

## NON-GOVERNMENTAL ORGANIZATION

NO. 43

24 JANUARY 2020

### INTERNAL RULES OF PROTECTED AREAS MANAGED BY EZEMVELO KZN WILDLIFE (the KWAZULU-NATAL CONSERVATION BOARD)

These Internal Rules are as provided for in terms of section 52(1) of the National Environmental Management: Protected Areas Act read with the Proper Administration Regulations and are subject to such legislation and are to be applied in addition thereto

#### Definitions

Words used in these Rules shall have the meanings assigned to them below or as otherwise defined in the Act or its regulations.

#### Accommodation Unit:

Means any Rondavel, Square Davel cottage, lodge, cabin, chalet, hut, hiking hut, bungalow, hotel in a resort or any other built structure intended for permanent or temporary human habitation.

#### Act:

The National Environmental Management: Protected Areas Act, no 57 of 2003 as amended from time to time.

#### Adult:

Means any person over twelve years of age or older.

#### Aircraft:

Means a manned or unmanned machine or equipment used or capable of controlled flight and includes but is not limited to glider, hang glider, paraglider, parawing, helicopter, aeroplane, balloon or remote-controlled drone.

#### Authority:

Means the Board which is the management authority for a Protected Area established by Government and managed by the Board and as defined or contemplated by the WHCA or the Act and which is represented by the employee appointed by the Board to manage the PA in question.

#### Board:

Means the KwaZulu-Natal Nature Conservation Board as defined by the KwaZulu-Natal Nature Conservation Management Act No.9 of 1997 and which operates as Ezemvelo KZN Wildlife and which is represented by its Chief Executive Officer.

#### Camping site:

Means any area in the PA set apart and marked or otherwise indicated as a place in which visitors may camp or take up temporary abode and shall include a cave / overhang designated as temporary, overnight, shelter.

#### Cultural Sites:

Any portion of a PA containing artefacts or evidence of human culture warranting protection in terms of any law generally applicable to the protection of human cultural artefacts or evidence.

**Field Ranger:**

Means any officer duly appointed as a Field Ranger.

**Graffiti:**

Means any unauthorised inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any surface within the PA, including but not limited to, buildings, walls, signs, structures or places, rocks, trees, stumps or logs, or other surfaces, regardless of the nature of the surface or its location in the PA.

**Hang glider or Glider:**

Means any craft, machine or device capable of normal controlled flight other than under mechanical power or jet propulsion.

**Management:**

In relation to a protected area, includes control, protection, conservation, maintenance and rehabilitation of the protected area with due regard to the use and extraction of biological resources, community-based practices and benefit sharing activities in the area in a manner consistent with the National Environmental Management: Biodiversity Act, No. 10 of 2004 read with the Act.

**Management Unit:**

Means the specific geographic area/sector of the PA. The boundaries of these areas do not necessarily follow original protected area boundaries.

**Officer:**

Means any employee of the Authority, irrespective of rank or office and irrespective of whether or not such employee is on duty or off duty at the time and includes an Honorary Officer.

**Officer-in-Charge:**

Means the senior officer in charge of a PA or a Resort or a section of a PA irrespective of rank that person may hold.

**Paraglider or Parawing** means any equipment or device capable of powered or unpowered flight or gliding by way of a parafoil or parachute and includes 'basejumping' and recreational parachuting.

**Picnic Site:**

An area designated by the Authority where visitors to the PA may alight from their Vehicle for the purposes of using the facilities provided for rest and recreation.

**Proper Administration Regulations:**

Means

- (a) In respect of the UDP WHS: The Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites published under GNR 1061 of 2005 (GG 28181 of 28 October 2005).

- (b) In respect of all other Nature Reserves: Regulations for the Proper Administration of Nature Reserves, 2012 published under GNR 99 of 2012 (GG 35021 of 8 February 2012).

**Protected Area (the PA):**

- (a) Means any area declared or proclaimed as such in terms of section 3 or listed in the Second Schedule to the KwaZulu-Natal Conservation Management Act No.9 of 1997; and / or
- (b) Means any of the protected areas referred to in section 9 of the Act and where such area is or is deemed to be a provincial protected area in terms of the Act;
- and / or
- (c) Means any protected area otherwise declared or deemed to have been declared to be a protected area in terms of the Act.
- and / or
- (d) Means the UDP WHS.

