The Department of Environment, Forestry and Fisheries has moved to clarify the legal status of wild animals.

“It is important to note that animals listed under the Animal Improvement Act, 1998 (Act No. 62 of 1998) (AIA) are still subject to the requirements of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and provincial conservation legislation,” said Minister Creecy.

The need for clarity arises from the inclusion of certain game species in the list of declared landrace breeds in an amendment of Table 7 of the regulations promulgated under the AIA on 17 May 2019.

The amendment was published by the former Minister of Agriculture, Forestry and Fisheries in Gazette No. 42464. The latest amended list includes 24 specific indigenous and six non-indigenous game species, amongst others, lechwe, white and black rhinoceros, lion, cheetah and a number of non-indigenous deer species.

A total of 12 game species were included in Table 7 in 2016, namely black wildebeest, blue wildebeest, blue duiker, bontebok, gemsbok, impala, oribi, red hartebeest, roan, sable, springbok and tsessebe.

A number of the game species included in Table 7 are listed as threatened or protected in terms of NEMBA.

Following an article that was published in the Farmers Weekly of 5 July 2019, which states that all game species listed under the AIA no longer fall under the ambit of conservation legislation, the Department of Environmental Affairs wishes to clarify that the AIA does not replace or supersede the provisions of conservation legislation.

This means that any person who carries out a restricted activity, such as the keeping, breeding, selling or transporting of an animal listed as a threatened or protected species, must still comply with the provisions of NEMBA and its associated Threatened or Protected Species Regulations. Provincial conservation legislation must also be complied with. It is, therefore, necessary to obtain all the permits required for any activity related to each of these species in terms of existing conservation legislation.

The inclusion of species such as white and black rhinoceros, lion and cheetah in the amended AIA list by no means removes these animals from the jurisdiction of the DEFF. It is a punishable offence if a person does not comply with the requirements of NEMBA and provincial conservation legislation.

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