of the Minister apply to the High Court for review of the decision.

[Ch6607s22C]22C. Minister may make rules

15 of 2004(1) The Minister may, on the recommendation of the Board, make rules for the better carrying into effect of the purposes of this Part.

- (2) Without prejudice to the generality of subsection (1), the rules may—
 - (a) provide for conservation and management of wildlife;

(b) provide for private sector involvement in the management of, and investment in protected areas;

(c) facilitate the establishment of wildlife management authorities;

(d) encourage local government authorities, non-governmental organizations, the private sector and other relevant institutions to contribute towards provision of wildlife extension services in accordance with guidelines provided by the Director;

(e) provide for the establishment and management of community conservation areas outside protected areas;

(f) authorize payments of grants or bonus out of public funds for encouragement of the management of wildlife; and

(g) prescribe a mechanism for sharing costs and benefits between the Department of National Parks and Wildlife and wildlife management authorities.

15 of 2004PART IV

ENVIRONMENTAL IMPACT ASSESSMENTS

[Ch6607s23]23. Requests to conduct wildlife impact assessments

15 of 2004(1) Any person who has a good and sufficient reason to believe that any proposed or existing government process or activity of the government or any other organization or person may have an adverse effect on any wildlife species or community such person may request, through the Board, the Minister that an environmental impact assessment be conducted.

(2) Whenever the Minister receives such request under this section he may within thirty days of receipt thereof call upon the Board to conduct the assessment.

[Ch6607s24]24. Submission of the assessment reports to the Minister

15 of 2004(1) Where the Board is called upon pursuant to section 23 to conduct an environmental impact assessment it shall arrange for the assessment to be conducted and shall submit a report of its findings to the Minister within ninety days of being called upon to conduct the assessment.

(2) In conducting the assessment, the Board may—

(a) use any powers available to it under this Act as it may consider necessary;

(b) utilize the services of the Director;

(c) invite written or oral comments from the public; and

(d) conduct public hearings at such place or places as the Board deems necessary for purposes of assessing public opinion.

[Ch6607s25]25. Contents of the assessment reports

15 of 2004Any report submitted by the Board to the Minister pursuant to section 24 (1) shall include—

- (a) a statement of the existing or anticipated impacts upon wildlife, including an account of the species, communities, and habitats affected and the extent to which they are or may be threatened;
- (b) a statement of whether rare, endangered or endemic species are or may be affected;
- (c) a list of alternative actions, including inaction, which might be taken to remove or lessen adverse impacts; and
- (d) its recommendations for subsequent government action.

15 of 2004PART V

DECLARATION AND MANAGEMENT OF PROTECTED AREAS

[Ch6607s26]26. Declaration of national parks, wildlife reserves or nature sanctuaries

15 of 2004(1) For the purposes of this Act, there shall be declared protected areas of public land to be known as national parks, wildlife reserves or nature sanctuaries.

(2) The declaration and management of national parks, wildlife reserves and nature sanctuaries shall be subject to the provisions of sections 27 to 41.

[Ch6607s27]27. Purposes of national parks, wildlife reserves or nature sanctuaries

15 of 2004The purposes of national parks, wildlife reserves and nature sanctuaries shall be—

- (a) to preserve selected examples of biotic communities of Malawi and their physical environments;
- (b) to protect areas of aesthetic beauty and of special interest;
- (c) to preserve populations of rare, endemic and endangered species of wild plants and animals;
- (d) to assist in water catchment conservation;
- (e) to promote education on wildlife;
- (f) to provide an enabling environment for nature based tourism in and around them;
- (g) without prejudice to the purposes listed in paragraphs (a) to (d), and within any limitations imposed by them, to provide facilities for studying the phenomena therein for the advancement of science and understanding; and

(h) without prejudice to the purposes listed in paragraphs (a) to (c), and within any limitations imposed by them, to provide facilities for public use and enjoyment of the resources therein.

[Ch6607s28]28. Procedure for declaration of national parks, wildlife reserves or nature sanctuaries

15 of 2004(1) The Minister may, by order published in the Gazette, declare any area of land or water within Malawi to be a national park or to be a wildlife reserve and may, in like manner, alter the boundaries of, or disestablish, any national park, wildlife reserve or nature sanctuary so declared, and the Minister shall first require the matter to be comprehensively studied by or under the auspices of the Board.

(2) The Minister may amend such order, but any order the purpose of which is to alienate or excise land from a national park, wildlife reserve or nature sanctuary shall be of no effect unless and until approved by a resolution of the National Assembly.

(3) Any study made pursuant to the provision of subsection (1) shall investigate the ecological consequences of the proposed boundary change or disestablishment, and the report of the study shall be submitted to the Minister together with the advice of the Board within ninety days of the study being made.

(4) The Minister shall not decide upon any proposal relating to boundary change or disestablishment of any national park, wildlife reserve or nature sanctuary until he is in receipt of a report made pursuant to subsection (3).

[Ch6607s29]29. Acquisition of land for national parks, wildlife reserves or nature sanctuaries

15 of 2004Any area of land proposed for national park, wildlife reserve or nature sanctuary status and which is not public land shall first be acquired as public land in accordance with the provisions of the Land Act and Lands Acquisition Act. Cap. 57:01, Cap. 58:04

[Ch6607s30]30. Temporary management measures

15 of 2004(1) When an area is proposed for declaration as a national park, wildlife reserve or nature sanctuary and action to do so in accordance with this Act has been started, the Minister may, on the recommendations of the Board, make administrative arrangements for managing the area by imposing temporary management measures effective for a period of not exceeding six months pending declaration of the area as a national park, wildlife reserve or nature sanctuary, and shall cause notice of the institution of such arrangements to be given in the Gazette.

(2) Any area to which temporary management measures apply shall be managed by the Chief Parks and Wildlife Officer in accordance with the administrative arrangements made under subsection (1).

(3) Any person who fails to comply with any directive or instruction of the Chief Parks and Wildlife Officer or of any officer duly acting on behalf of the Chief Parks and Wildlife Officer in the

management of an area under this section shall be guilty of an offence; and for the avoidance of doubt, the offence hereby created is a strict liability offence.

[Ch6607s31]31. Description of the area to be declared a national park, wildlife reserve or nature sanctuary

15 of 2004 Any order made under section 28 declaring a national park, a wildlife reserve or a nature sanctuary shall incorporate a description of the area which shall include—

- (a) the proposed name of the national park, wildlife reserve or nature sanctuary; and
- (b) an exact delimitation of the boundary which shall include a description of the land which may have been acquired pursuant to section 29.

[Ch6607s32]32. Prohibition of entering or residing in national parks, wildlife reserves or nature sanctuaries without authority

15 of 2004 (1) Any person who, except in accordance with the provisions of this Act, enters into or resides in, or attempts to enter into or reside in, any national park, wildlife reserve or nature sanctuary shall be guilty of an offence.

(2) This section shall not apply to—

(a) the Minister, the Director, a member of the Board, an officer or an employee of the Department of National Parks and Wildlife in the course of performing his duties requiring his presence in a national or nature sanctuary; or

(b) any person in possession of a permit to enter or reside in the national park, wildlife reserve or nature sanctuary issued under subsection (3).

(3) The Chief Parks and Wildlife Officer may issue to any person a permit, in the prescribed form, to enter or reside in any national park, wildlife reserve or nature sanctuary, subject to payment by that person of the prescribed fee, if any.

[Ch6607s33]33. Prohibition of possession or use of weapons, traps, explosives or poisons

15 of 2004 (1) Except as otherwise provided by section 39 or by section 40, any person who conveys into, or possesses or uses within, any national park, wildlife reserve or nature sanctuary any weapon, trap, explosive or poison shall be guilty of an offence.

(2) This section shall not apply to any officer acting in the performance of his duties.

[Ch6607s34]34. Prohibition of deposition of litter or waste

15 of 2004 Any person who discards or deposits any litter or any waste material in a national park, a wildlife reserve or a nature sanctuary otherwise than into a receptacle provided for the purpose shall be guilty of an offence.

[Ch6607s35]35. Other prohibited acts in a national park, wildlife reserve or nature sanctuary

15 of 2004 Except as otherwise provided by section 39 or by section 40, any person who, in a national park, a wildlife reserve or nature sanctuary—

(a) hunts, takes, kills, injures, or disturbs any wild plant or animal, or any domestic animal or cultivated plant occurring lawfully therein;

(b) takes, destroys, damages, or defaces any object of geomorphological, archaeological, historical, cultural, or scientific interest, or any structure lawfully placed or constructed therein;

(c) prepares land for cultivation, prospects for minerals or mines or attempts any of these operations;

(d) drives, conveys, or introduces any wild animal into a national park, wildlife reserve or nature sanctuary;

(e) drives, conveys or introduces any domestic animal into a national park, wildlife reserve or nature sanctuary or who permits any domestic animal, of which he is for the time being in charge, to stray into a national park, wildlife reserve or nature sanctuary,

shall be guilty of an offence.

[Ch6607s36]36. Destruction of domestic animals by officers

15 of 2004 Any officer who finds a domestic animal within a national park, wildlife reserve or nature sanctuary and is satisfied that its presence there is unlawful may destroy the animal forthwith, and the owner of such animal shall not be entitled to compensation.

[Ch6607s37]37. Prohibition of introduction of plants into national parks, wildlife reserves or nature sanctuaries

15 of 2004 (1) Except as otherwise provided by section 39, any person who conveys or introduces any plant, whether of a wild or cultivated species, into a national park, wildlife reserve or nature sanctuary shall be guilty of an offence.

(2) The Chief Parks and Wildlife Officer may order the destruction or removal of any plant, and any seedling or offshoot thereof, brought into a national park, wildlife reserve or nature sanctuary in contravention of subsection (1).

[Ch6607s38]38. Prohibition against fire in national parks, wildlife reserves or nature sanctuaries

15 of 2004 Except as otherwise provided by section 39, or by section 41 (2) (b), any person who starts or maintains any fire in a national park, wildlife reserve or nature sanctuary shall be guilty of an offence.

[Ch6607s39]39. Control of harvest in national parks, wildlife reserves or nature sanctuaries

15 of 2004 Where it is intended to harvest resource within a national park, wildlife reserve or nature sanctuary—

(a) the Chief Parks and Wildlife Officer may, subject to the provisions of this Act, issue authority to any person, in the prescribed form, absolving him from compliance with the provisions of sections 33 (1) and 35 (a) to the extent specified in the authority; and

(b) the Chief Parks and Wildlife Officer shall be responsible for regulating and controlling harvesting in the national park, wildlife reserve or nature sanctuary; and in exercising his responsibility under this paragraph the Chief Parks and Wildlife Officer shall ensure that the annual harvest does not exceed sustainable yield level unless it is judged desirable by the Minister to exceed temporarily such level for the purposes of management.

[Ch6607s40]40. Board to be appraised of the data

15 of 2004(1) If the Chief Parks and Wildlife Officer is satisfied that an otherwise unlawful act specified by sections 34 to 37 should be carried out in any national park, wildlife reserve or nature sanctuary in the interests of better wildlife management, he shall appraise the Board of all data relevant on the subject and shall request the opinion of the Board.

(2) If the Board, having considered any matter submitted by the Chief Parks and Wildlife Officer pursuant to subsection (1), is of the opinion that an otherwise unlawful act should be carried out in the interests of better wildlife management, it shall, with the approval of the Minister, issue written instructions to any officer authorizing him to undertake the act.

[Ch6607s41]41. Regulations for use of national parks, wildlife reserves or nature sanctuaries

15 of 2004(1) The Minister shall, by notice published in the Gazette, make provision to the extent necessary for implementing management measures of national parks, wildlife reserves or nature sanctuaries.

(2) The Minister may, on the recommendation of the Board, make regulations which shall provide for—

(a) conditions under which any person, vehicle, boat or aircraft may enter, travel through, reside in, or be kept in a national park, wildlife reserve or nature sanctuary;

(b) the prohibition or regulation of lighting camp or picnic fires in a national park, wildlife reserve or nature sanctuary;

(c) fees for entry into national parks, wildlife reserves or nature sanctuaries or for services or amenities provided therein;

(d) prohibition or control of low flying aircraft over a national park, wildlife reserve or nature sanctuary;

- (e) rules for persons within a national park, wildlife reserve or nature sanctuary;
 - (f) prohibition or control of commercial enterprises within a national park, wildlife reserve or nature sanctuary; and
 - (g) the efficient management of a national park, wildlife reserve or nature sanctuary.
- (3) Any person who contravenes the provisions of any regulations made under subsection (2) shall be guilty of an offence.

PART VI

PROTECTED SPECIES

[Ch6607s42]42. Purpose of this Part

The purpose of this Part is to provide the classification of species of wild plants and animals as protected species in order that those particular species of plants or animals are accorded appropriate management priority.