**Resort:**

A Visitor Area provided by the Authority for the use and enjoyment of visitors to a PA.

**UDP WHS:**

Means the uKhahlamba Drakensberg Park which comprise the South African components of the Maloti-Drakensberg Park World Heritage Site as listed under the World Heritage Convention and which are also known as the uKhahlamba-Drakensberg Park World Heritage Site.

**Vehicle:**

Means any vehicle or device in, upon or by any person or goods is or are or may be transported or drawn and includes any combination of vehicles irrespective of power source.

**Viewing Hide:**

Any hide, shelter or designated place where visitors to a Protected Area can alight from their Vehicle for the purpose of viewing wildlife and / or scenery.

**Visitor Area:**

Any reception area, Accommodation Unit, Camping Site, Picnic Site, Viewing Hide or any similar area demarcated for visitors to a PA to alight from a vehicle or otherwise remain.

**WHCA:**

The World Heritage Convention Act, No.49 of 1999 as amended from time to time.

**Wilderness Area:**

Means "an area designated.... for the purpose of retaining an intrinsically wild appearance and character, or capable of being restored to such and which is undeveloped and roadless, without permanent improvements or human habitation" as defined in the Act.

**World Heritage Site:**

Means a world heritage site as defined in the WHCA under Chapter 1, section 1 subsection (xxiv).

**Zoning:**

The zoning of the PA as set out in the Management Plan as contemplated in Section 41(2)(g) of the Act and 'Zone' shall refer to a component of the Zoning.

**General Rules**

Application: These Rules apply to all persons in all protected areas in KwaZulu-Natal except those protected areas forming part of the iSimangaliso Wetland Park World Heritage Site and Marine Protected Areas.

Any power or function which may be exercised by an official may be exercised by any senior ranking official which are, in descending order of rank: The Board (i.e. the Chief Executive Officer), Authority (a senior manager having the requisite authority), Officer-in-Charge and Officer / Ranger.

**1. Entering the PA**

No person shall, subject to the provisions of Section 46 of the Act, without special permission of the Authority:

- 1.1. Enter or leave the PA at any other place other than an entrance gate or other place specifically designated by the Authority as a point of entry into or exit from the PA subject to the following conditions:
  - 1.1.1. Where a national, provincial or municipal road pass through the PA as a transit road and not as an internal road then:
    - 1.1.1.1. No permission shall be required to pass through the PA to a destination outside the PA in question on such a road;
    - 1.1.1.2. No person shall be permitted to stop on such a road or to leave such a road or enter into the PA from such a road other than in compliance with section 1.1 above.
  - 1.1.2. Where the Authority permits access to a PA:
    - 1.1.2.1. The Authority may:
      - 1.1.2.1.1. Limit access to specific areas of the PA in question;
      - 1.1.2.1.2. Prohibit access to specific areas of the PA in question;
      - 1.1.2.1.3. Regulate conditions of entry into the PA in question by way of one or more of the following means:
        - Signposts;
        - Verbal notification by an Officer;
        - Written notification;
        - Maps.
    - 1.1.2.2. Limit the number of visitors within a PA or part thereof at any particular time in line with management objectives.

- 1.1.2.3. Any person accessing the PA does so subject to the provisions of the General Indemnification of the Authority against all claims or damages arising from such person's entry or those of any accompanying minors or babies. This indemnification is given in respect of any act or omission of the Authority, its officers, employees or agents and irrespective of whether such act or omission is grossly negligent. Signs, notices or conditions contained elsewhere shall not limit the generality of this indemnification.
- 1.1.2.4. No person may enter or exit the PA except through a designated point but, irrespective of whether or not a designated point is used, the person will be bound by these Rules.
- 1.1.2.5. All persons within a PA must, upon request by an Officer, produce acceptable means of identification and a valid entry permit / voucher.
- 1.1.2.6. Any person who, as pilot or passenger, who uses an aircraft at an altitude of 13,800 feet or less above sea level over ground constituting the UDP WHS will be deemed to have entered the UDP WHS and will be bound by these Rules (to the extent applicable) and by any Protected Airspace Rules of the Authority.

