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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 625

03 JUNE 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)****NOTICE PROHIBITING THE CARRYING OUT OF CERTAIN RESTRICTED ACTIVITIES INVOLVING
RHINOCEROS HORN**

I, Barbara Dallas Creecy, Minister of Environment, Forestry and Fisheries, hereby, under section 57(2) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), prohibit the carrying out of certain restricted activities involving rhinoceros horn, or a part, product or derivative of such rhinoceros horn, belonging to the species black rhinoceros (*Diceros bicornis bicornis*, *Diceros bicornis minor*, *Diceros bicornis michaeli*) and white rhinoceros (*Ceratotherium simum simum*), in the Schedule hereto.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

1. Definitions

In this notice, a word or expression or any derivative or other grammatical form of such word or expression to which a meaning has been assigned in the Biodiversity Act or the TOPS Regulations, has the corresponding meaning, and unless the context indicates otherwise —

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**genetic profiling**” means the use of biotechnology to identify the unique characteristics of a rhinoceros horn for forensic or diagnostic purposes;

“**management purposes**” has the same meaning as having been defined in the TOPS Regulations;

“**person**” means a natural person or a juristic person;

“**registered**” means registered in terms of the TOPS Regulations;

“**rhinoceros horn**” has the same meaning as having been defined in the TOPS Regulations;

“**Rhinoceros Norms and Standards**” means the norms and standards pertaining to the marking of rhinoceros and rhinoceros horn, and the hunting of rhinoceros for trophy hunting purposes, promulgated in terms of section 9 of the Biodiversity Act;

“**scientific institution**” has the same meaning as having been defined in the TOPS Regulations;

“**scientific purposes**” means for the primary purpose of practicing science or conducting research;

“**State**” means a national or provincial department or organ of state responsible for the—

- (a) implementation;
- (b) enforcement; or
- (c) both implementation and enforcement,

of the provisions of the Biodiversity Act and this Notice;

“**TOPS Regulations**” means the regulations pertaining to listed threatened or protected species and promulgated in terms of section 97 of this Act; and

“**veterinary purposes**” in relation to rhinoceros horn means for the purpose of—

- (a) applying a medical procedure, including a surgical operation; or
- (b) determining the cause of death of an animal (post mortem).

Prohibitions

2. (1) A person may not—

- (a) powder a rhinoceros horn or cause the powdering of a rhinoceros horn;
- (b) form or create slivers, chips, drill bits or any similar derivative from rhinoceros horn, or cause such slivers, chips, drill bits or similar derivatives to be formed; or
- (c) remove parts or layers from a rhinoceros horn.

(2) The prohibition contemplated in subparagraph (1) does not apply—

- (a) when powder, slivers, chips, drill bits or any similar derivative is formed during the process of inserting a microchip into a rhinoceros horn;
- (b) when powder, slivers, chips, drill bits or any similar derivative is formed during the process of dehorning a rhinoceros, or when a person removes part of a rhinoceros horn, for management, veterinary or security purposes;
- (c) when a person collects a sample of rhinoceros horn for the purpose of genetic profiling in accordance with the Rhinoceros Norms and Standards;
- (d) when powder, slivers, chips, drill bits or any similar derivative is formed during the process of inserting a tracking or similar device submitting a signal to facilitate monitoring, into a rhinoceros horn; or
- (e) the forming of powder, slivers, chips, drill bits or any similar derivative, or the removal of parts or layers from rhinoceros horn, when the activity is carried out by—
 - (i) a registered scientific institution for scientific purposes;

- (ii) a registered scientific institution approved by the Director-General of the Department, or the Forensic Science Laboratory of the South African Police Service, for the purpose of performing or conducting the genetic profiling in accordance with the Rhinoceros Norms and Standards; or
 - (iii) the State.
- (3) A person may not sell, give, donate, buy, receive, accept as a gift or donation, or in any similar way dispose of or acquire, rhinoceros horn—
 - (a) contemplated in subparagraph (1), or
 - (b) that is less than 5 cm in length, irrespective of the weight of the rhinoceros horn.
- (4) Notwithstanding the prohibition contemplated in subparagraph (3)—
 - (a) if the lawful owner of rhinoceros horn contemplated in subparagraph (1) or (3)(b) does not intend to keep such rhinoceros horn, he or she may give or donate the rhinoceros horn to the Department or to a registered scientific institution;
 - (b) a registered scientific institution may—
 - (i) receive or accept as a gift or donation rhinoceros horn contemplated in subparagraph (1) or (3)(b) for scientific purposes; or
 - (ii) give or donate rhinoceros horn contemplated in subparagraph (1) or (3)(b) to the Department;
 - (c) a registered scientific institution approved by the Director-General of the Department for the purpose of genetic profiling, or the Forensic Science Laboratory of the South African Police Service, may—
 - (i) receive rhinoceros horn contemplated in subparagraph (1) or (3)(b) for the purpose of performing or conducting such genetic profiling, in accordance with the Rhinoceros Norms and Standards; or
 - (ii) give or donate rhinoceros horn contemplated in subparagraph (1) or (3)(b) to the Department; or

- (d) the Department may give, donate, receive or accept as a gift or donation rhinoceros horn contemplated in subparagraph (1) or (3)(b).
- (5) A person may not export or re-export from the Republic, rhinoceros horn—
- (a) contemplated in subparagraph (1), or
- (b) that is less than 5 cm in length, irrespective of the weight of such rhinoceros horn.
- (6) The prohibition contemplated in subparagraph (5) does not apply to—
- (a) a registered scientific institution for scientific purposes;
- (b) a registered scientific institution approved by the Director-General of the Department, or the Forensic Science Laboratory of the South African Police Service, for the purpose of genetic profiling, in accordance with the Rhinoceros Norms and Standards; or
- (c) the State.
- (7) The prohibitions contemplated in subparagraphs (1), (3) and (5) are effective for a period of three years from the date of coming into operation of this Notice, after which the Minister will assess and re-consider the prohibitions.

Short title and commencement date

3. This Notice is called the Notice prohibiting the carrying out of certain restricted activities involving rhinoceros horn, 2019, and comes into operation on a date determined by the Minister by Notice in the *Gazette*.