[Ch6607s43]43. Declaration of protected species

15 of 2004(1) The Minister may, from time to time, by order published in the Gazette, declare any species of wild plant or wild animal specified in such order to be classified as a protected species under this Act.

(2) Any order made under subsection (1) may apply to an individual species throughout Malawi, or to all or some species in a specified area, or to varieties of a species including sex and age groups.

[Ch6607s43A]43A. Endangered species

15 of 2004(1) The Minister may, from time to time, cause to be published in the Gazette a list of all species to be classified as endangered species under this Act.

(2) An order made under subsection (1) may apply to—

- (a) an individual species throughout Malawi;
- (b) to all or some species in a specified area; or
- (c) to varieties of a species including sex and age groups.

[Ch6607s44]44. Game species

15 of 2004(1) Some protected species of animals shall be classified as game species for purposes of hunting.

(2) The Chief Parks and Wildlife Officer shall, after consultation with the Board, cause to be published in the Gazette a list of all species that are to be classified as game species under this Act.

(3) The Chief Parks and Wildlife Officer, after consultation with the Board may, at any time, by notice published in the Gazette vary the list, in effect at that time, of game species.

(4) Game species may be hunted under any licence issued in terms of Part VII.

[Ch6607s45]45. Animals or plants which are not protected species

Wild plants and animals other than protected species shall not be subject to the restrictions on hunting or taking under Part VII, but shall be subject to all other provisions of this Act and to the provisions of any other written law.

PART VII

LICENCES TO TAKE OR HUNT WILDLIFE

[Ch6607s46]46. Purposes of this Part

The purpose of this Part is to regulate the hunting and taking of wildlife resources.

[Ch6607s47]47. General prohibition against hunting or taking without a licence

15 of 2004(1) Except as otherwise provided by this Act, any person who hunts or takes any protected species, except in accordance with the conditions of a licence and, where so required under this Act, a permit issued pursuant to this Part shall be guilty of an offence:

Provided that any officer shall not be required to possess a licence or a permit while acting in the performance of his duties or in exercising his powers under this Act.

(2) In any proceedings for an offence against subsection (1) the onus of proving that the hunting or the taking was in accordance with a valid licence and, where so required under this Act, a permit shall rest upon the accused.

[Ch6607s48]48. Classes of licences

15 of 2004(1) For the purposes of this Act there shall be the following classes of licences—

- (a) a bird licence;
- (b) a game licence;
- (c) hunting licence;
- (d) a special licence;
- (e) a visitor's licence;

- (f) an animal captivity licence;
- (g) a game farming licence;
- (h) a game ranching licence; and
- (i) a professional hunter's licence.

(2) The Minister may, on the recommendations of the Board, by notice published in the Gazette, prescribe in respect of the forthcoming year—

- (a) the conditions attached to each class of licences;
- (b) the numbers of each class of licences which may be issued during the course of a year for specified areas;
- (c) the methods by which each class of licences may be issued or offered for sale;
- (d) the species, sorts or varieties, and the numbers or quantities of each class which may be hunted or taken under each class of licences;
- (e) the methods of hunting or taking which may or may not be used;
- (f) the areas and times of the year in or during which hunting or taking is lawful; and
- (g) the fees payable in respect of each class of licences.

(3) Licences under this Act shall be issued by the Chief Parks and Wildlife Officer, other officers subordinate to him as he may authorize in that behalf and such other persons as the Minister may by notice published in the Gazette designate as persons also authorized to issue licences under this Act.

(4) Every licence under this Act shall be in the prescribed form and shall be issued upon application made in the prescribed form.

(5) No licence under this Act shall be issued to a person who has not attained the age of eighteen years.

[Ch6607s48A]48A. Permits

15 of 2004(1) The Minister may, on recommendation of the Board, by notice published in the Gazette, specify classes of licences in respect of which the obtaining of a permit under this Act shall be a condition precedent to hunting under the authority of the licence.

(2) Permits under this Act shall be issued by such persons in a wildlife district as the Director may by notice in the Gazette designate.

(3) Every permit under this Act shall be in a prescribed form.

[Ch6607s49]49. Licence not transferable

15 of 2004 Except as otherwise provided by the Act, any licence and permit issued under this Part shall not be transferable to any other person.

[Ch6607s50]50. Bird licence

(1) A bird licence shall authorize the licensee to hunt species of birds specified in the licence subject to and in accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.

(2) Subject to section 52, a bird licence shall only be issued to citizens or residents of Malawi.

[Ch6607s51]51. Game licence

(1) Subject to the provisions of this Act and the conditions prescribed for such licence, a game licence shall authorize the licensee to hunt species specified in the licence subject to and in accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.

(2) Subject to section 52, a game licence shall only be issued to citizens or residents of Malawi.

[Ch6607s52]52. Visitor's licence

Notwithstanding sections 50 and 51, a visitor's licence shall only be issued to a visitor to Malawi on such conditions as the Minister may prescribe, and shall authorize the licensee to hunt birds or game.

[Ch6607s53]53. Special licence

A special licence shall be issued in respect of protected species and shall authorize the licensee to hunt or to take protected species specified therein subject to and in accordance with the conditions prescribed generally for such classes of licence specially endorsed on his licence and in every case shall be issued for the purpose of—

- (a) scientific research or the furtherance of scientific research relative to the species;
- (b) scientific or educational or other proper use of the species in zoological institutions, botanical gardens, educational institutions, museums, herbaria and like institutions.

[Ch6607s54]54. Hunting licence

15 of 2004 A hunting licence shall authorize the licensee to hunt protected species in a specified area, within or without a protected area and shall be issued only in connexion with a professional hunter's licence and subject to and in accordance with the conditions prescribed generally for such class of licence or specially endorsed on his licence.

[Ch6607s54A]54A. Animal captivity licence

15 of 2004(1) Subject to the provisions of this Act and the conditions prescribed for such a licence, an animal captivity licence shall authorize the licensee to keep in captivity protected species specified in the licence subject to and in accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.

(2) An animal captivity licence shall only be issued to citizens or residents of Malawi.

[Ch6607s54B]54B. Game farming licence

15 of 2004(1) Subject to the provision of this Act and the conditions prescribed for such a licence, a game farming licence shall authorize the licensee to rear both game species and domestic animals for the purpose of utilization.

(2) A game farming licence shall only be issued to citizens or residents of Malawi.

[Ch6607s54C]54C. Game ranching licence

15 of 2004(1) Subject to the provisions of this Act and the conditions prescribed for such a licence, a game ranching licence shall authorize the licensee to rear game species for purposes of utilization.

(2) A game ranching licence shall only be issued to citizens or residents of Malawi.

[Ch6607s54D]54D. Professional hunter's licence

15 of 2004 Subject to the provisions of this Act and the conditions prescribed for such a licence, a professional hunter's licence shall authorize the licensee to conduct and be responsible for the activities of licensed hunting.

[Ch6607s55]55. Grounds on which a licence may be refused

15 of 2004(1) The Chief Parks and Wildlife Officer may refuse to issue a licence if—

- (a) the applicant fails to comply with any prescribed condition;
- (b) any licence formerly held by the applicant under this Act has been revoked by the Chief Parks and Wildlife Officer within the previous twelve months;
- (c) the applicant has been convicted of an offence under this Act during the previous twenty-four months;
- (d) the Chief Parks and Wildlife Officer is satisfied on reasonable grounds that the applicant is not a fit or proper person to hold such licence; or
- (e) the Chief Parks and Wildlife Officer is satisfied that the interests of wildlife management will be better served by a temporary freeze in issuing of licences of that class.

(2) The Chief Parks and Wildlife Officer shall notify the applicant in writing of any refusal under this section, and shall state his reasons therein.

[Ch6607s56]56. Appeal to the Minister against refusal of issuance of licence

15 of 2004(1) An applicant who has been refused a licence under section 55 may appeal to the Minister in writing within thirty days after the date of a notice given pursuant to section 57 (2) but the Minister may, on proper cause shown, allow an appeal out of the time prescribed.

(2) The Minister shall hear the views of the Chief Parks and Wildlife Officer in determining an appeal under this section and may uphold, vary or quash the decision of the Chief Parks and Wildlife Officer.

[Ch6607s57]57. Cancellation of a licence

(1) The Chief Parks and Wildlife Officer may revoke any licence issued to any person under this Part if he is reasonably satisfied of the existence of any ground that would entitle him under section 55 to refuse to issue a licence to that person.

(2) The Chief Parks and Wildlife Officer shall notify the licensee in writing of any cancellation under this section and shall state his reasons in writing.

[Ch6607s58]58. Appeal to the Minister upon cancellation of a licence

15 of 2004(1) Any licensee whose licence is cancelled under section 57 may appeal to the Minister in writing within thirty days after the date of a notice given pursuant to section 59 (2) but the Minister may on proper cause shown, allow an appeal out of the time prescribed.

(2) The Minister shall hear the views of the Chief Parks and Wildlife Officer in determining an appeal under this section and may uphold, vary or quash the decision of the Chief Parks and Wildlife Officer.

[Ch6607s59]59. Cancellation or suspension of a licence

(1) The Minister may, on the advice of the Board or the Chief Parks and Wildlife Officer, suspend or cancel any licence issued under this Part, either in its entirety or in respect of specified areas, periods, species, or sorts or varieties of species, if the interests of wildlife management so require.

(2) Upon suspension or cancellation of any licence under subsection (1), the Chief Parks and Wildlife Officer shall notify the licensee thereunder either—

(a) in the case of an individual licensee, by written notice to him; or

(b) in the case of a general suspension or cancellation, by publishing notices in the Gazette and in two consecutive issues of the daily local newspaper.

(3) A notice issued under subsection (2) in respect of cancellation may request surrender of licences to the Chief Parks and Wildlife Officer.

(4) A licensee under any licence suspended or cancelled under subsection (1) may appeal to the Minister in writing within thirty days after the date of a notice given under subsection (2) (a), or thirty days after publication of a notice in the Gazette made under subsection (2) (b).

(5) In determining such appeal, the Minister shall be free to hear the views of the Board or the Chief Parks and Wildlife Officer.

(6) The decision of the Minister on determination of an appeal shall be final.

[Ch6607s60]60. Inspection of a licence and the keeping of records

15 of 2004(1) Every licensee under this Part shall—

- (a) have the licence in his possession whenever he is hunting or taking any animal or plant;
- (b) produce the licence for inspection by an officer upon request; and
- (c) keep a true record, in the prescribed form, of all game species hunted or taken by him during validity of the licence.

(2) Any person who contravenes this section shall be guilty of an offence.

[Ch6607s61]61. Method of computing numbers or quantities of animal hunted or taken

In the case of animals—

(a) in computing the numbers or quantities of protected species hunted or taken under a licence issued pursuant to this Part, only animals that are killed, wounded, captured or taken shall be counted;

(b) if any protected species is killed or wounded through accident or error by any licensee under this Part whose licence entitles him to hunt such animal shall be counted as having been hunted under such licence.

[Ch6607s62]62. Guides, trackers and porters

(1) Any licensee under this Part may employ or use another person to assist him as a guide, tracker or porter in hunting protected species.

(2) Any person employed under subsection (1), not being himself a licensee, who chases, drives or employs any weapon against any protected species shall be guilty of an offence.

(3) Nothing in this section shall be construed as preventing the holder of a professional hunter's licence issued under section 92 from assisting his employer.

PART VIII

METHODS OF HUNTING AND TAKING, AND RESPONSIBILITIES OF HUNTERS

[Ch6607s63]63. Purposes of this Part

The purpose of this Part is to regulate methods of hunting and taking of animals and with a view to ensuring that wildlife resources are better managed and the opportunity to hunt made available to as many eligible persons as possible.

[Ch6607s64]64. Prohibition of use of fire for hunting

15 of 2004 Any person who, for the purpose of hunting, taking or assisting another to hunt or take, any wild animal or plant, causes any fire shall be guilty of an offence.

[Ch6607s65]65. Prohibition of hunting of dependent young

Except as may be authorized under a special licence issued pursuant to section 53, or as permitted under the provisions of Part IX, any person who hunts any dependent young or any female accompanied by dependent young of any protected species shall be guilty of an offence.

[Ch6607s66]66. Prohibited acts against killing protected species, etc.

(1) Except as may be authorized by the conditions contained in any licence issued under this Act, any person who—

(a) for the purpose of or in connexion with hunting or taking of protected species, possesses, prepares, makes, buys, sells or uses any poison, birdlime, trap, net, snare or similar substance or device capable of killing, capturing or wounding, any protected species;

(b) makes, prepares or uses any excavation, fence, enclosure or any device fixed to the ground or upon plants, capable of killing, capturing or wounding, any protected species,

shall be guilty of an offence.