## **2. Times of Entry**

- 2.1. No person shall enter or exit the PA at any time other than the time prescribed by the Authority from time to time. Admission to the PA shall not give any person the right to be outside any resort or visitor area outside the time laid down by the Authority for entry into and exit from such resort or visitor area.
- 2.2. The officer in charge shall have the right to levy an administrative penalty when required to operate outside of normal operating hours.

## **3. Entrance fees payable**

- 3.1. No person may enter a PA and / or a Resort without payment of the required entrance fees determined by the management authority from time to time.
- 3.2. Daily entrance fees (including conservation, rescue and/or community levies etc.) shall be payable for every day / night stayed in the PA.
- 3.3. Any person entering or exiting a PA outside of the stipulated times may be charged a surplus in addition to any other fee payable.
- 3.4. Resort fees are payable in addition to PA entrance fees.
- 3.5. No person may enter a PA without a written permit / voucher issued by the management authority.
- 3.6. No person may knowingly assist or facilitate any other person's entry into the PA without the requisite written permit / voucher.
- 3.7. No person may knowingly assist or facilitate any other person's entry into a Resort or overnighting in a Resort without payment of the requisite fees and / or without a written permit / voucher.

## **4. Weapons may be conveyed into the PA on certain conditions**

- 4.1. A person in possession of a valid licence or otherwise lawfully permitted to carry such weapon in question may convey that weapon into the PA subject to the following rules:

- 4.1.1. No unlawful weapons may be conveyed into the PA.
- 4.1.2. All weapons and ammunition of whatever nature shall be disclosed at the first checkpoint, whether such checkpoint be an entrance gate, reception, a resort or an office, as the case may be, for the purposes stipulated above.
- 4.2. The Officer or agent to whom such weapons and ammunition are disclosed shall record the details of such weapon and the amount of ammunition and may require the owner to seal such weapons and ammunition in such a manner that the weapons and ammunition cannot be used without the seals being broken.
- 4.3. A record of the weapon and ammunition will be issued and must be presented upon demand by any officer or law enforcement official and when exiting the protected area.
- 4.4. The owner shall ensure that the weapons are not loaded when being sealed.
- 4.5. When leaving the PA, the weapons and ammunition shall again be presented for inspection by an Officer or agent.
- 4.6. When required to be sealed: Any person found to be in possession of an unsealed weapon and / or ammunition or, in respect of which the seal is broken or who is unable to account for any weapon or ammunition shall be guilty of an offence and liable to prosecution.
- 4.7. For the purposes of this provision: weapon shall include any firearm, muzzle loading gun, air rifle, paint ball gun, bow, crossbow or other device used for the discharge of any projectile as well as any other dangerous weapon and ammunition shall include the projectile and / or propellant as the case may be.
- 4.8. The Board may exempt members of a recognised law enforcement agency or other persons engaged on official business in the PA from the requirements of this provision.
- 4.9. The Board may, by notice make special provisions applicable to hunting and culling operations in protected areas.

## **5. Visitor road access**

- 5.1. No person shall enter any part of the PA closed to the public or drive any vehicle at any place other than on roads designated for visitors.
- 5.2. No person shall enter or drive on any road within the PA shown by a notice as being closed or obstructed in any manner.
- 5.3. No person may drive any vehicle off the road without a written permit issued by the Authority or instructed to do so by an officer.
- 5.4. No person shall, without the permission of an officer, travel upon or use any road or path or any part thereof or enter any area in the PA or resort which is not open to the public unless:
  - 5.4.1. That person has obtained the written permission of the Officer-in-Charge to do so; and
  - 5.4.2. is accompanied by an officer unless specifically exempted by the Officer-in-Charge.

