

The bird ringer and the law

In terms of the constitution of South Africa, nature conservation is a provincial responsibility. The laws pertaining to the protection of plant and animal life are promulgated in provincial ordinances. Although the terms of such ordinances and the levels of protection offered to the different species may vary from province to province, most ordinances have certain clauses in common and these will generally prescribe prohibited methods and times of hunting and capturing protected fauna. The legal definition of 'to kill' is broad and usually includes 'to hunt, pursue, capture, wilfully disturb or lie in wait for'. These clauses and definitions ensure that any practising bird ringer is in contravention of the law unless he is in possession of a valid permit issued by the relevant provincial authority.

A permit may specifically authorise the permit holder to capture, ring and release listed species of birds in specified districts, or it may merely exempt the holder from certain provisions of the ordinance. Permits are normally valid for 12 months from the date of issue and have to be renewed annually. The onus is on the permit holder to apply for renewal; reminders are not sent out. Note that permits are issued free of charge, whereas licences have to be paid for. Because bird ringers do not remove wildlife permanently from the environment (as fisherman do, for example), it is appropriate that they should not have to pay licence fees. However, it is ultimately the prerogative of the provincial authority to decide which activities will be authorised by permit and which by licence.

A permit does not entitle the holder to operate on private property. Some permits explicitly state that the holder should obtain written permission from landowners on whose property the authority of the permit is to be exercised. Whether the permit makes this a condition of issue or not, it is wise to seek such written permission of the owner of ringing sites on private land. Permits (and copies of written permission to enter and ring on private land) should be carried at every ringing operation. You never know when a member of the public will complain to the police about your activity in the mistaken belief that you are up to no good, and it will save valuable time if the provincial ringing permit and other documents can be produced to prove that your activity is legal.

A provincial permit is only valid in the province of issue, so if a ringer chooses to ring in more than one province, then more than one permit needs to be obtained. All permits should be returned timeously, either before or upon expiry date, together with any lists of birds ringed if this is a requirement listed as a condition of issue.

Ringers should be aware that, in terms of the provisions of nature conservation ordinances, they are given very special privileges when authorised to ring wild birds.

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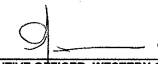

| WESTERN CAPE NATURE CONSERVATION BOARD | WES-KAAPSE NATUURBEWARINGSRAAD | | |
|---|---|---|--------------|
| PERMIT TO "HUNT WILD ANIMALS BY MEANS OF PROHIBITED HUNTING METHODS TO HUNT/DISTURB/DRIVE/STAMPEDE WILD ANIMALS BY THE USE OF A MOTOR VEHICLE OR AIRCRAFT FOR FILMING, PHOTOGRAPHING OR OTHER PURPOSE | PERMIT OM WILDE DIERE "DEUR MIDDEL VAN VERBODE JAGMETODE TE JAG/DEUR VAN 'N MOTORVOERTUIG OF LUGVAARTUIG GEBRUIK TE MAAK "TE JAG/VERSTOOR/DRYF/JAAG VIR VERFILMING, FOTOGRAFIERING OF ANDER DOEL | | |
| Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974) (sections 29 and 33) | Ordonnansie op Natuurbewaring, 1974 (Ordonnansie 19 van 1974) (artikels 29 en 33) | | |
| NOT TRANSFERABLE / NIE OORDRAAGBAAR NIE | | | |
| Mr D Oschaddeus, SAFRING Avian Demography Unit, Department of Statistical Sciences University of Cape Town, RONDEBOSCH 7701 | | | |
| is hereby granted a permit in terms of section "29/33 of the Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974), to "capture/hunt/disturb/drive/stampede the following wild animals: | word hierby kragtens artikel "29/33 van die Ordonnansie op Natuurbewaring, 1974 (Ordonnansie 19 van 1974), 'n permit uitgereik om die volgende wilde diere te 'jag/verstoort/dryf/jaag: | | |
| Species/Spesie | Number/Getal | Species/Spesie | Number/Getal |
| Birds which are protected wild animals | Unlimited | Birds which are not protected wild animals | Unlimited |
| on the property: | | op die eiendom: | |
| In the Province of the Western Cape | | In die Provinsie van die Wes-Kaap | |
| by "means/the-use of: | | deur "middel/gebruik te maak van: | |
| Prohibited Hunting Method for the sole purpose of Birdringing only | | | |
| CONDITIONS | | VOORWAARDES | |
| 1. This permit is valid until 08 June 2001 | 1. Hierdie permit is geldig tot | | |
| 2. When the holder of this permit "kille/captures/seeleets any wild animal in terms thereof, he shall, before leaving the above-mentioned property, or if he does not leave it, after each day's "hunt/capture/seeleete, record the particulars regarding the date, species and number of each sex of each species, or if it is impossible to distinguish the sex, the total number of each species of such wild animals which he had "killed/captured/collected. | 2. Wanneer die houer van hierdie permit enige wilde dier "daarkragtens "doodmaak/vang/versamel moet by, voordat hy die bogenemde eiendom verlaat, of indien hy dit nie verlaat nie, na elke dag se "jag/vangs/versameling, die besonderhede aangaande die datum, spesie en getal van elke geslag van elke spesie, of indien dit onmoontlik is om die geslag te onderskei, die totale getal van elke spesie van sodanige wilde diere wat hy "doodgemaak/gevang/versamel het, aanteken. | | |
| 3. The holder of this permit shall return it to the Chief Executive Officer: Western Cape Nature Conservation Board, Private Bag X100, Viesberg, 8018, within 14 days of the date of expiry thereof. | 3. Die houer van hierdie permit moet dit binne 14 dae na die vervaldatum daarvan aan die Hoof Uitvoerende Beampte: Wes-Kaapse Natuurbewaringsraad, Privaatsak X100, Viesberg, 8018 terugstuur. | | |
| 4. The attached conditions as per addendum must be strictly adhered to. | 4. Die aangehegte voorwaardes soos per addendum moet striktna gevolg word. | | |
|  CHIEF EXECUTIVE OFFICER: WESTERN CAPE NATURE CONSERVATION BOARD HOOF UITVOERENDE BEAMPTE: WES-KAAPSE NATUURBEWARINGSRAAD | |  | |
| * Delete where not applicable | | | |

Fig. 8.1. Example of a ringer's permit.

Every ringer ought to abide strictly by the legal requirements; failure to do so will give bird ringing a bad name with the authorities, and will result in far less cooperation from them than we currently receive.

For countries outside South Africa, the relevant authority needs to be contacted. In Botswana, for instance, a new ringer must obtain permission from the Office of the President (Private Bag 001, Gaborone) and must first submit to the Office a research proposal which meets the research priorities of the Department of Wildlife & National Parks.