(2) The onus of proving that an act under this section was done lawfully shall lie on the accused person.

[Ch6607s67]67. Regulations for weapons to be used in hunting

15 of 2004 (1) The Minister may from time to time, on the recommendations of the Chief Parks and Wildlife Officer, make regulations specifying the types, sizes, and calibres of weapons which may lawfully be used for hunting any protected species.

(2) A person who contravenes the provision of any regulation made under this section shall be guilty of an offence.

[Ch6607s68]68. Prohibition of hunting during hours of darkness

Except as may be authorized by the conditions contained in any licence issued under Part VII, any person who, during the hours of darkness, hunts or assists in the hunting of any protected species shall be guilty of an offence.

[Ch6607s69]69. Hunting by traditional methods

[Repealed by Act No. 15 of 2004]

[Ch6607s70]70. Use of motor vehicle, aircraft or radio communication prohibited

(1) Except as provided by subsection (2) or as may be authorized by the conditions contained in any licence under this Act, any person who—

- (a) discharges any weapon at any protected species from or within fifty metres of any motor vehicle, aircraft, or boat;
- (b) uses any motor vehicle, aircraft or boat to drive or stampede any protected species; or
- (c) uses any aircraft or radio communication system to locate any protected species for the purpose of hunting it, shall be guilty of an offence.

(2) Nothing in subsection (1) shall prohibit the use of a motor vehicle, aircraft or boat for the purpose of driving off any wild animal from the land or water upon which an aircraft is about to land or take off.

[Ch6607s71]71. Regulations for use of domestic animals in hunting

15 of 2004(1) The Minister may from time to time, make regulations—

- (a) prohibiting the use of any domestic animal as an aid to hunting any protected species; or
- (b) specifying the conditions under which any domestic animal may be used to hunt any protected species.

(2) Any person who contravenes the provisions of any regulation made under this section shall be guilty of an offence.

[Ch6607s72]72. Regulations for use of substances or devices in hunting

15 of 2004(1) The Minister may from time to time, make regulations—

- (a) prohibiting or controlling the use of baits, decoys, calling devices, hides, blinds, stands, or any other substances or devices to bring protected species into closer range of hunters;
- (b) specifying the conditions under which any substance or device may be used to hunt any protected species;

(c) prohibiting or controlling hunting in the vicinity of salt licks, water holes or isolated watering places used by wild animal; or

(d) specifying procedures which any hunter may be required to follow after killing any protected species;

(2) Any person who contravenes the provisions of any regulation made under this section shall be guilty of an offence.

PART IX

HUNTING DANGEROUS ANIMALS, KILLING IN ERROR, WOUNDING AND MOLESTING ANIMALS

[Ch6607s73]73. Purposes of this Part

The purposes of this Part are—

(a) to authorize the killing without licence of protected animals under circumstances where human life or property is threatened by the animals which circumstances are defined in sections 79 and 80;

(b) to make provision with respect to the killing or wounding of protected animals through error or accident;

(c) to provide for subsequent action to the wounding of a dangerous animal; and

(d) to prohibit molesting or ill-treating wild animals.

[Ch6607s74]74. Killing a protected animal in self-defence

Any person may kill or attempt to kill any protected animal in defence of himself or of another person or any property, crop or domestic animal if immediately and absolutely necessary:

Provided that nothing in this section shall absolve from liability of an offence under this Act, any person who at the time of attempted killing was committing any offence under this Act.

[Ch6607s75]75. Killing a game animal in defence of property

Any person may attempt to kill or kill any game animal which is causing material damage to any land, crop, domestic animal, building, equipment or other property of which the person is either the owner or the servant of the owner acting on his behalf in safeguarding the property.

[Ch6607s76]76. Ownership of carcass not transferable

(1) Except as otherwise provided by this Act, or by the conditions of any licence issued under Part VI, the killing of any protected animal under section 74 or 75 shall not be deemed to transfer ownership of the carcass thereof to any person.

(2) Any person who kills a protected animal under section 74 or section 75 shall, as soon as practicable, report the facts to any officer and shall, unless otherwise entitled to retain the same under the conditions of any licence issued under Part VII, hand over the carcass or such parts thereof as the officer may direct.

(3) Any person who contravenes this section shall be guilty of an offence.

[Ch6607s77]77. Reports to be made to an officer where protected animals cause damage to property

(1) Subject to this Act, any person having reason to believe that any protected animal is causing or is about to cause material damage to any land, crop, domestic animal, building, equipment or other property may report the facts to an officer.

(2) An officer who receives a report pursuant to subsection (1) shall, as soon as practicable, assess the extent of the threat posed by the said animal and take any necessary action he considers fit in the circumstances.

(3) In deciding what action should be taken to minimize damage to property caused by a protected animal, an officer shall carefully consider the status of the species and if he decides to kill or attempts to kill the animal, he shall do so only as a last resort and if only he has reasonable ground for believing that this course of action will not endanger survival of the species.

[Ch6607s78]78. Reports to be made to an officer where protected animal is killed through error or by accident

(1) If any person kills any protected animal through accident or error he shall, as soon thereafter as may be practicable, report the facts to an officer and shall hand over the carcass or such parts thereof as the officer may direct.

(2) Nothing in subsection (1) shall apply to any person if such person is entitled under any licence issued under Part VII to hunt a protected or game animal of that species and sort, in the circumstances under which he killed such animal and no offence under this Act shall have been committed in relation to the killing of such animal.

(3) Any person who contravenes this section shall be guilty of an offence.

[Ch6607s79]79. Wounded protected animals

15 of 2004(1) Any person who in any circumstances wounds any protected animal and fails without reasonable cause to use all reasonable endeavour to kill such animal at the earliest opportunity, shall be guilty of an offence.

(2) Subsection (1) shall not be construed as authorizing any person to follow any wounded animal—

(a) into a protected area, unless the person holds a licence authorizing him to hunt the animal in the protected area; or

(b) onto private land upon which the person has no permission to enter.

(3) Any person who believes that he has wounded any protected animal which in such wounded condition has entered a protected area shall immediately report the facts to an officer who shall as he sees fit, decide whether or not the animal should be killed and shall issue instructions accordingly.

(4) Any person who believes that he has wounded any protected or game animal which in such wounded condition has entered private land upon which he has no permission to enter shall, immediately report the facts to the owner of the land.

(5) An owner of land who receives a report pursuant to subsection (1) shall decide whether or not the person making the report is to be permitted to enter his land for the purpose of hunting the animal, and the landowner's decision in this regard shall be final.

(6) Any person who contravenes this section shall be guilty of an offence.

[Ch6607s80]80. Wounded dangerous animals

15 of 2004(1) Any person who, in any circumstances whatsoever, wounds any dangerous animal and fails to kill or capture it within 24 hours after its wounding shall, immediately report the facts to an officer.

(2) Any officer who receives a report pursuant to subsection (1) shall take immediate steps to locate the wounded animal, assess its condition and decide, as he sees fit, whether or not to kill it and shall either carry out the act himself or give instructions accordingly:

Provided that if the animal enters a protected area provisions of subsections (2) or (3) of section 79, as the case may be, shall apply.

(3) The provisions of section 79 (1) in respect to private land shall not apply to a person entering such land in pursuit of a dangerous animal wounded by him:

Provided that he reports the facts to the owner of the land as soon as practicable.

(4) Any person who contravenes this section shall be guilty of an offence.

[Ch6607s81]81. Dangerous animal posing threat to human life or property

(1) If any dangerous animal is believed to be threatening or about to threaten human life or property, any person may request any officer for assistance in minimizing or preventing the threat.

(2) Where an officer receives a request pursuant to subsection (1) he shall, as soon as practicable, take steps to minimize or prevent the threat, and such steps may include the killing of the animal:

Provided that if the animal is a protected animal the killing shall only be undertaken subject to section 74 or 75.

[Ch6607s82]82. Molesting or provoking animals prohibited

Any person who willfully and without just excuse or cause—

(a) molests or provokes any protected or game animal in a manner which results or is likely to result in its destruction; or

(b) molests or provokes any wild animal in a manner which results or is likely to result in the provocation, harassment or destruction of any protected or game animal,

shall be guilty of an offence.

[Ch6607s83]83. Protection of wild animals

A person who causes unnecessary or undue suffering to any wild animal, whether the animal lives in the wild or is being kept in captivity, shall be guilty of an offence.

[Ch6607s84]84. Use of repellant substances or devices

Nothing in this Part shall be construed as prohibiting the use of repellant substances or devices which are not capable of killing or injuring any protected or game animal by a property owner or his servant for the purpose of repelling any wild animal from his property.

PART X

COMMERCE RELATED TO WILDLIFE

[Ch6607s85]85. Purpose of this Part

The purpose of this Part is to regulate commerce in wildlife and its specimens with the goal of better safeguarding the resource.

[Ch6607s86]86. Prohibition of possession, sale and buying, of protected species

(1) Except as otherwise provided by subsection (2), any person who possesses, buys or sells, or who attempts to possess, buy or sell any specimen of a protected species shall be guilty of an offence.

(2) The provisions of subsection (1) shall not apply to possession of any specimen lawfully acquired under a licence issued under Part VII, by a person who is in possession of a valid certificate of ownership issued pursuant to section 88 (3).

[Ch6607s87]87. Regulations for controlling trade or dealings in protected animals

(1) The Minister may from time to time, on the recommendation of the Board make regulations providing for—

- (a) the control of trade in live animals of such species as the Minister shall prescribe in the regulations and the control of trade in the carcasses, meat and skins of such animals;
- (b) the control of industry engaged in the manufacturing of articles derived from protected animals;
- (c) the control of the taxidermy industry; and
- (d) the issue of permits to persons engaged in the foregoing occupations, and for prescribing fees payable for such permits.

(2) Any person who contravenes any regulation made under this section shall be guilty of an offence.

[Ch6607s88]88. Certificate of ownership

15 of 2004(1) Any person who, under a licence issued under Part VII, takes possession of a specimen of a protected species, other than specimen for human consumption shall within fourteen days, present the specimen together with his licence to the Chief Parks and Wildlife Officer and if he wishes to retain the specimen he may apply in writing or in the prescribed form, if any, to the Chief Parks and Wildlife Officer for a certificate of ownership in respect thereof.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) Where the Chief Parks and Wildlife Officer is satisfied that an applicant under subsection (1) is in lawful possession of any specimen, he may issue a certificate of ownership which shall be in the prescribed form.

(4) Where the Chief Parks and Wildlife Officer is satisfied that a certificate of ownership issued under subsection (3) has been issued through fraud, misrepresentation or error, he may revoke the certificate and the person to whom the certificate was issued shall forthwith upon demand by the Chief Parks and Wildlife Officer surrender the certificate to him for cancellation and a person who, without valid reason, fails so to surrender the certificate shall be guilty of an offence.

(5) Any person aggrieved by the cancellation of a certificate of ownership pursuant to subsection (4) may, within thirty days of its cancellation, appeal in writing to the Minister.

(6) In determining an appeal under subsection (5), the Minister shall hear the views of the Chief Parks and Wildlife Officer, and may uphold the decision of the Chief Parks and Wildlife Officer or instruct him to reissue the certificate of ownership.

[Ch6607s89]89. Transfer of ownership of specimen

(1) Any person who transfers or purports to transfer ownership of any specimen of a prescribed species, whether by gift, sale or otherwise shall at the time of the transfer, or the purported transfer be in possession of a certificate of ownership in respect of the specimen.

(2) Upon the transfer of any specimen, the transferor shall surrender the certificate to the Chief Parks and Wildlife Officer who shall thereupon issue a new certificate to the new owner but the Chief Parks and Wildlife Officer shall retain the certificate surrendered to him.

(3) Any person who receives by transfer the ownership of any specimen of a prescribed species shall, at the time of the transfer, obtain from the transfer or in respect of the specimen a certificate of ownership endorsed pursuant to subsection (2).

(4) Any person who contravenes this section shall be guilty of an offence.

(5) Nothing in this section shall apply to any transfer of ownership occasioned by operation of law.

[Ch6607s90]90. Government trophy

(1) Any specimen of any protected species the absolute ownership of which has not passed to any person under the provisions of this Act, shall be a government trophy for the purposes of this Act.

(2) Any person who obtains any government trophy by any means shall, as soon thereafter as may be practicable, report the facts to an officer and, if required, shall deliver up the trophy to the officer.

(3) Any person who contravenes subsection (2) shall be guilty of an offence.

(4) Any specimens so received or collected by an officer pursuant to subsection (2) shall be delivered by him to the Chief Parks and Wildlife Officer and all specimens received by the Chief Parks and Wildlife Officer shall be subject to the provisions of Part XIII.