## 6. Cultural Sites

Cultural Sites are symbols of living heritage and must be respected as such. For the purposes of this provision: A Cultural Site extends 50m from the outermost clearly noticeable cultural artefact (e.g. paintings, structures and other physical artefacts holding cultural importance). The following are prohibited at cultural sites:

- 6.1. Touching the rock paintings or the rock surface immediately surrounding any rock paintings;
- 6.2. Leaning anything against the rock paintings or the rock surface immediately surrounding any rock paintings;
- 6.3. Pouring or spraying any liquid (including water) or any other substance onto the rock paintings;
- 6.4. Drawing or scratching on the rock paintings or rock face and decorating or damaging the walls of the site;
- 6.5. Stirring up dust when walking through or visiting the rock art sites;
- 6.6. Removing any artefacts or stone, stone tools or offcuts and shards produced in the making of such;
- 6.7. Defacing or damaging a Cultural Site or any part thereof.
- 6.8. Removing or attempting to remove any substrate on or in which a cultural artefact (including a painting) is located;
- 6.9. Camping or picnicking in or near Cultural Sites;
- 6.10. Littering, making fires or using candles and flame or heat irradiating lamps within or near cultural sites.
- 6.11. Using flash photography or exposing painting to bright or intense lighting.

Any person who contravenes the above will, in addition to contravening this rule, be liable for prosecution under the National Heritage Resources Act No. 25 of 1999 as well as applicable provincial legislation.

## 7. Animals not allowed

- 7.1. Except as provided for below; no person shall bring an animal of whatever nature, including indigenous wild animals, livestock or pets, into a PA.
- 7.2. Notwithstanding any other provision of these Rules: a disabled person who is assisted by a trained working dog may bring such dog into a Visitor Area subject to the following:
  - 7.2.1. No dog may be brought into a Visitor Area located in a PA where lion, leopard, spotted hyena or wild dog are present.
  - 7.2.2. Such dog is to be kept under direct physical control by means of a leash and / or harness at all times.
  - 7.2.3. Such dog is to be vaccinated and must have been dewormed no more than 30 days prior to entering the Visitor Area. Proof of deworming and proof of vaccination against rabies, canine distemper, canine parvo-virus, canine hepatitis, canine para-influenza and leptospirosis must be carried at all times.
  - 7.2.4. Such dog may not leave the Visitor Area.

- 7.2.5. Faeces must be removed by the owner and disposed of.
- 7.2.6. Any dog disturbing wildlife or causing a nuisance to other visitors must be confined or removed from the Visitor Area.
- 7.3. Any other person wishing to bring a wild animal, pet or domestic animal into a PA must obtain written authorisation from the Officer-in-Charge of the PA before attempting to do so. Such authorisation:
  - 7.3.1. Is entirely within the discretion of the Officer-in-Charge, and
  - 7.3.2. must be presented upon demand.
  - 7.3.3. shall be limited to the PA identified
  - 7.3.4. is subject to such other terms and conditions which the Officer-in-Charge might specify.
- 7.4. No permission for any species listed in terms of the Alien and Invasive Species Regulations, or proposed to be listed will be granted except to re-stock existing trout dams.
- 7.5. Bringing of any wild animal (indigenous or otherwise) into a PA will be subject such additional permits and authorisations prescribed by law.
- 7.6. Any unauthorised animal found in a PA may be impounded or destroyed by an Officer.
- 7.7. Bring any animal into a PA is entirely at the risk of the person doing so.

## 8. Overnight Accommodation

- 8.1. No person shall stay or overnight in any part of the PA at any place other than a resort or any other place designated by the Authority for such stay.
- 8.2. Accommodation in the PA may only be occupied from 14h00 on the day of arrival and must be vacated before 10h00 on the day of departure.
- 8.3. No person shall stay or overnight in a resort camp in the PA or any part of the PA without payment of the fees determined by The Authority from time to time.
- 8.4. No person shall stay or overnight in a resort camp in the PA or any part of the PA before having reported to an employee or officer in the reception office of such rest camp in question: Provided that no person shall stay overnight in a resort unless accommodation or a camping site is available for that person.
- 8.5. No smoking is permitted in any Visitor Area unless such area is specifically demarcated for such purpose or such area is both out of doors and removed from other visitors.

## 9. Lighting of fires

- 9.1. No person shall light or attempt to light a fire outside an officially demarcated fire place or braai area within the PA, without written permission from an Officer.
- 9.2. No fires may be made in any caves or cultural sites
- 9.3. No person may discard any object in any place where it may cause a fire to light.
- 9.4. Any person lighting a fire remains liable for the safe extinguishing of such fire.



