

GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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WINDHOEK - 15 August 2011

No. 4773

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Government Notice

MINISTRY OF ENVIRONMENT AND TOURISM

No. 144 2011

REGULATIONS RELATING TO CONTROLLED WILDLIFE PRODUCTS AND TRADE: CONTROLLED WILDLIFE PRODUCTS AND TRADE ACT, 2008

Under section 9 of the Controlled Wildlife Products and Trade Act, 2008 (Act No. 9 of 2008), I make the following regulations set out in the Schedule.

N. NANDI-NDAITWAH

MINISTER OF ENVIRONMENT AND TOURISM

Windhoek, 21 July 2011

SCHEDULE

Definitions

1. In these regulations a word or expressions defined in the Act has that meaning and, unless the context otherwise indicates -

“the Act” means the Controlled Wildlife Products and Trade Act, 2008 (Act No. 9 of 2008).

Application for a permit

2. (1) A person who wants to import, export, re-export or re-introduce from the sea any species listed in the Appendices of the Convention, including live specimens as well as parts and derivatives must apply to the CITES Office, by fully completing the application form provided by the Ministry set out in the Annexure A.

(2) An application for any CITES permit must be submitted to the CITES Office of the Ministry five working days prior to the import, export, re-export or introduction from the sea of any wildlife specimen.

Conditions of CITES permits

3. (1) A CITES permit is valid for a single consignment only.

(2) Each permit or certificate issued in terms of these regulations in respect of the import, export, re-export or introduction from the sea of any wildlife specimen referred to in CITES Appendix I and II must bear -

- (a) the title of the Convention;
- (b) the title and identifying stamp of the Minister; and
- (c) a number assigned to the permit or certificate by the Minister.

(3) A permit or certificate issued by the Minister for the import, export, re-export or introduction from the sea of any wildlife specimen referred to in CITES Appendix I and II, in addition to the matters specified in subregulation (2), must contain the following information -

- (a) the full name and address of the person or company to whom the permit or certificate, whichever is applicable, is issued;
- (b) the name "Namibia", as being the country of export;
- (c) the name of the country to which and the name and address of the person to whom, the wildlife specimen concerned is being consigned; and
- (d) in relation to any wildlife specimen which is being exported -
 - (i) the scientific and common names of the species concerned;
 - (ii) in the case of living specimens for wild life, the number of specimens, their sex, size and details of any identifying marks;
 - (iii) in the case of parts or derivatives of wildlife, their quantity, type and any identifying marks;
 - (iv) the Appendix to the Convention in which the species concerned is listed; and
 - (v) where known, whether or not the wildlife concerned was bred in captivity, ranched or cultivated in Namibia.

(4) Any copy of a permit or certificate issued must be clearly marked as such, and may be used in place of the original only to the extent specified therein.

(5) Any alteration, addition or deletion made to the permit or certificate issued in terms of subsection (1) or (2) is only valid, if such alteration, addition or deletion is authenticated by the stamp and signature of the Minister.

(6) A permit issued by the Minister for re-export, import and re-introduction from the sea of any wildlife specimen ceases to be valid after the period specified therein lapses, unless it has been earlier revoked in terms of subregulation 8.

(7) A permit or certificate is not transferable, and any purported transfer of a permit or certificate is void, provided that nothing in this section prevents the holder of a permit or certificate from appointing any other person as her or his agent for the purposes of importing or exporting the wildlife specimen concerned.

(8) The Minister may, at any time amend or revoke any permit or certificate issued by her or him in accordance with this Act.

Packaging of live animals

4. (1) A person transporting a live animal listed in the CITES Appendix I and II must transport it in such a way that -

- (a) it cannot escape from the vehicle in or on which it is transported;
- (b) it is not subjected to maltreatment;
- (c) it cannot injure any other game or wild animal which is transported together with it; and
- (d) it can get sufficient rest during the journey.

(2) The transport of live animals by air is subject to International Air Transport Association (IATA) regulations.