[Ch6607s91]91. Dealings in government trophy

(1) Any person who unlawfully possesses or who purports to buy, sell, or otherwise transfer or deal in any government trophy shall be guilty of an offence.

(2) Except as otherwise provided by section 90, possession by any person of a specimen of a protected species without a certificate of ownership shall, for the purposes of this section, be prima facie evidence of the specimen being a government trophy and of unlawful possession thereof by such person.

[Ch6607s92]92. Professional hunter's licence

(1) For the purposes of this Act, there shall be a professional hunter's licence which shall authorize the licensee to conduct business as a professional hunter and to solicit clientele.

(2) Upon application in the prescribed form, the Chief Parks and Wildlife Officer may, on the recommendations of the Board and with prior approval of the Minister, issue a professional hunter's licence subject to such conditions as may be prescribed and upon payment of the prescribed fee.

(3) A professional hunter's licence shall not absolve the licensee from compliance with any other written law that may relate to his business.

(4) A professional hunter's licence shall, unless sooner revoked or cancelled, be valid for the period endorsed on the licence which period shall in no case be longer than twelve months.

[Ch6607s93]93. Certain prohibited acts by non-professional hunters

A person who is not a licensee under a valid professional hunter's licence who—

- (a) conducts business as a professional hunter;
 - (b) advertises himself as a professional hunter;
 - (c) solicits any contract or commission under which or for which he is to act in the capacity of a professional hunter; or
 - (d) for gain or reward, assists any other person to hunt any protected or game animal except as a guide, tracker, porter or in some other like capacity,
- shall be guilty of an offence.

[Ch6607s94]94. Suspension or cancellation of a professional hunter's licence

15 of 2004(1) The Chief Parks and Wildlife Officer may, on the recommendation of the Board and with the approval of the Minister, cancel professional hunter's licence if the licensee—

- (a) is convicted of an offence under this Act;
- (b) fails to comply with any condition of the licence; or
- (c) is not, in the opinion of the Chief Parks and Wildlife Officer conducting the business of a professional hunter in a fit and proper manner and the Chief Parks and Wildlife Officer shall forthwith suspend such professional hunter's licence pending consideration of its cancellation under this subsection.

(2) The Chief Parks and Wildlife Officer shall notify the licensee in writing of any decision to suspend or cancel as the case may be, the professional hunter's licence and shall state the reasons for the decision.

(3) A licensee whose licence is cancelled under this section may appeal to the Minister in writing within thirty days after the date of the notice of cancellation given under subsection (2).

(4) In determining any appeal under subsection (4), the Minister may hear the views of the Board and the Chief Parks and Wildlife Officer and may uphold the cancellation or may instruct the Board and the Chief Parks and Wildlife Officer to reinstate the validity of the licence.

[Ch6607s95]95. Restrictions on the professional hunter's licence

A professional hunter's licence shall not authorize the licensee to hunt any protected or game animal except as may be necessary in defence of human life or property as provided by sections 74 and 75, or to prevent the escape of an animal wounded by his client, that client being himself a licensee under a licence valid for that animal.

PART XI

IMPORT, EXPORT AND RE-EXPORT OF WILDLIFE SPECIMENS OF PROTECTED SPECIES AND LISTED SPECIES

[Ch6607s96]96. Purpose of this Part

The purpose of this Part is to control the import and export of wildlife specimens in order to—

- (a) assist in managing the wildlife resources of Malawi; and
- (b) assist conservation efforts that may be subject to international, regional or bilateral agreement to which Malawi or the Government is a party.

[Ch6607s97]97. Import, export or re-export permits

The Chief Parks and Wildlife Officer may issue to any person a permit in the prescribed form, to import or to export or to re-export any specimen of a protected species or listed species:

Provided that, in the case of a protected species, the Chief Parks and Wildlife Officer shall first require the person to produce a valid certificate of ownership in respect thereof and in the case of a listed species to produce evidence of compliance with the requirements of regulations made pursuant to section 99, or the requirements of this Act or of any other regulations made under this Act.

[Ch6607s98]98. Importation, exportation and re-exportation to meet customs laws

Any person who imports, exports or re-exports or attempts to import or export or re-export any specimen of a protected species or a listed species—

- (a) except through a customs post or port; or
- (b) without producing to a customs officer a valid permit to import, to export or to re-export the specimen,

shall be guilty of an offence.

[Ch6607s99]99. Additional restrictions on imports, exports or re-export of specimens

(1) The Minister may, after consulting the Minister responsible for Trade and Industry, make regulations imposing additional restrictions on imports, exports or re-exports of specimens of a protected species or listed species and for the purposes of such regulations the Minister may incorporate the requirements under any international, regional or bilateral agreement to which Malawi or the Government is a party.

(2) Any person who contravenes regulations made under subsection (1) shall be guilty of an offence.

PART XII

NATIONAL PARKS AND WILDLIFE FUND

[Ch6607s100]100. Establishment of the Fund

15 of 2004(1) There is hereby established a fund to be known as the National Parks and Wildlife Fund (in this Act referred to as the "Fund").

(2) The Fund shall consist of—

- (a) such sums as shall be appropriated by Parliament for the purposes of the Fund;
- (b) advances made to the Fund under section 102;
- (c) such sums as may be received for the purposes of the Fund by way of voluntary contributions;
- (d) proceeds from disposal of any specimen or article under Part XIV;
- (e) such sums or other assets as may be donated for the purposes of the Fund by any foreign government, international agency or foreign institution or body;
- (f) such sums as are payable under this Act by way of fees and fines; and
- (g) such sums as may otherwise vest or accrue to the Department of National Parks and Wildlife.

[Ch6607s101]101. The Fund to vest in the Minister

The Fund shall be vested in the Minister and, subject to this Act, shall be administered in accordance with his directions subject to the provisions of the Finance and Audit Act. Cap. 37:01

[Ch6607s102]102. Advances to the Fund

If in any financial year the income of the Fund together with any surplus income brought forward from a previous year, is insufficient to meet the actual or estimated liabilities of the Fund, the Minister responsible for finance may make the advances to the Fund in order to meet the deficiency or any part thereof and such advances shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister responsible for finance may determine.

[Ch6607s103]103. Objects of the Fund

15 of 2004The objects for which the Fund is established shall be the development, promotion, management and administration of protected areas in Malawi.

[Ch6607s104]104. Application of the Fund

15 of 2004 Without derogation from the generality of section 103, the Fund, may be applied to—

- (a) research and training which is calculated to promote proper management of protected areas;
- (b) the acquisition of land, equipment, materials and other assets and the construction of buildings in order to promote the objects of the Fund;
- (c) the cost of any scheme which the Minister considers to be in the interest of the management of protected areas and wildlife;
- (d) meeting any expenses arising from the establishment and maintenance of the Fund; and
- (e) any purpose which the Minister considers to be in the interest of the objects of the Fund.

[Ch6607s105]105. Books and other records of account, audit and reports of the Fund

(1) The Minister shall cause to be kept proper books and other records of account in respect of receipts and expenditures of the Fund in accordance with the provision of the Finance and Audit Act. Cap. 37:01

(2) The accounts of the Fund shall be audited by the Auditor General, who shall have all the powers conferred upon him by the Finance and Audit Act. Cap. 37:01

(3) The Minister shall cause to be prepared, as soon as practicable, but not later than six months after the end of the financial year, an annual report on all the financial transactions of the Fund.

(4) The report under subsection (3) shall include a balance sheet, an income and expenditure account and the annual report of the Auditor General and shall be laid by the Minister before the National Assembly.

[Ch6607s106]106. Holdings of the Fund

(1) All sums received for the purposes of the Fund shall be paid into a banking account and no amount shall be withdrawn therefrom except by means of cheques signed by such persons as are authorized in that behalf by the Minister.

(2) Any part of the Fund not immediately required for the purposes of the Fund may, on the recommendation of the Board, be invested in such manner as the Minister, after consulting with the Minister responsible for finance, may determine.

[Ch6607s107]107. Financial year

The Financial year of the Fund shall be the period of twelve months ending on the 31st March in each year:

Provided that the first financial year of the Fund may be a period shorter or longer than twelve months as the Minister shall determine, but in any case not longer than eighteen months.

PART XIII

PENALTIES AND FORFEITURES

[Ch6607s108]108. General penalty

15 of 2004 Subject to the provisions of this Act, a person who is convicted of an offence under this Act for which no other penalty is provided shall—

(a) in the case of a first offence, be liable to a fine of not less than K4,000 but not more than K10,000 and to imprisonment for a term of two years; and

(b) in the case of a second or subsequent offence, to a fine of not less than K4,000 but not more than K8,000, and to imprisonment for a term of four years.

[Ch6607s109]109. Offences relating to game species

15 of 2004 Any person who is convicted of an offence involving—

(a) taking, hunting, molesting or reducing into possession any game species; or

(b) possession of, selling, buying, transferring, or receiving in transfer any specimen of game species, shall—

(i) in the case of an offence committed in a protected area, be liable to a fine of not less than K4,000 but not more than K8,000 and to imprisonment for a term of four years; and

(ii) in the case of an offence committed in an area other than a protected area, be liable to a fine of not less than K4,000 but not more than K5,000 and to imprisonment for a term of two years.

[Ch6607s110]110. Offences relating to protected species other than game species

15 of 2004 Any person who is convicted of an offence involving—

(a) taking, hunting, molesting, or reducing into possession any protected species other than game species; or

(b) possession of, selling, buying, transferring or accepting in transfer any specimen of protected species other than game species;

(c) contravention of provision of this Act which provides for the conduct of a licensee under a professional hunter's licence; or

(d) contravention of sections 32, 33 and 35 of this Act,

shall be liable to a fine of K100,000 and to imprisonment for a term of ten years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.

[Ch6607s111]111. Offences relating to import, export or re-export of specimen of protected species or listed species

15 of 2004Any person who is convicted of an offence under section 98 or under regulations made pursuant to section 99 shall be liable to a fine of K100,000 and to imprisonment for a term of ten years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.

[Ch6607s112]112. Offences relating to devices

If any person is convicted of an offence under this Act in respect of any excavation, fence, enclosure or any other device fixed in or on the ground or upon vegetation, which the person has made, used or had in his possession for the purpose of hunting in contravention of this Act, the court shall, in addition to any other penalty imposed, order the device to be destroyed or obliterated in such manner as the court may specify, and any expenditure incurred, if any, shall be recoverable from the person as a civil debt owed to the Government.

[Ch6607s113]113. Forfeiture as an additional penalty

(1) Upon the conviction of any person of an offence under this Act where it considers forfeiture to be necessary, the court shall, notwithstanding any other written law and subject to the provisions of section 108 and in addition to any other penalty imposed, declare any specimen, domestic animal or any firearm or other weapon, trap, net, poison, material or any motor vehicle, aircraft, boat, or any other article taken by or used in connexion with the commission of the offence to be forfeited to the Government.

(2) Upon the conviction of any person of an offence referred to in section 99, the court may, in addition to any other penalty imposed, declare any specimen, domestic animal or article as specified under subsection (1) to be forfeited to the Government.

(3) The disposal of any specimen, domestic animal or article forfeited to the Government under this section shall be subject to the provisions of Part XIV.

[Ch6607s114]114. Conditional order of forfeiture

(1) When a court is required under subsections 115 (1) and (2) to make a declaration of forfeiture in respect of any article the ownership of which requires registration under any written law, the court shall make a conditional order of forfeiture in the prescribed form.

(2) Upon the making of a conditional order of forfeiture pursuant to subsection (1), the Chief Parks and Wildlife Officer shall, within thirty days thereafter, cause to be published in the Gazette and in two consecutive issues of a local newspaper in general circulation, a notice of the order.

(3) If ownership of the article is registered in the name of any person other than the convicted party, the Chief Parks and Wildlife Officer shall, within seven days after publication of the notice in the Gazette cause a copy thereof to be sent to the person concerned.

(4) Any person who wishes to claim right of ownership in the article may, within sixty days of the last publication of the conditional order, lodge with the court a written application for discharging of the order, setting out his claim of ownership in the article.

(5) Upon an application made under subsection (4), the court shall set a date for a hearing of the application and serve notice of the hearing on the applicant and on the Government.

(6) In any hearing of any application made under subsection (4), the burden of proof shall be upon the applicant, and the conditional order shall not be discharged unless the applicant proves, that he was not privy to the offence and that the article was, at the time that the offence was committed, being used for that purpose without his knowledge or consent.

(7) If an application made under subsection (4) fails to win discharge of a conditional order, the court shall declare the article finally forfeited to the Government.

(8) Where upon any application made under subsection (4), a court is satisfied that an article is owned jointly by, or is the subject of a rental agreement between, the applicant and the convicted person, and the applicant has discharged the burden of proof in accordance with subsection (6), the court shall declare forfeited all of the estate, interest or rights of the convicted person therein, and shall order them to be disposed of as it deems fit.