## 10. Types of vehicles allowed

- 10.1. No person shall enter into or operate in the PA with any vehicle other than a vehicle that conforms to the dimensions and other requirements prescribed by the Authority from time to time.
- 10.2. Unless otherwise specified a motor vehicle, duly licenced for operation on national roads, shall be permitted for use on designated roads within the PA.
- 10.3. Use of off-road vehicles such as motor cross bikes, quad bikes and dune buggies are generally prohibited but may be used if specifically authorised by an Officer.
- 10.4. Non-motorised vehicles may only be used in demarcated areas or with the written permission of an Officer.

## 11. Vehicles to be registered, licensed and roadworthy

- 11.1. No person shall enter, drive or operate in the PA, a motor vehicle that is not lawfully registered and licensed, in terms of the National Road Traffic Act (Act 93 of 1996).
- 11.2. No person shall enter, drive or operate in the PA, a motor vehicle that is not in a roadworthy condition as is set out in the National Road Traffic Act.
- 11.3. No person shall drive or operate in the PA a motor vehicle, unless that person is in possession of a valid driver's licence for the vehicle in question.
- 11.4. No person shall drive or operate in the PA a motor vehicle, unless such person keeps such valid driver's licence with him or her at all at times whilst driving or operating such vehicle.
- 11.5. Any additional restriction on the use of motor vehicles may be imposed by means of a notice.

## 12. Traffic laws to apply

- 12.1. All laws, ordinances and other statutory enactments applicable to public roads in South Africa apply to roads within the PA subject to express amendment by these Rules.
- 12.2. Despite any other provision of these Rules; any wild animal has right of way on any road and the killing, interfering or injuring of any animal is strictly prohibited.
- 12.3. Despite any other provision of these Rules; bona fide viewing of game, nature or scenery is expressly provided for and such viewing shall not constitute a breach of these Rules except to the extent that such viewing constitutes reckless driving.
- 12.4. No person shall enter a road in the PA unless it can be done in a manner that does not compromise the safety of the driver, any other person or animals on or near the road.
- 12.5. No person or driver of any motor vehicle that has been involved in, or contributed to, an accident in the PA shall remove a vehicle or vehicles from the scene of such accident, except for the purposes of sufficiently allowing the passage of traffic, without the authority of an Officer.
- 12.6. Any driver who negligently, recklessly or deliberately kills or injures any animal shall, in addition to any other law including criminal prosecution, be liable to the Board for the commercial value of such animal.

### 13. Prohibited acts – vehicles

- 13.1. No person driving any vehicle in the PA shall:
  - 13.1.1. Drive, park or stop in such a manner that it constitutes a nuisance, disturbance, inconvenience or danger to any other person, causes an obstruction, blocks the pathway of an emergency vehicle or causes damages of any kind including damage to plants.
  - 13.1.2. Park a vehicle in a place other than on a designated road or parking area or in a place specifically designated for that purpose.
  - 13.1.3. Drive anywhere excepting on the road or other specifically permitted place.
  - 13.1.4. Damage or potentially damage any road or property.
  - 13.1.5. Without the special permission of the Authority, in a PA exceed such speed limits as the Authority may from time to time impose and display by means of signage. Unless otherwise indicated the speed limit on all roads shall be 40km/hr
  - 13.1.6. Officers on duty and in demarcated vehicles may exceed the stipulated speed limits and generally operate at 60km/hr where necessary and safe to do so.
  - 13.1.7. Deliberately drive a vehicle close to any game animal with the intention, or where the result is, that the animal in question is disturbed in its natural environment.
  - 13.1.8. No person shall drive a vehicle close to any game animal where, by doing so, they risk damage or injury to any person or property including their own.
  - 13.1.9. Show intolerance or discourtesy to any other road user in the PA.
  - 13.1.10. No person may alight or leave a vehicle for any reason whatsoever except in a visitor area specifically designated for such purpose unless authorised to do so by an Officer.
- 13.2. No person shall without the permission of the Authority, operate any vehicle or combination of vehicles on any road in any the PA if any axle weight thereof exceeds the maximum axle weight determined by the Authority from time to time. Unless otherwise indicated the maximum axle weight permitted in the PA is 8, 164 kg.
- 13.3. No person shall drive any vehicle in the PA in a reckless or negligent manner. Without restricting the ordinary meaning of the word "reckless" a person driving a vehicle will be deemed to have driven the vehicle in a reckless manner if it is driven in deliberate or wilful disregard for the safety of any person, animal, reptile, bird, plant or property of whatever nature or in a manner that unduly disturbs or disrupts third party enjoyment of the PA.
- 13.4. No person shall play music, hoot or excessively rev a motor engine so as to cause a disturbance to the environment and nature.
- 13.5. No person may drive after sunset and before sunrise without the permission of an officer.