Procedures to be followed when CITES specimen are imported, exported or introduced from the sea

5. (1) Any person authorised to import, re-export or re-introduce from the sea any wildlife specimen must report back to the CITES Office, within 14 days after such import, re-export and re-introduction from the sea of any wildlife specimen.

(2) The Minister may, by notice in writing, require any person who has been issued with a permit to import, re-export or re-introduction from the sea any CITES listed animal in terms of these regulations, to keep records or registers and to report to the Minister any information relating to the management or care of any wildlife specimens to which the permit or certificate relates.

Application for manufacturer or dealer's licence

6. (1) A person who intends to obtain a controlled wildlife products manufacturer's licence or a dealer's licence may apply to the CITES Office for such licence, by filling in an application set out in Annexure B.

- (2) An application referred to in subregulation (1) must -
 - (a) for an application for a dealer's licence, be accompanied by a certified copy of his or her general dealer's licence;

- (b) for an application for a manufacturer licence, be accompanied by -
 - (i) a certified copy of the municipality certificate that allows for the storage and manufacturing of controlled wildlife products on the premises concerned;
 - (ii) documentation to prove that the applicant has experience in manufacturing of articles from controlled wildlife products; and
 - (iii) a list of the kind of articles to be manufactured.

Terms and conditions of controlled wildlife products dealer and manufacturer licence

7. (1) Subject to the provisions of this regulation, a controlled wildlife products dealer's licence authorises the holder of such licence -

- (a) to purchase items manufactured out of specified controlled wildlife products from any person who has a certificate or permit issued in terms of this regulations to sell such items; and
- (b) within the premises to which the licence relates, to sell such items purchased in terms of paragraph (a).

(2) Subject to the provision of this regulation, a controlled wildlife products manufacturer's licence authorises the holder of such licence -

- (a) to purchase specified controlled wildlife products from any person, who has a certificate or permit from the Minister to sell such items;
- (b) within the premises to which the licence relates, to carve, embellish or otherwise manufacture specified controlled wildlife products purchased by him or her in terms of paragraph (a) or purchased on his or her behalf by some other holder of a controlled wildlife products manufacturer licence; and
- (c) within the premises to which the licence relates, to sell controlled wildlife products which he or she has processed, carved, embellished or otherwise manufactured in terms of paragraph (b).

Validity period

8. A controlled wildlife products manufacturer or dealer licence is valid for a period of one year.

Display of dealer or manufacturer licence

9. A licensee must, when the licensed premises is open for business, prominently display in any part of the licensed premises, which is open to the public, the original licence in respect of the premises and, where applicable, a current and valid certificate of renewal in respect of such licence.

Cancellation

10. (1) If a holder of a controlled wildlife products manufacturer or dealer licence fails to comply with any of the provisions of the Act or with the terms and condition of his or her licence, the Minister may, in addition to any other penalty which may be imposed upon such a holder -

- (a) amend the terms and conditions of that licence; or
- (b) suspend or cancel that licence.

Registers, returns and accounts of controlled wildlife products

- 11.** (1) Every controlled wildlife products manufacturer and dealer must -
- (a) keep a register in which he or she must enter all transactions or arrangements by which he or she acquires or comes into possession or control of controlled wildlife products items for manufacture or resale, within three days of such items entering his or her possession or control as set out in Annexure C;
 - (b) keep adequate records and books of account relating to the manufacture and sale of controlled wildlife products items by him or her; and
 - (c) make the records and books referred to in paragraph (b) available for inspection in terms of section 7 of the Act.
- (2) Each controlled wildlife products manufacturer must, within seven days after the end of each month, submit to the Minister -
- (a) copies of all transactions and arrangements whereby he or she acquired or came into possession or control, of controlled wildlife products; or
 - (b) a statement that no transactions or arrangements referred to in paragraph (a) occurred.
- (3) If a dealer who is required by these regulations to keep proper records of controlled wildlife products or items possesses the said items in excess of the amount shown on his or her certificate, he or she is deemed to be in illegal possession of such excess products or items.