(9) Any right of any claimant under any rental agreement to repossess any article which is subject to a conditional order of forfeiture made under subsection (1) shall be suspended pending determination of any application made under subsection (4).

[Ch6607s115]115. Seized goods may be subject of forfeiture order

(1) If any article the ownership of which requires registration under any written law is seized as a result of an offence under this Act and the person responsible is unknown and cannot be found for the purpose of charging him with the offence or having been charged, fails to appear to answer the charge, the Chief Parks and Wildlife Officer may apply to the court for a declaration of forfeiture.

(2) Upon receipt of an application from the Chief Parks and Wildlife Officer under subsection (1), the court shall make a conditional order of forfeiture in the prescribed form and the provisions of subsections (2) to (9) of section 114 shall apply.

[Ch6607s116]116. Surrender of licence, permit and certificate in event of conviction

If any licensee under any licence or the holder of any permit or certificate issued under this Act is convicted of an offence under this Act which involves the licence, permit or certificate, the court shall, in addition to any other penalty imposed, order the person to surrender it forthwith to the Chief Parks and Wildlife Officer to be dealt with by him in accordance with the provisions of this Act.

PART XIV

DISPOSAL OF GOVERNMENT TROPHIES, FORFEITED SPECIMENS, DOMESTIC ANIMALS AND OTHER ARTICLES

[Ch6607s117]117. Disposal of specimens by the Chief Parks and Wildlife Officer

Whenever the Chief Parks and Wildlife Officer takes possession of any government trophy or any confiscated specimen, domestic animal, or article, he shall cause receipt thereof to be recorded in the prescribed register and shall safeguard it until such time as it may be disposed of in accordance with the provisions of section 118 and shall be recorded by the Chief Parks and Wildlife Officer in the prescribed register.

[Ch6607s118]118. Disposal of dead or live specimens, of protected species or listed species

(1) Where the Chief Parks and Wildlife Officer takes possession of a dead specimen of a protected species he shall at his discretion either—

- (a) destroy the specimen;
- (b) donate the specimen, without requiring payment, to a recognized scientific or educational institution;
- (c) sell it in whole or in parts; or
- (d) retain the specimen in his official custody either permanently or pending disposal in accordance with paragraphs (a) or (b) or (c) of this subsection.

(2) Where the Chief Parks and Wildlife Officer takes possession of a live specimen of any protected species or of any listed species and such specimen is, in his opinion, capable of normal survival in its natural habitat, he shall cause the said specimen to be returned to the said habitat:

Provided that if the specimen, in the opinion of Chief Parks and Wildlife Officer, requires to be withheld temporarily from the wild for the purpose of better ensuring its eventual survival, the Chief Parks and Wildlife Officer may direct that the specimen be so withheld.

(3) Where the Chief Parks and Wildlife Officer, takes possession of any live specimen of any protected species other than game species or listed species and such specimen is, in his opinion, permanently incapable of normal survival in its natural habitat he may—

(a) donate the specimen, without requiring payment, to a recognized zoological, botanical, scientific or educational institution; or

(b) retain the specimen in his official custody either permanently or pending disposal in accordance with paragraph (a).

(4) Where the Chief Parks and Wildlife Officer takes possession of—

(a) any live game animal which is, in his opinion, incapable of normal survival in its natural habitat;

(b) the meat of any game animal; or

(c) any live domestic animal,

he shall dispose of the animal or meat as he considers fit:

Provided that if the disposal is by sale, any sums received shall be payable in accordance with the provisions of Part XII.

[Ch6607s119]119. Money from sale of specimens to be paid to Fund

[Repealed by Act No. 15 of 2004]

[Ch6607s120]120. Specimens or articles to be held by Chief Parks and Wildlife Officer

Any specimen, domestic animal or article held in the custody of the Chief Parks and Wildlife Officer under this Act shall be held by him solely in his official capacity, and nothing in this Act shall be construed as giving the person holding the office of Chief Parks and Wildlife Officer any private right of ownership over any specimen, domestic animal or article.

PART XIVA

INTERNATIONAL COOPERATION IN WILDLIFE

[Ch6607s120A]120A. Purpose of this Part

15 of 2004The purpose of this Part is to provide for the promotion of the management of cross-border wildlife and wildlife resources and the implementation of agreed national obligations arising from bilateral, regional and international environmental and other related conventions to which Malawi is a party.

[Ch6607s120B]120B. Cross-border management

15 of 2004 For the proper management of cross-border wildlife resources, the Director may produce management plans, which lead to the realization of common wildlife goals in cross-border areas.

[Ch6607s120C]120C. Regional fora

15 of 2004 Implementation of common plans may be reviewed in bilateral or regional fora such as a Joint Permanent Commissions of Cooperation, and the Southern African Development Community.

[Ch6607s120D]120D. Cross-border trade in wildlife

15 of 2004 To ensure sustainable utilization and marketing of wildlife produce resources across borders, the Director shall institute mechanisms for the verification of the legality of the wildlife produce being imported or exported.

[Ch6607s120E]120E. Implementation of agreement

15 of 2004 The Minister may, by an order published in the Gazette, specify the measures for the proper implementation for relevant provisions of any convention on environment to which Malawi is a party.

PART XV

MISCELLANEOUS

[Ch6607s121]121. Qualified exemptions, indemnities and exclusions

15 of 2004 (1) Nothing in this Act shall make it unlawful for the Director or any officer acting with the authority of the Director—

(a) to hunt or authorize any person to hunt any animal in any area including a protected area where—

(i) such hunting is required in the interests of proper research, management and administration;

(ii) he considers it necessary for the safety of the public or the protection of livestock, crops or other property; or

(iii) he considers it necessary for the prevention of undue suffering by an animal; or

(b) to bring any weapon, ammunition, vehicle or other thing into a protected area for the enforcement of this Act.

(2) Neither the Government nor any officer thereof shall be responsible for any loss or damage which may occur to any person or to any property during a search or act of seizure under this Act or

whilst such property is detained under this Act unless the same has been caused maliciously, fraudulently or through gross neglect.

(3) Nothing in this Act shall render an officer guilty of an offence under this Act in respect of anything done by him in good faith in the course of his duty as such officer.

(4) No civil or criminal action shall lie against an officer in respect of any act done or omitted to be done by him in good faith in the purported exercise of any powers under this Act if there shall have been reasonable cause for such act or omission.

(5) Persons who enter or who are permitted to reside in protected areas shall do so at their own risk and no liability shall attach to the Government, an officer or any public officer for any loss of life or injury sustained by any person or loss of or damage to any property of any person in any national park or nature sanctuary by reason of presence, action of depredation of any animal; but so however that this subsection shall not apply to an officer and members of the family of an officer who have been permitted to enter or reside in a protected area.

[Ch6607s121A]121A. Wildlife districts and permits

15 of 2004(1) For purposes of the issue of permits, the levying of permit fees and the administration and expenditure of permit fees, the Director may, from time to time, by notice published in the Gazette designate wildlife districts and may in like manner alter or rescind any wildlife district.

(2) Permit fees prescribed pursuant to this Act shall be collected in a wildlife district by such persons as the Director may, by notice published in the Gazette, designate.

(3) Permit fees shall be used for the benefit of the people in the wildlife district in which it is collected.

(4) Permit fees shall be administered in such manner as shall be prescribed.

[Ch6607s122]122. Application for judicial review

15 of 2004Any person who, having appealed under sections 56 (1), 58 (1), 59 (1), 59 (4), 88 (5) or 94 (3), is aggrieved by the decision of the Minister may, within thirty days of the decision of the Minister, apply to the High Court for judicial review of the decision of the Minister.

[Ch6607s123]123. Regulations

The Minister may make regulations for carrying this Act into effect and, without prejudice to the generality of the foregoing power, such regulations may—

(a) provide for returns to be furnished to the Minister or the Chief Parks and Wildlife Officer by holders of licences, permits, certificates or records issued or maintained under this Act;

(b) prescribe forms to be used under this Act;

- (c) prescribe fees payable under this Act;
- (d) provide for the remission in special cases of any fees payable under this Act;
- (e) provide for the hearing and determination of appeals to the Minister;
- (f) provide for the furtherance of public knowledge concerning the management of wildlife by such means as may be considered appropriate; and
- (g) prescribe anything required to be prescribed under this Act.

PART XVI

REPEAL AND SAVINGS

[Ch6607s124]124. Repeal and savings

(1) The following Acts are hereby repealed—

- (a) the Game Act; Cap. 66:03
- (b) Wild Birds Protection Act; Cap. 66:04
- (c) Crocodiles Act; and Cap. 66:06
- (d) National Parks Act. Cap. 66:07

(2) Any subsidiary legislation made under the Acts repealed by subsection (1) in force immediately before the commencement of this Act—

- (a) shall, unless in conflict with this Act continue in force and be deemed to be subsidiary legislation made under this Act;
- (b) may be replaced, amended or repealed by subsidiary legislation made under this Act.

(3) Any subsidiary agreement or similar arrangement made pursuant to the provisions of the Acts repealed by subsection (1) shall continue in force until terminated in accordance with the terms and conditions thereof.

SUBSIDIARY LEGISLATION

NATIONAL PARKS AND WILDLIFE (USE OF SUBSTANCES OR DEVICES IN HUNTING) REGULATIONS

under s. 72

G.N. 80/1994

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Use of Substances or Devices in Hunting) Regulations.

2. Use of gin traps

(1) No person shall be in possession of or use a gin trap in hunting any animal.

(2) This regulation shall not apply to an officer while acting in the performance of his duties under the Act.

3. Unlawful methods

(1) Subject to subregulation (2), no person shall without the written permission of an officer—

(a) use or have in his possession for the purpose of hunting any animal, any net, trap, pitfall, snare, or similar appliance:

Provided that where any snare, pitfall or trap is used on or immediately adjacent to cultivated land, no such written permission shall be required;

(b) use, together with any firearm, any light, lamp or flare for the purpose of hunting any animal:

Provided that this paragraph shall not apply to any person lawfully hunting crocodiles;

(c) use any bait, decoy, or calling device or any other substance or device to bring protected species into closer range for hunting;

(d) use hides, blinds or stands in hunting;

(e) hunt any animal in the vicinity of salt licks, water holes or isolated watering places used by wild animals;

(f) discharge any weapon at any protected species from or within fifty metres of any motor vehicle, aircraft or boat:

Provided that a person lawfully hunting crocodiles may discharge a weapon from a boat.

(2) This regulation shall not apply to an officer while acting in the performance of his duties under the Act.

4. Seizure of gin traps and other articles

An officer may seize any article, appliance, device, or substance mentioned in regulation 2 or regulation 3 found in the possession of any person without the written permission of the Chief Parks and Wildlife Officer in such circumstances as to lead to a reasonable suspicion that it has been used or that

there is an intention to use it for the purpose of hunting, and shall take any thing so seized before a Magistrate to be dealt with according to law.

NATIONAL PARKS AND WILDLIFE (CONTROL OF TRADE IN LIVE ANIMALS) REGULATIONS

under s. 87 (1)

G.N. 81/1994

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Control of Trade in Live Animals) Regulations.

2. Trading in live wild animals

No person shall carry on trade in live wild animals unless he is in possession of a live wild animal dealer's permit which shall be in the form set out in the First Schedule and such permit shall be issued subject to payment of appropriate fee set out in the Second Schedule.

FIRST SCHEDULE reg. 2

NATIONAL PARKS AND WILDLIFE ACT

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (CONTROL OF TRADE IN LIVE ANIMALS) REGULATIONS

A LIVE WILD ANIMAL DEALER'S PERMIT

Mr./Miss/Mrs./Messrs

of (address)

.....

.....

is hereby permitted to domesticate the following wild animals

(a)

(b)

(c)

at on the following conditions (conditions to include how animals are to be obtained)

.....

.....

Date of issue:

Date of expiry:

Fee paid: K

.....

Chief Parks and Wildlife Officer

SECOND SCHEDULE reg. 2

FEES

Matter Fee per Annum KtA live Wild Animal Dealer's permit 5,00000

NATIONAL PARKS AND WILDLIFE (WILDLIFE RANCHING) REGULATIONS

under s. 87

G.N. 82/1994

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Wildlife Ranching) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“permit” means a permit to operate a wildlife ranch issued under regulation 3;

“ranch animal” means an animal lawfully raised or introduced on a wildlife ranch;

“wildlife ranch” means a managed area of land harbouring wildlife roaming freely in such area, but does not include a zoo.

3. Permit to operate a wildlife ranch

(1) No person shall operate a wildlife ranch unless he has a wildlife ranching permit in the form set out in the First Schedule and such permit shall be subject to payment of appropriate fee.