#### **14. Prohibited Acts – Aircraft**

- 14.1. The use of aircraft inside the PA is prohibited, unless these are used for authorised research or official purposes and / or with the prior written approval of and subject to obtaining such permits specified by the Authority.
- 14.2. An officer may within a PA seize any aircraft unlawfully used in the PA.
- 14.3. An officer may seize any aircraft landing without permission within the PA unless such landing is considered to be a bona fide emergency to safeguard human life.
- 14.4. The use of radio or remote controlled toy or model aircraft is prohibited except in specially designated areas. Such toy or models used in violation of this prohibition may be confiscated by an Officer, without warning, and shall only be returned on application to the Authority.
- 14.5. No Officer, Authority and / or the Board or any of their employees or agents shall be liable for any damage arising through any seizure, confiscation or impoundment contemplated above.

#### **15. Research**

- 15.1. No person may conduct research or monitoring in a PA without having submitted a formal application in the prescribed format and without having obtained written authority from the Authority.
- 15.2. No person may collect a plant or animal specimen for research purposes without the relevant permit having been issued in terms of the Natal Nature Conservation Ordinance, 15 of 1974 and/or NEM: Biodiversity Act, 10 of 2004 or any other applicable legislation.
- 15.3. It is an offence in terms of these rules not to comply with the conditions in the written authorisation for research or with the conditions stipulated on the permit.
- 15.4. No person may bring the propagules or any other living material of any plant that is a declared Alien or Invasive Species, or otherwise which is alien to a PA, into the PA.
- 15.5. No person may bring biological matter into a PA where such matter harbours or may, reasonably possibly harbour, pathogens, invasive species or diseases.

#### **16. Influence of alcohol or other intoxicating substances**

- 16.1. No person shall in the PA:
  - 16.1.1. drive a vehicle; or
  - 16.1.2. occupy the driver's seat of a motor vehicle the engine of which is running, while under the influence of intoxicating liquor or any other substance that may have a narcotic effect on such person; or
  - 16.1.3. have open alcohol containers in a motor vehicle and the driver of such vehicle shall be liable for any contravention of this provision.
- 16.2. No person shall in the PA:
  - 16.2.1. drive a vehicle; or
  - 16.2.2. occupy the driver's seat of a motor vehicle the engine of which is running, while the concentration of alcohol in any specimen of blood taken from any part of his or her body is not less than 0,05

gram per 100 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres.

- 16.3. If, in any prosecution for an alleged contravention of a provision of subsection 19.2, it is proved that the concentration of alcohol in any specimen of blood taken from any part of the body of the person concerned was not less than 0,05 gram per 100 millilitres at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,05 gram per 100 millilitres at the time of the alleged contravention.
- 16.4. Where, in any prosecution in terms of these rules, proof is tendered of the analysis of a specimen of the blood of any person, it shall be presumed, in the absence of evidence to the contrary, that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for despatch to an analyst, were free from any substance or contamination which could have affected the result of such analysis.
- 16.5. No person shall in the PA:
- 16.5.1. drive a vehicle; or
- 16.5.2. occupy the driver's seat of a motor vehicle the engine of which is running, while the concentration of alcohol in any specimen of breath exhaled by such person is not less than 0,24 milligrams per 1 000 millilitres.
- 16.6. If, in any prosecution for a contravention of a provision of subsection 19.5, it is proved that the concentration of alcohol in any specimen of breath of the person concerned was not less than 0,24 milligrams per 1 000 millilitres of breath taken at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,2 milligrams per 1 000 millilitres at the time of the alleged contravention.
- 16.7. A breath sampling system (as prescribed in terms of the National Road Traffic Act) may be used for determining the concentration of alcohol in any breath specimen.
- 16.8. 16.8. Any person detained for an alleged contravention of any provision of this section shall not-
- 16.8.1. during his or her detention consume any substance that contains alcohol of any nature, except on the instruction of or when administered by a medical practitioner;
- 16.8.2. during his or her detention smoke until the specimen referred to in subsection 16.3 or 16.6 has been taken, as the case may be.
- 16.9. No person shall refuse that a specimen of blood, or a specimen of breath, be taken of him or her.