Cessation of business by holder of controlled wildlife products manufacturer licence or dealer licence

- 12.** A holder of a controlled wildlife products manufacturer's licence or dealer licence who ceases to carry on business as a manufacturer or dealer must within seven days after so ceasing:
- (a) give written notice of that fact to the Minister; and
 - (b) return his or her licence to the Minister.

Change of address of holder of controlled wildlife products manufacturer's licence or dealer's licence

- 13.** A holder of a controlled wildlife products manufacturer licence or dealer licence must, within seven days after changing his or her business or physical address to which such licence or permit relates, notify the Minister in writing of such change.

Possession of controlled wildlife products

- 14.** (1) A person who wants to possess controlled wildlife products must apply to the Minister for a possession permit, by completing the application form intended for that purpose, set out in Annexure D.
- (2) Any transfer of controlled wildlife products must be reported to the Minister within seven days.

(3) A possession permit is not transferable.

(4) A holder of a possession permit must within seven days after changing his or her address, to which that permit relates, notify the Minister in writing of such change.

(5) A possession permit is valid until it is cancelled or revoked by the Minister.

Marking of controlled wildlife products

15. (1) A holder of a controlled wildlife products manufacturer licence must engrave upon the item an identifying code registered in his or her name in terms of subsection (3).

(2) No person may alter, deface or remove any engraving referred to in subsection (1) without the written permission of the Minister.

(3) A holder of a controlled wildlife products manufacturer licence must apply to the Minister for the registration of his or her identifying code which must be a combination of two letters and two numbers.

(4) Every controlled wildlife products manufacturer and dealer licence holder must ensure that all his or her items are certified by the Ministry before they are displayed for sale.

(5) All ivories, manufactured or raw, and rhino horns in private possession must be marked with a possession permit number in permanent ink.

(6) A person may not alter, deface or remove any marking without the written permission of the Minister.



MINISTRY OF ENVIRONMENT AND TOURISM

DIRECTORATE OF SCIENTIFIC SERVICES AND CITES MANAGEMENT AUTHORITY
 Private Bag 13306, Windhoek, Namibia
 Tel +264 61 284 2111 Fax +264 61 259101

**APPLICATION TO IMPORT/EXPORT CITES LISTED SPECIES OR THEIR PARTS,
 DERIVATIVES AND PRODUCTS**
 (regulation 2)

Type of application (*Please mark x*):

IMPORT **EXPORT** **RE-EXPORT** **Others, specify.....**

<p>Importer (Name, address and country)</p>
--

<p>Exporter (Name, address and country)</p>
--

Purpose of the transaction (*Please mark x*):

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Zoos/botanical gardens | <input type="checkbox"/> Scientific |
| <input type="checkbox"/> Circuses and travelling exhibitions | <input type="checkbox"/> Hunting trophies | <input type="checkbox"/> Personal |
| <input type="checkbox"/> Breeding in captivity or artificial propagation | <input type="checkbox"/> Re-introduction in the wild | <input type="checkbox"/> Education |

A	Common name and scientific name: _____
	Source: <input type="checkbox"/> Wild <input type="checkbox"/> Captive bred <input type="checkbox"/> Ranches <input type="checkbox"/> Artificially propagated <input type="checkbox"/> Other, specify _____
	Product : _____ Quantity (including unit): _____
Country of origin (only in case of re-export), import permit number and date _____	
<i>For office use only</i>	
Appendix: <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III Remarks:	

B	Common name and scientific name: _____
	Source: <input type="checkbox"/> Wild <input type="checkbox"/> Captive bred <input type="checkbox"/> Ranches <input type="checkbox"/> Artificially propagated <input type="checkbox"/> Other, specify _____
	Product : _____ Quantity (including unit): _____
Country of origin (only in case of re-export), import permit number and date _____	
<i>For office use only</i>	
Appendix: <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III Remarks:	