(2) A permit shall not be issued to any applicant unless—

(a) the applicant has no record of previous conviction under the Act;

- (b) the applicant has title documents for land ownership or use;
- (c) the area for the proposed wildlife ranch is wholly fenced;
- (d) the applicant has carried out an appropriate study on the numbers, species of animals, and suitability of the habitat;
- (e) the applicant has produced a management plan for the proposed wildlife ranch; and
- (f) the Chief Parks and Wildlife Officer has approved the study carried out pursuant to paragraph (d) and the management plan produced pursuant to paragraph (e).

4. Inspection

Every wildlife ranch shall be subject to inspection by officers during normal working hours.

5. Harvesting

Harvesting on wildlife ranches shall be done with the approval of the Chief Parks and Wildlife Officer.

6. Release into the wild

A person operating a wildlife ranch on which crocodiles are raised shall make available to the Department of National Parks and Wildlife for release into the wild at least 10 per cent of the hatchlings of each egg collection effort after rearing to a length of at least one metre.

7. Destruction of escaping animals

Any person operating a wildlife ranch may destroy or cause to be destroyed any animal escaping from that wildlife ranch.

8. Records

Any person operating a wildlife ranch shall—

- (a) keep and maintain records of stock levels;
- (b) submit to the Chief Parks and Wildlife Officer a return of the stock levels and of the sales of specimens;
- (c) submit data on sales on an annual basis; and
- (d) provide officers access to the wildlife ranch for collection of biological data.

9. Killing of animals on a wildlife ranch

No person shall kill an animal on a wildlife ranch in any manner other than by shooting it with a firearm.

FIRST SCHEDULE

NATIONAL PARKS AND WILDLIFE

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (WILDLIFE RANCHING) REGULATIONS

WILDLIFE RANCHING PERMIT

Mr./Miss/Mrs./Messrs

Address

.....

.....

is/are hereby permitted to operate a Wildlife Ranch at

.....

.....

.....

subject to the regulations and conditions laid down in the Wildlife Ranching Regulations.

Date of issue:

Date of expiry:

Fee paid: K

.....

for Chief Parks and Wildlife Officer

(Official stamp)

SECOND SCHEDULE reg. 3 (1)

FEES

Matter Fee per Annum Kt Wildlife ranch permit 5,00000

NATIONAL PARKS AND WILDLIFE (HUNTING WEAPONS) REGULATIONS

under s. 67

G.N. 83/1994

70/1997

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Hunting Weapons) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“crocodile” does not include a crocodile on a wildlife ranch;

“game species” does not include birds;

“protected species” means buffalo, crocodile, elephant or hippopotamus.

3. Hunting weapons

The weapon to be used in hunting protected species shall be a rifle. G.N. 70/1997

4. Hunting game species

No person shall hunt any game species unless he is using a rifle which has a calibre of more than 0.22 or a short gun: G.N. 70/1997

Provided that no person shall hunt crocodiles using a rifle which has a calibre of less than 0.375 or a short gun.

5. Hunting protected species

No person shall hunt any protected species unless he is using a rifle of at least 0.375 calibre and of at least 4,000 foot pounds muzzle energy.

NATIONAL PARKS AND WILDLIFE (FEES) REGULATIONS

G.N. 85/1994

71/1997

1. Citation

These Regulation may be cited as the National Parks and Wildlife (Fees) Regulations.

2. Fees

The Fees prescribed in the Schedule shall be payable in respect of the matters specified therein in relation to such fees.

G.N. 85/1994

71/1997

SCHEDULE

PART I

Matter Fee per annum Kt1. Professional hunter's licence 5,000002. Bird licence 150003. Game licence 150004. Hunting licence 500005. Visitor's licence 10000

PART II

1. Special licence for collection of specimen by researchers—

Type of specimen	Fees per annum where number of specimen does not exceed 10	Fees per annum where number of specimen exceeds 10
KtKtAmphibians	2250045000	000
Birds	1500030000	000
Ferns	7501500	000
Fish	1500030000	000
Grass	15003000	000
Herbs	30006000	000
Insects	750015000	000
Mushrooms	750015000	000
Orchids	450001,05000	000
Reptiles	2250045000	000
Shrubs	60001200	000
Small mammals	3000060000	000

2. Special licence for collection of specimen by collectors—

Type of specimen	Fees per annum where number of specimen does not exceed 10	Fees per annum where number of specimen exceeds 10
KtKtAmphibians	750001,50000	000
Birds	6000090000	000
Ferns	22503000	000
Fish	900001,50000	000
Grass	30006000	000
Herbs	1500030000	000
Insects	1500022500	000
Mushrooms	2250060000	000
Orchids	900001,95000	000
Reptiles	750001,50000	000
Shrubs	1500030000	000
Small mammals	750001,50000	000

NATIONAL PARKS AND WILDLIFE (CONTROL OF TROPHIES AND TRADE IN TROPHIES) REGULATIONS

under s. 87

G.N. 86/1994

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Control of Trophies and Trade in Trophies) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“ivory” means a tusk of an elephant or any part thereof;

“trophy” means ivory and the whole or any part of the horn, head, tusk, bone, or skin of any protected species and includes the eggs, egg shells, nests or plumage of any protected bird, but does not include any article manufactured from any trophy.

3. Trading in trophies

No person shall carry on a trade in trophies or manufacture articles from trophies for sale unless he is in possession of a trophy dealer’s permit in the form set out in the First Schedule, and such permit shall be issued subject to payment of appropriate fee set out in the Second Schedule.

4. Reward for recovery of rhinoceros horn or ivory

Where any person has brought to an officer a rhinoceros horn or other ivory which under section 90 of the Act is a government trophy, or has given information to any officer leading to the recovery of a rhinoceros horn or other ivory, the Chief Parks and Wildlife Officer may, subject to the directions of the Minister, pay a reward at 50 per cent of the value of ivory or, in the case of rhinoceros horn, K200 per kg.

5. Registration of rhinoceros horn and ivory

The Officer to whom a rhinoceros horn or other ivory is produced shall cause it to be weighed and indelibly marked with the particular mark allocated to the district as shown in the Third Schedule, the year of registration, and a serial number and shall enter such particulars in a register which shall be in the form set out in the Fourth Schedule.

FIRST SCHEDULE reg. 3

NATIONAL PARKS AND WILDLIFE ACT

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (CONTROL OF TROPHIES AND TRADE IN TROPHIES) REGULATIONS

A TROPHY DEALER’S PERMIT

(Name) of

(address) is hereby permitted to carry on a trade or to manufacture articles from trophies for sale at subject to the Act and Regulations made thereunder and conditions endorsed on this permit—

1. The manufacture of articles from or trade in trophies shall be carried on only at the address stated above unless a change of address is notified in writing to an officer entitled to grant a permit.

2. The premises and workshops where this trade and manufacture are carried on shall be open to inspection by an officer during normal working hours.

3. Any certificate of ownership in respect of stock in trade or raw material on the premises shall be available for inspection by an officer during normal business hours.

4. The holder of this permit shall maintain a register showing all purchases of trophies and their disposal and he shall enter in such register the numbers of the certificates of ownership relating to such trophies.

Date of issue:

Date of expiry:

Fee paid:

.....

(Signature of Officer Granting Permit)

Title:

(Official stamp)

SECOND SCHEDULE reg. 3

FEES

Matter Fee per Annum Kt Trophy Dealer's Permit 10000

THIRD SCHEDULE reg. 5

MALAWI GOVERNMENT

NATIONAL PARKS AND WILDLIFE ACT

DISTRICT MARKS FOR IVORY AND RHINOCEROS HORN

Blantyre B T Salima S A Chikwawa C K Mulanje M J Chiradzulu C Z Mwanza M N Dedza D Z Mzimba M Z Dowa D A N khat
a

Bay N B Karonga K A N khotakota K K Kasungu K U N sanje N E Lilongwe L L N tcheu N U Machinga M H G N tchisi N S M ang
ochi M H R umphi R U M chinji M C T hyolo T O Chitipa C P Z omba Z A

FOURTH SCHEDULE reg. 5

REGISTER OF IVORY AND RHINOCEROS HORN

State Whether Tusk or Horn Weight Registration Number Remarks

NATIONAL PARKS AND WILDLIFE (PROTECTED AREAS) REGULATIONS

G.N. 87/1994

73/1997

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Protected Areas) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“camping site” means any site within a protected area which has been declared as such by the Chief Parks and Wildlife Officer;

“lodge” means a place of accommodation of the public declared by the Chief Parks and Wildlife Officer to be a lodge;

“permit” means a permit issued under these Regulations;

“prescribed fee” means the appropriate fee specified in the relevant Schedule to these Regulations;

“protected area” means a park or wildlife reserve declared to be a national park or wildlife reserve under section 28 and includes any river bordering, or in, a park or wildlife reserve;

“road” means any road, track or route demarcated for motor vehicles within the boundaries of a protected area and includes any bridge, culvert, crossing or drift, but does not include a public road;

“observation place”, in relation to a protected area, means a place which has been declared by the Chief Parks and Wildlife Officer as the place for public observation of wildlife in that protected area;

“public road”, has the meaning ascribed thereto in the Public Roads Act; Cap. 69:02

“Wildlife Officer”, in relation to any protected area means an officer of or above the rank of Technical Officer (T.O.) performing duties in relation to that protected area.

3. Permit to enter a protected area

(1) No person shall enter a protected area with or in a motor vehicle unless there is a valid permit in respect of that motor vehicle.

(2) A permit shall be in the form prescribed in Form 1 of the First Schedule.

(3) No permit to enter a protected area shall be issued in respect of any motor vehicle carrying goods or designed primarily for the carriage of goods, unless—

(a) in the case of any motor vehicle carrying goods, whether or not it is constructed primarily for that purpose, the goods are—

(i) the personal effects of the occupants of the motor vehicle or for use by any person within the protected area;

(ii) camping equipment, utensils and stores for use by the occupants of the motor vehicle or for use by any person within the protected area; or

(iii) trade or other goods destined for any hotel, shop, lodge or camping place within the protected area or for use by any person within the protected area; or

(b) in the case of any other vehicle, entry of such vehicle into the protected area is solely for the purpose of transportation within, or removal from, the protected area of any goods specified in paragraph (a) or goods not intended for use in the protected area.

(4) A permit shall not be required for a motor vehicle which is in the protected area for transit purpose only.

(5) A permit to enter a protected area shall not be issued to a person who has been prohibited to enter a protected area under regulation 16.

4.

Except with the written permission of the Chief Parks and Wildlife Officer, no person shall camp or remain on a camping site during the hours of darkness unless he has paid the prescribed fee.

5.

(1) The Chief Parks and Wildlife Officer or a Wildlife Officer may prohibit persons or vehicles from travelling on or in any part of a protected area of a road.

(2) Where, on the authority of the Chief Parks and Wildlife Officer, any part of a protected area or of a road has been closed to the public or to any kind of traffic or to any class of vehicles, no person shall travel in or on such part or cause the prohibited kind of traffic or the prohibited class of vehicle to travel in or on such part.

(3) For the purpose of this regulation, a part of the protected area or of a road, shall be deemed closed if, on the authority of Chief Parks and Wildlife Officer or a Wildlife Officer, there has been placed with respect thereto a notice, sign, mark, fence, gate, barricade or line of stones, indicating that it has been closed to the public or to any kind of traffic or class of vehicles.

6.

Except with the written permission of the Chief Parks and Wildlife Officer or the Wildlife Officer, no person shall—

(a) enter or leave a protected area other than at a place designated by the Chief Parks and Wildlife Officer as an entrance or exit;

(b) enter a protected area (other than Liwonde National Park and Lake Malawi National Park) otherwise than in a motor vehicle having four or more wheels; or

(c) enter or remain within water areas of the Liwonde National Park and Lake Malawi National Park;

(d) enter a protected area by means of an aircraft unless the aircraft is authorized so to enter and to land at an authorized landing ground;

(e) be within a protected area unless he is within 25 metres of a motor vehicle or boat or is in an observation place;

(f) knowingly alight from a vehicle in a protected area within 200 meters of any live animal (other than an insect or bird) unless he is in an observation place;

(g) exceed a speed of 40 kilometers per hour in a motor vehicle within a protected area;

(h) sound a motor horn within a protected area;

(i) cut or remove any vegetation in a protected area, or damage or remove any object or geological, prehistoric, archaeological, historical or scientific interest in a protected area;

(j) remove from a protected area any animal or vegetation whether alive or dead other than animal or vegetation lawfully introduced into a protected area by the person removing it;

(k) in case of the Nyika National Park, drive any vehicle on those parts of section of M9 (Mphora-Kaperekezi) and S103 roads (Chilinda turn-off to Kasaramba) which are inside the boundary of the said national park, between the hours of 6.00 p.m. and 6.00 a.m.

