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By-laws for the Protection of Wild Animals and Birds

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws for the Protection of Wild Animals and Birds for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

1. Definitions

In these By-laws, unless the context otherwise indicates –

"bird" means any bird other than a domestic or domesticated bird;

"Council" means –

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provir Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000;

"hunt" means to hunt for, shoot at, kill, snare, capture, pursue or search for or lie in wait with intent to kill, shoot or capture, or disturb, destroy, wound or maim any wild animal or bird;

"wild animal" means any animal other than a domestic or domesticated animal, rat and mouse.

2. Prohibition against hunting wild animals and birds

No person may, without lawful cause or without the permission in writing of the Council and subject to such conditions as the Council may impose –

- (a) hunt any wild animal or bird by any means whatsoever;
- (b) remove, disturb or destroy any nests of birds, their eggs or their young.

3. Firing of a firearm, air-gun or air-pistol

No person may, without lawful cause, the onus of proving which is on the person asserting it, fire or discharge a firearm, air-gun or air-pistol : Provided that this

prohibition does not apply to –

- (a) a firearm, air-gun or air-pistol lawfully fired or discharged in the course of his or duties by a person who is a member of the South African armed forces or the South African Police Services or the Johannesburg Metropolitan Police Department or by a person who is a member or employee of any organisation permitted by any law or by the State to be in possession of firearms;
- (b) a firearm used during a bisley or target practice on a recognised shooting range;
- (c) a firearm fired for the purpose of a sports meeting or practice.

4. Offences and penalties

Any person who –

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued for the purposes of these By-laws;
- (c) fails to comply with any lawful instruction given for the purposes of these By-laws or
- (d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties for the purposes of these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

5. Repeal of by-laws

The By-laws listed in Schedule 1 are hereby repealed.

6. Short title

These By-laws are called the By-laws for the Protection of Wild Animals and Birds.

Schedule 1

Repealed by-laws

The following by-laws are hereby repealed :

Number and year	Name of By-laws
Administrator's Notice 1164 of 9 July 1975 Johannesburg Municipality : By-laws for the Protection of Birds and Wild Life	By-laws for the Protection of Wild Animals and Birds for Promulgation