## **17. Restrictions on and concessions to persons within the PA**

No person shall, without the special prior written permission of the Authority, within the PA:

- 17.1. Hold or give any public entertainment or collect any money from the public.
- 17.2. Exhibit any advertisement or notice.
- 17.3. Keep any animals, birds or poultry.

- 17.4. Affix to or make on in any manner whatsoever, any tree, rock or any object not belonging to that person any name, letter, figure, symbol, mark, picture or sign or otherwise damage any tree or other object.
- 17.5. Hold any event or entertainment, show or display (any authorisation shall require an approved Event Management Plan).
- 17.6. Conduct any commercial or business activity.

#### **18. Damage and nuisance**

- 18.1. No person shall within the PA:
  - 18.1.1. Damage, hurt interfere with or endanger any animal, human being, living plant or property of the Board.
  - 18.1.2. At any time play any radio, recording player, music system, musical instrument or in any way unnecessarily cause any noise in a manner that is likely to disturb any other person.
  - 18.1.3. Discard any article, including cigarette ends, or refuse of whatever nature, except in receptacles and containers provided for this purpose.
  - 18.1.4. Discard any burning object in any place where it may set fire to any other object or otherwise act in a manner likely to cause a fire other than where the making of a fire is specifically permitted.
  - 18.1.5. Cause or allow any person to disfigure, blemish or injure any surface by way of graffiti or any other mechanism.
  - 18.1.6. Be under the influence of alcohol or intoxicating substance (legal or otherwise) so as to cause a nuisance or disturbance to visitors or officers.
- 18.2. Any person who persists in causing a nuisance to any other user of the PA or who persists in disregarding the applicable regulations, rules, notices or lawful instructions of an officer may be instructed to leave the PA by an officer in which case:
  - 18.2.1. such person shall have no claim for a refund of any fee paid to the Authority.
  - 18.2.2. the officer may call upon other officers, third parties or law enforcement officials to remove such person.
  - 18.2.3. Such person may be banned from entering the PA or any other PA operated by the Board.
- 18.3. Any person who causes any damage to any property within the PA or to any animal or plant in the PA shall be liable for the costs or repair or replacement of such property or the costs of treatment of such animal or plant.

#### **19. Harming nature - general prohibitions**

Subject to the provisions the Act, no person other than an employee of Board or a person specifically authorised in writing by the Board to do so, may:

- 19.1. convey into the PA or within the PA be in possession of any weapon other than a weapon declared and dealt with and may not be in possession of any explosive, fireworks, trap or poison including substances defined as such in the Hazardous Substances Act, no. 15 of 1973;

- 19.2. hunt or otherwise wilfully or negligently kill or injure any mammal, bird, fish, amphibian or reptile;
- 19.3. wilfully disturb any mammal, bird, fish, amphibian or reptile;
- 19.4. within the PA use any sound recording, lure, bait or scent to attract or catch, view or photograph fauna;
- 19.5. take, damage or destroy any egg or nest of any bird, or take honey from a beehive;
- 19.6. wilfully or negligently cause a fire;
- 19.7. wilfully or negligently cause any damage to any object of geological, archaeological, historical, ethnological, educational or other scientific interest;
- 19.8. cut, damage, remove or destroy any tree or other plant, including collecting and/or removing dry or firewood, grass or other plants;
- 19.9. remove seed or flowers from any tree or other plant; or
- 19.10. remove any animal or part thereof, whether dead or alive;
- 19.11. remove any sand, soil, rock or other mineral material or
- 19.12. feed any animal or leave food where it could reasonably be accessed by animals.