(l) in the case of Nkhotakota Wildlife Reserve, drive any vehicle on the section of the M10 road (Mbobo-Wozi) which is within the boundary of the said wildlife reserve, between the 6.00 p.m. and 6.00 a.m.; or

(m) be allowed to enter Nyika National Park or Nkhotakota Wildlife Reserve after 4.00 p.m. and before 6.00 a.m.

7.

(1) Except with the permission of the Chief Parks and Wildlife Officer, no person, while within a protected area, shall molest, provoke, feed or disturb any animal.

(2) For the purposes of this regulation, any person who approaches or follows any animal, or makes any sudden movement or noise, or flashes a light or intentionally does something to cause an animal to move away from where it is, to change its direction of travel, to increase its pace or speed, to become frightened or to stampede shall be deemed to have disturbed the animal.

8.

Except with the written permission of the Chief Parks and Wildlife Officer, no person shall intentionally discharge any weapon or release any appliance so that a projectile therefrom passes over any portion of, or falls within, a protected area.

9.

Except with the written permission of the Chief Parks and Wildlife Officer or the Wildlife Officer, no person, while within a protected area, shall—

- (a) light a fire, or cause a fire to be lighted;
- (b) leave any fire which has been lighted, or which he has caused to be lighted, unextinguished; or
- (c) discard any burning object.

10.

Except with the written permission of the Chief Parks and Wildlife Officer or the Wildlife Officer, no person shall—

- (a) display any notice or advertisement within a protected area or at any entrance to or on the boundary of a protected area; or
- (b) collect any money from members of the public, sell any goods, or offer any goods for sale or carry on any trade within a protected area.

11.

Except with the written permission of the Chief Parks and Wildlife Officer or a Wildlife Officer, no person shall—

- (a) place, erect, damage, move, loosen, alter, break, cut, destroy or in any way interfere with fencing, fence post, gate, beacon or boundary of a protected area;
- (b) place, erect, mark, spoil, damage, disfigure, alter, bend, cover, move or remove any signboard, notice board or any notice within a protected area or on any boundary of a protected area.

12.

(1) No person, unless he in a bona fide tourist driving himself or being driven in a motor vehicle hired for visiting a protected area, shall drive a public service motor vehicle within a protected area, except under and in accordance with a permit in Form II set out in the First Schedule issued by the Chief Parks and Wildlife Officer or a Wildlife Officer.

(2) The Chief Parks and Wildlife Officer or a Wildlife Officer may refuse to issue a permit required under subregulation (1) or may endorse, suspend or cancel any such permit already issued.

(3) Where a permit issued under subregulation (1) has been suspended or cancelled, the holder thereof, when applying again for the issue of such permit, shall disclose the fact of such suspension or cancellation.

13.

Except with the permission of the Chief Parks and Wildlife Officer, no person shall—

(a) unless in an emergency, land any aircraft in a protected area except at an airfield at which landing of aircraft has been generally authorized by an order of the Chief Parks and Wildlife Officer;

(b) except for the purpose of landing or taking off or in an emergency, fly in a protected area an aircraft at an altitude of less than five hundred metres above the ground.

14.

(1) No person, other than an officer, shall make use of or wear any badge, uniform or emblem authorized to be worn by an officer of a protected area.

(2) No person shall—

(a) make use of or wear any badge, uniform or emblem or nearly resembling a badge, uniform, or emblem authorized to be worn by an officer of a protected area;

(b) unlawfully hold himself out as being an officer.

15.

(1) The Chief Parks and Wildlife Officer, a Wildlife Officer or any other officer authorized in writing in that behalf, may issue orders, notices, and directions, either orally or in writing, for the purposes of—

(a) directing traffic in a protected area;

(b) prohibiting the use of any part of a protected area or any road therein;

(c) prohibiting visitors to a protected area from using any radio set or musical instrument or restricting the use thereof;

(d) preventing any damage or injury to any animal or plant, or any behaviour on the part of any person in a protected area which is likely to disturb or provoke any animal.

(2) It shall be a condition of any person's entry into a park that he shall comply with any lawful order or direction, whether oral or written, given or issued by the Chief Parks and Wildlife Officer or any other officer.

(3) If any person contravenes any direction or order lawfully given to him under the provisions of the preceding paragraph, the Wildlife Officer may either orally or in writing forthwith cancel such a person's entry permit, without refund or any fees paid.

16.

If in the opinion of the Chief Parks and Wildlife Officer or a Wildlife Officer the presence of any person within a protected area is or would be detrimental to the proper management and control of the protected area, the Chief Parks and Wildlife Officer or Wildlife Officer may order such person to leave and the Chief Parks and Wildlife Officer may, in addition, prohibit him from entering the protected area or other protected area for a period not exceeding three years.

17.

(1) For the issue of a permit or granting of a permission under these Regulations, the appropriate fee specified in Part I of Second Schedule shall be charged and payable.

(2) The fees specified in Part II of the Second Schedule shall be payable for the taking of photographs within a protected area, where the Chief Wildlife Officer or a Wildlife Officer has reasonable grounds to believe that such photographs are intended for sale or public exhibition or for any other purpose from which monetary rewards, gain, commission or profit will or is intended to result:

Provided that no fee shall be payable in respect of any photographs taken by an employee of the Government in the course of his employment.

(3) In this regulation, the expression "photographs" means pictures, images, or likenesses, whether cinematographic or still, obtained by means of camera.

18. Penalties

Any person who contravenes the provisions of these Regulations commits an offence and shall be liable—

(a) in the case of a first offence, to a fine of not less than K200 but not more than K500 and to imprisonment for a term of three months;

(b) in the case of a second or subsequent offence, to a fine of not less than K500 but not more than K1,000 and to imprisonment for a term of six months.

FIRST SCHEDULE regs 3 and 12

FORMS

Form 1

NATIONAL PARKS AND WILDLIFE ACT

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (PROTECTED AREAS) REGULATIONS

MOTOR VEHICLE PERMIT

Mr./Miss/Mrs/Messrs

.....

.....

is hereby permitted to enter

.....

with or in a motor vehicle registration number

Subject to the Act and Regulations made thereunder and conditions endorsed on the permit

Date of issue

Date of expiry

Fees paid

for Chief Parks and Wildlife Officer

(Official Stamp)

Form 2

NATIONAL PARKS AND WILDLIFE ACT

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (PROTECTED AREAS) REGULATIONS PUBLIC SERVICE MOTOR VEHICLE PERMIT

Mr./Miss/Mrs/Messrs

.....

.....

is hereby permitted to drive a public service motor vehicle registration number

within

subject to the Act and Regulation made thereunder and conditions endorsed on the permit.

Date of issue

Date of expiry

Fees paid

.....

for Chief Parks and Wildlife

(Official Stamp)

G.N. 87/1994

73/1997

SECOND SCHEDULE reg. 17

PART I

PERMIT FEES

Fees, in United States dollars

A. Permit for entry of each person— (a) Malawians: (i) above the age of 12 years 100 (ii) below the age of 12 years Free (b) Non-Malawians but resident in Malawi: (i) above the age of 12 years 300 (ii) below the age of 12 years Free (c) Non-residents: (i) above the age of 12 years 500 (ii) below the age of 12 years Free

B. Permit for each motor vehicle— (a) Vehicles registered in Malawi: (i) tare weight less than 2,000 kilos 100 (ii) tare weight 2,000 kilos to 5,000 kilos 200 (iii) tare weight over 5,000 kilos 1000 (b) Vehicles not registered in Malawi: (i) tare weight less than 2,000 kilos 200 (ii) tare weight 2,000 kilos to 5,000 kilos 500 (iii) tare weight over 5,000 kilos 1000

C. Permit for camping— (a) Where tents are provided: (i) above the age of 12 years, per bed 500 (ii) below the age of 12 years Free (b) Where no tents are provided: (i) above the age of 12 years, per person 300 (ii) below the age of 12 years Free

D. Permit for the landing of an aircraft weighing— (a) not more than 20,000 kilos, calculated to the nearest 1,000 kg, per 1,000 kg 100 (b) more than 20,000 kg, per 1,000 kg 200

E. Permit for accommodation in National Parks and Wildlife Reserves— (a) Lake Malawi National Park: Single 500 Double 800 Triple 1000 Extra bed 600 (b) Lengwe National Park: Single 1200 Double 1800 Triple 2100 Full 2300 (c) Liwonde National Park (Chinguni Cottage): Single 800 Double 1200 Triple 1400 Extra bed 500 (d) Majete Wildlife Reserve: Chalet, per person 500 (e) Nkhotakota Wildlife Reserve, Bua and Chipata, per person 500

F. Permit for other services— (a) Hire of guides: (i) regular, per trip 200 (ii) wilderness trial, per day 1000 (iii) porter on trial, per day 1500 (b) Sport fishing (Kasungu, Vwaza and Liwonde): (i) hire of rod 200 (ii) fishing daily (up to 6 fish per day) 400 (iii) fishing weekly (up to 6 fish per day) 2800 (iv) fishing monthly (up to 6 fish per day) 10000 (v) fishing annually (up to 6 fish per day) 160 00 (c) Angling (Nkhotakota and Majete), per rod 2000

PART II

PHOTOGRAPHY FEES

(a)Cinematography filming in a protected area60 00(b)Still photography—one person or more than one person travelling together and forming one photographic unit: (i)filming in a protected area, per person100 00 (ii)filming in a protected area, per one photographic unit100 00

NB: The fees shall be paid in United States dollars or Malawi kwacha equivalent thereof.

NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS FORMS) REGULATIONS

under s. 123

G.N. 88/1994

1. Citation

These Regulations may be cited as the National Parks and Wildlife (Miscellaneous Forms) Regulations.

2. Form

The forms set out in the Schedule shall be used for the purposes of the provisions of the Act to which they relate and the particulars contained in those forms and not particularly prescribed by the Act are hereby prescribed as particulars required for the purposes of the Act.

SCHEDULE reg. 2

Form 1

MALAWI GOVERNMENT

PERMIT TO ENTER A NATIONAL PARK OR WILDLIFE RESERVE

(under section 32 (3))

OFFICIAL ENTRY INTO NATIONAL PARK/WILDLIFE RESERVE

Permission is hereby granted to, a party travelling in vehicle number to enter free of charge for a period of days, starting from

Details of the purpose of the visit are as follows:

.....

.....

.....

Chief Parks and Wildlife Officer

Form 2

MALAWI GOVERNMENT

AUTHORITY TO HARVEST IN NATIONAL PARKS OR WILDLIFE RESERVES

(under section 39 (a))

Mr./Miss/Mrs/Messrs

of

is authorized to harvest

from National Park/Wildlife Reserve on the following conditions:

.....

.....

.....

Date permit issued:

Date of expiry:

.....

Chief Parks and Wildlife Officer

Form 3

MALAWI GOVERNMENT

APPLICATION FOR ISSUE OF LICENCE(S)

(under section 48)

1. TYPE OF LICENCE FOR WHICH YOU ARE APPLYING (DELETE WHICHEVER DOES NOT APPLY)

- (a) Bird Licence
- (b) Game Licence
- (c) Hunting Licence
- (d) Special Licence

(e) Visitors Licence

2. Full Name:

3. Address:

4. State type of firearms in your possession

5. State numbers of valid Firearms Licences for the firearms listed in (4) above
.....

6. For what area do you wish to have the licence?

7. What species do you wish to hunt or take (applicants for hunting licence or special licence only)

.....

8. A licence cannot be issued unless the applicant has firearms appropriate for the species to be hunted and has valid firearms licences for the said firearms. Provided that where the application is for a special licence the purpose of which is to take or hunt species for which a firearm is not necessary e.g. plants, insects, small birds and small mammals, this condition shall not apply.

9. Application is approved/not approved.

Signature:

Date:

Title:

Form 4

MALAWI GOVERNMENT

BIRD LICENCE

(under section 48)

1. Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act, permission is hereby granted to

of

to hunt by any lawful means the bird species specified in the Schedule to this licence. Bird species deleted from the Schedule or not listed in the Schedule may not be hunted.

2. This licence shall be valid in

.....
(indicate area for which licence is valid)

3. This licence is not valid for hunting bird species in any wildlife reserve, national park, forest reserve, or any other area in which the hunting of bird species is prohibited by law.

4. This licence will expire on

5.

SCHEDULE

Bird Species	Number permitted	Helmeted Guinea Fowl	per gun/day	Red necked Francolin	per gun/day
Common Quail	per gun/day	Wild Geese	per gun/day	Wild Ducks (except Black Ducks)	per gun/day
Pigeons and Doves	per gun/day	Egyptian and Spurwing Geese	per gun/day	Snipe	per gun/day

6. This licence may not be issued unless the applicant presents an application form for issue of the Bird Licence approved by the Chief Parks and Wildlife Officer or an officer duly authorized in that behalf.

7. Fee paid K G.R. No.

Issuing Officer: Title:

Date:

8. Attention is drawn to the closed seasons for the various species which is printed on the reverse of this licence.

9. The duplicate of this licence should be attached to the application form for issue of a Bird Licence and both must be forwarded to the Regional Parks and Wildlife Officer of the region in which the licence is issued.

(Reserve side of Bird Licence)

REGISTER OF BIRDS TAKEN OR KILLED

(under section 60 (1) (c))

Date Type Number Locality

I declare that the above is a true record of all birds killed by me in Malawi under the Licence No 20..... at

Date (Signature of holder)

Passed

Date (Signature of examining officer)

Closed seasons for different species are as follows—

Ducks and Gees 1st January to 31st July

Francolins and Quails 1st February to 30th September

Guine Fowls 1st December to 31st May

Pigeons and Doves 1st May to 30th November

Snipes 1st February to 31st July

Form 5

MALAWI GOVERNMENT

GAME LICENCE

(under section 48)

1. Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act, permission is hereby granted to

.....

.....

of

to hunt by any lawful means the game species specified in the Schedule.

2. This licence shall be valid in

.....

.....

(indicate area for which licence is valid)

3. This licence is not valid for hunting game species in a wildlife reserve, national park, forest reserve, or any other area in which the hunting of game species is prohibited by law.

4. This licence shall expire on

SCHEDULE

Game Species Local Names Number Permitted Common Duiker Gwape, Insa5 Wathog Njiri, Liphango2

(Reverse side of Game Licence)

MALAWI GOVERNMENT

REGISTER OF GAME SPECIES HUNTED OR TAKEN

(under section 60 (1) (c))

SpeciesNumberSexLocalityDateRemarks

I declare that the above is a true record of all animals killed by me in Malawi under the Licence No granted to me on the 20..... at

Date (Signature of holder)

Passed Date (Signature of examining officer)

Form 6

MALAWI GOVERNMENT

HUNTING LICENCE

(under section 48)

1. Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act, permission is hereby granted to

of

.....

to hunt by any lawful means the following species—

.....

.....

in National Park/Wildlife Reserve.

2. This licence is issued in connexion with Professional Hunter Licence

No. Issued to

The licensee may only hunt as a client to the Professional Hunter and not otherwise.

3. This licence shall expire on

4. This licence may not be issued unless the applicant presents an application form for issue of a hunting licence approved by the Chief Parks and Wildlife Officer or an officer duly authorized in that behalf.

5. Fee paid K G.R. No.

Issuing Officer Title

Date:

THIS LICENCE IS NOT TRANSFERABLE

(REVERSE SIDE OF HUNTING LICENCE)

MALAWI GOVERNMENT

REGISTER OF GAME SPECIES HUNTED OR TAKEN

(under section 60 (1) (c))

SpeciesNumberSexLocalityDateRemarks

I declare that the above is a true record of all game species hunted or taken by me in Malawi under Licence No. granted to me on the..... 20..... at

Date (Signature of holder)

Passed Date (Signature of examining officer)

Form 7

MALAWI GOVERNMENT

SPECIAL LICENCE

(under section 48)

Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act, permission is hereby granted to

.....

..... of

..... to hunt or take the specimens named hereunder in Column 1 up to the number shown opposite in Column 2 for each of the species in the area shown in Column 3 for the purpose of

.....
(include institution to benefit)

This licence is granted for the following specimens—

Column 1	Column 2	Column 3	Fee per unit	Specimen (General and specimen where possible)	Number	Area in which specimens may be collected	and definition of Unit
----------	----------	----------	--------------	--	--------	--	------------------------

3. This licence expires on

4. Fee paid K G.R. No.

5. This licence is issued subject to the following special conditions—

(a) a list of specimen hunted or taken giving details of date, place, description (and names if possible) will be submitted to the Chief Parks and Wildlife Officer and the Head of Research in the Department of National Parks and Wildlife when the hunting or taking is ended;

(b) a copy of any report, list, description, photographs, etc., compiled by the licensee relating to the specimens hunted or taken must be given to the Chief Parks or Wildlife Officer in writing;

(c) this licence shall be carried at all times when hunting or taking and shall be shown on demand to an officer;

(d) this licence may not be issued unless the applicant presents an application form for issue of a special licence approved by the Chief Parks and Wildlife Officer or an officer duly authorized in that behalf.

Signature of Licensee Date

Issuing Officer Title

Date:

Form 8

MALAWI GOVERNMENT

VISITORS LICENCE

(under section 48)

1. Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act, permission is hereby granted to

.....

..... of

..... who is ordinarily resident in (name of country)

whose nationality is to hunt by any lawful means the following

.....

2. This licence shall be valid in

(indicate area for which licence is valid)

3. The licence is not valid for hunting games species in any wildlife reserve, national park, forest reserve, or any other area in which this hunting of game species is prohibited by law.

4. This licence shall expire on

5. This licence may not be issued unless the applicant presents an application form for issue of a visitors's licence approved by the Chief Parks and Wildlife Officer or an officer duly authorized in that behalf.

6. Fee paid K G.R. No.

Issuing Officer Title

Date:

THIS LICENCE IS NOT TRANSFERABLE

(REVERSE SIDE OF VISITORS' LICENCE)

MALAWI GOVERNMENT

REGISTER OF GAME SPECIES HUNTED OR TAKEN

(under section 60 (1) (c))

SpeciesNumberSexLocalityDateRemarks

I declare that the above is a true record of all game species hunted or taken by me in Malawi under Licence No.

granted to me on the 20.... at

Date (Signature of holder)

Passed Date (Signature of examining officer)

Form 9

MALAWI GOVERNMENT

CERTIFICATE OF OWNERSHIP OF SPECIMEN

(under section 88 (3))

Station No. Date:

Name of (address) is entitled to possess the following specimens—

1. 2.

3. 4.

If Ivory—

District Mark(s)

Registration No.(s)

Weight

.....

Chief Parks and wildlife Officer

Form 10

MALAWI GOVERNMENT

PROFESSIONAL HUNTER’S LICENCE

(under section 92)

1. Subject to the provisions of the National Parks and Wildlife Act and any subsidiary legislation made under the Act permission is hereby granted to

of

to conduct business as a professional hunter and to solicit clientele.

2. This licence is issued under the following conditions—

(a)

(b)

(c)

(d)

3. This licence may not be issued unless the applicant presents an application for issue of a Professional Hunter's Licence approved by the Chief Parks and Wildlife Officer.

4. This licence shall expire on

5. Fee paid:

G.R. No.

Issuing Officer:

Title:

Date:

Form 11

MALAWI GOVERNMENT

APPLICATION FOR PROFESSIONAL HUNTERS LICENCE

(under section 92 (2))

1. Full Names

2. Full Address

.....

3. Nationality (and passport number if non-Malawian)

.....

.....

4. Previous experience as a Professional Hunter

.....

.....

5. Have you passed the Malawi Professional Hunters Examination? Yes/No. If yes, state when

.....

6. Have you ever been convicted of an offence under this Act? Yes/No. (If yes, explain)

.....
7. Have you ever been convicted of a criminal offence? Yes/No. (If yes, explain)

.....

.....
8. How much money do you plan to invest into this business?

.....

.....

(support your statement with relevant documents)

9. I declare that the information given is true to the best of my knowledge and belief.

Signature:

Date:

10. Recommendations of the Board

.....

.....

11. The application is approved/not approved.

.....

(Chief Parks and Wildlife Officer)

Form 12

MALAWI GOVERNMENT

PERMIT TO IMPORT, EXPORT OR RE-EXPORT SPECIMEN OF A PROTECTED SPECIES OR LISTED SPECIES

(under section 97)

This is to certify that of is permitted to import from

or export/re-export from Malawi the following specimen(s).....

.....

.....

If Ivory—

Registration number(s)

Year of registration

Date:

.....

Chief Parks and Wildlife Officer

Form 13

MALAWI GOVERNMENT

REGISTER OF GOVERNMENT TROPHIES OR CONFISCATED SPECIMENS, DOMESTIC ANIMALS OR ARTICLES

(under section 117)

ItemDateReceivedSourceRemarks

Signature of Officer Receiving

*In the case of items forfeited to the Government under section 113, Case Number.

*Remarks to include date and mode of disposal of the item(s).

NATIONAL PARKS AND WILDLIFE (PROTECTED SPECIES) (DECLARATION) ORDER

under s. 43

G.N. 89/1994

1. This Order may be cited as the National Parks and Wildlife (Protected Species) (Declaration) Order.

2. The species of wild plants and wild animals specified in the Schedule are hereby declared to be protected species for the purposes of the Act.

SCHEDULE para. 2

PROTECTED SPECIES

PART I

PROTECTED SPECIES OF WILD PLANTS

A. Plants

(1) Any plant whatsoever in a national park or wildlife reserve; and

(2) Botanical name Vernacular Name Adina microcephala Mwenya, Chonga, Mgwenya, Mung'ona, Mwina, Mungwira Afzelia quanzensis Mkongomwa, Msokosa, Mangaliondo, Msambamfumu, Mkongwa, Chifuuda, Ipapa, Mpapa, Mpapandende Borassus aethiopum Mvumo, Mdikwa Bridelia micrantha Makoma, Mulala, Msopa, Chisopa, Mpasa, Mlewezi, Msongamino, Mwisya Burkea africana Mkalati, Kalinguti, Kawidzi, Kawidzu, Nakapanga Colophospermum Tsanya, Sanya Mopane Ntsano, Mopani, Mpani Cordyla africana Mtondo Hyphaene Crinita Mgwalangwa, Mkomakoma, Makoma, Mulala Khaya Nyasica Mbawa, Muwawa, Bulamwiko Pterocarpus angolesis Mlombwa, Mtumbati, Mbira, Nawazi Termimalia Sericea Naphini, Nyapini, Mpini, Nalinsi, Mkondoni Mpululu, Njoyi

PART II

PROTECTED SPECIES OF WILD AMINALS

B. Mammals

(1) Any mammal in a national park or wild reserve; and

(2) Bushbuck, Warthog, Common Duiker, Buffalo, Brown Hyaena, Cheetah, Blue Monkey, Eland, Elephant, Rhinoceros, Hartebeest, Hippopotamus, Impala, Klipspringer, Kudu, Leopard, Livingstone's Suni, Nyala, Oribi, Sable, Sharpe's Grysbok, Waterbuck, Zebra, Cape Hunting Dog, Civet, Serval, Jackal, Lion, Puku, Red Duiker, Pangolin, Aadvark and Bush Baby.

C. Reptiles

(1) Any reptile in a national park or wild life reserve; and

(2) Crocodile, Python, Cobra, Viper, Mamba, Boomslang, Monitor Lizard, Tortoise, Turtles.

D. Fish

Tiger Fish, Mbuna, Mpasa (Opsaridium microlepis), Nchila (Labeo messops), Kadyakolo (Barbus eurys tomus) in a national park or wildlife reserve.

E. Birds

(1) Any bird in a national park or wildlife reserve; and

(2) Turaco, Lilian's Love Bird, White Stork, Trogon, Black Ducks, Guinea Fowls, Denham's Burtard, all species of Parrots and Rollers, all species of Cranes, Ground Wood Pecker, Kori and Stanley's Burtards, all species of Owl, Secretary Bird, Red Winged Francolin, all species of Eagle, and Ground Hornbill.

NATIONAL PARKS AND WILDLIFE (GAME SPECIES) (CLASSIFICATION) NOTICE

under s. 44

G.N. 79/1994

113/1995

1. Citation

This Notice may be cited as the National Parks and Wildlife (Game Species) (Classification) Notice.

2. Species to be classified as game species

The protected species of animals listed in the Schedule are hereby classified as game species under this Act during the following year.

SCHEDULE (para. 2)

A. MAMMALS

1. Male Bushbuck
2. Warthog
3. Common Duiker

This declaration excludes immature individuals and females accompanied by their young.

B. BIRDS

Helmeted Guinea Fowl, Rednecked Francolin, Common Quail, Wild Geese, Wild Ducks (except Black Ducks), Pigeons and Doves, Egyptian and Spurwing Geese, and Snipe.

This declaration excludes eggs of all species, birds in Cities, Municipalities and Towns except on the authority of the appropriate council and all species outside the hunting season described in Form 4 to National Parks and Wildlife (Miscellaneous Forms) Regulations.

C. REPTILES

Crocodile

D. FISH

Tiger Fish, Chambo, Mpasa, and Sanjika in a national park or wildlife reserve.