## 20. Recreational Activities in the UDP WHS

Unless otherwise specified that following recreational activities are only permitted in the UDP WHS and this part does not apply to any other PA unless expressly provided for in a notice displayed at such PA:

- 20.1. Canoeing, paddling or tubing is permitted but only where other users will not be inconvenienced or harmed and the use is strictly at the person's own risk and such person must have the required safety equipment, and be proficient.
- 20.2. Rock climbing is generally permitted with permission from an Officer-in-charge however use of fixed protection and bolting is restricted and may only occur with specific permission and in accordance with official policy and in accordance with the Integrated Management Plan and the Wilderness Management Plan where applicable. The Authority or an Officer may for good reason restrict the areas and times where climbing may take place.
- 20.3. Swimming is generally permitted unless otherwise indicated by the Authority.
- 20.4. The use and enjoyment of water resources is subject to the rights of other users of the PA and its water resources.
- 20.5. Hiking and walking on designated pathways are permitted.
- 20.6. The Authority may impose a surcharge or other conditions on any person insisting on hiking alone.
- 20.7. Any person hiking must complete the hiking register.
- 20.8. Fly-fishing in scheduled trout waters is generally permitted subject any conditions or fees imposed.
- 20.9. Any recreational activity is solely at the risk of the participant and the Board is fully indemnified against any claim arising.

20.10. Any recreational activity may be limited by notice or directive.

## **21. Hunting and Fishing**

- 21.1. 21.1.The Authority may designate PA's or parts thereof, through suitable zonings, for consumptive use of natural resources including hunting, fishing and harvesting.
- 21.2. 21.2.Where the Authority has elected to do so and where such zonation is recorded in a management plan approved by the Board then the Authority may prescribe rules for such designated area (and matters incidental thereto) to allow for such activity to occur.
- 21.3. 21.3.The rules contemplated above may contradict these Park Rules and will, in the event of conflict, take precedence but only to the limited extent required to permit the consumptive use of natural resources within the designated area.

## **22. Photography in the PA**

- 22.1. No person shall, except in accordance with the conditions laid down by the Authority from time to time, take any photographs, videos or films or record any images in the PA other than for private purposes.
- 22.2. Any photographs, films, videos or other recordings other than private ones shall be made available to the Authority on demand who shall have all rights to store, copy, edit, distribute, use such as it may in its sole discretion determine.

## **23. Officers may ask for written authority to be shown**

- 23.1. Any person in the PA shall hand over the written voucher, permit or exemption authorising that person to be within the PA and to perform such activity to an Officer if requested to do so.
- 23.2. Any person failing or refusing to comply with any request to hand over the written voucher authorising that person to be within the PA when requested to do so by an Officer shall, apart from any other liability that person may incur, also be liable for payment of the fees in respect of admission, accommodation or any other service for which fees may be levied by the Authority, even though such fees may already have been paid. Provided that any fees thus paid shall be reclaimable by the person concerned on the submission to the Authority of satisfactory proof that such fees have previously been paid.

## **24. Complying with instructions**

- 24.1. No person shall fail to comply with a lawful instruction issued by the Authority or an Officer while inside the PA.
- 24.2. The Authority may erect written notices to give effect to the PA Zoning or for any other matter and such notices shall be deemed to be lawful instructions and shall be complied with.
- 24.3. The right of admission to any PA, accommodation unit, viewing hide or picnic site is strictly reserved and any Officer may, in their discretion, require any person to vacate such area on good cause.

## **25. Special conditions to be observed**

- 25.1. Any person to whom special permission of any nature whatsoever may be granted to enter into or reside in the PA shall, in addition to the provisions of the Act, the regulations and these rules, observe all instructions which the Authority may deem fit to issue in connection with such permission.

- 25.2. Unless otherwise provided for: The Board may exempt any person or group of persons from any rule contained herein in respect of an area or the PA as a whole and for such period as may be determined provided that such exemption may not be granted retrospectively and shall only be granted, in writing and on written motivation, in exceptional circumstances.

## **26. Offences and penalties**

In addition to any offence in terms of section 89 of the Act, in terms of Regulation 61 read with Regulation 64 of the Proper Administration Regulations any person who contravenes or fails to comply with—

- 26.1. a provision of these internal rules;
- 26.2. a condition mentioned in a permit issued in terms of these internal rules; or
- 26.3. a prohibition, instruction, rule or order imposed, given or issued under these internal rules;

shall be guilty of an offence and is liable on conviction to a fine not exceeding R 5 million or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment and, on second or subsequent conviction; to a fine and or imprisonment not exceeding R10 million or 10 years as the case may be.