C	Common name and scientific name: _____
	Source: <input type="checkbox"/> Wild <input type="checkbox"/> Captive bred <input type="checkbox"/> Ranches <input type="checkbox"/> Artificially propagated <input type="checkbox"/> Other, specify _____
	Product : _____ Quantity (including unit): _____
Country of origin (only in case of re-export), import permit number and date _____	
<i>For office use only</i>	
Appendix: <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III Remarks: _____	

Applicant's signature: _____ **Date:** _____

Please read procedures and instructions carefully before submitting your application to avoid unnecessary delays

**THIS IS NOT A PERMIT
Instructions**

1. Please complete all details in a legible manner in English only.
2. Application will not be processed unless all information is available. Please note that the onus is on the applicant to provide all information as requested on this application form.
3. Please attach all documents to proof legal ownership for the specimens and derivatives applied for.

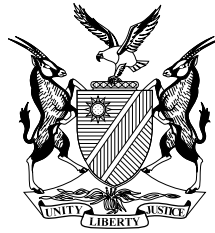
For office use only:	
Recommended / not recommended	

Conditions: _____	

Approved / Not Approved	

_____	_____
Signature	Date

Annexure B



MINISTRY OF ENVIRONMENT AND TOURISM

DIRECTORATE OF SCIENTIFIC SERVICES, CITES MANAGEMENT AUTHORITY

Private Bag 13306, Windhoek, Namibia
Tel +264 61 284 2111 Fax +264 61 259101/258861

**APPLICATION FOR A LICENCE TO DEAL IN OR MANUFACTURE
CONTROLLED WILDLIFE PRODUCTS**
(regulation 6)

Type of application (*Please mark x*):

Dealer Manufacturer New Application Renewal

Name of the applicant: _____

Name of Company: _____

Applicant's identity number: _____

Postal address: _____

Residential address: _____

Tel. number: _____ Fax number: _____ Email address: _____

If the application is made on behalf of a company, please supply the list of directors below, with the Managing Director being the first entry:

Initials	Surname	Identity number	Capacity/position

Specify controlled wildlife products applied for: _____

Are you already in possession of controlled wildlife products? Yes No

Signature (Applicant)

Date

Accompanying documentation

The following documents must be submitted with the application for registration as a controlled wildlife products dealer or manufacturer:

For the dealer's registration:

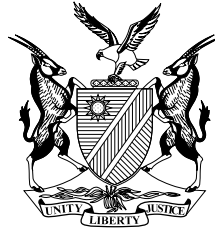
A certified copy of the general dealer's licence.

For the manufacturer's registration:

1. A certified copy of the municipality certificate that allows for the storage and manufacturing of controlled wildlife products on the premises concerned.
2. Documentation to prove that the applicant has experience in manufacturing of articles from controlled wildlife products.
3. A list of kind of articles to be manufactured, should this application be successful.

If already in possession of any controlled wildlife products, applicant should proof the legality of such items, by providing relevant permits. A list of such items should be provided as well.

For office use only:	
Recommendations: _____ _____	
Conditions: _____ _____ _____	
Approved / Not Approved _____ _____ _____	
_____ Signature	_____ Date



MINISTRY OF ENVIRONMENT AND TOURISM

DIVISION: SCIENTIFIC SERVICES
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**REGISTER FOR CONTROLLED WILDLIFE PRODUCTS DEALER
 AND MANUFACTURER**
 (regulation 11)

Name: _____ ID No.: _____

Page number: _____ Month: _____

Physical address: _____

Date of transaction	Species	Description of CWP	Quantify and unit	Bought/ acquired /sold/ alienated	Item no. as marked on the CWP	From whom acquired/ to whom disposed Name and address	Stock on hand and unit

I certify that this is a true record of transaction conducted by me for the month indicated above.

Name: _____ Capacity: _____

Signature

Date

Annexure D



MINISTRY OF ENVIRONMENT AND TOURISM

DIRECTORARE OF SCIENTIFIC SERVICES AND CITES MANAGEMEMNT AUTHORITY

Private Bag 13306, Windhoek, Namibia
Tel +264 61 284 2111 Fax +264 61 259101/258861

APPLICATION TO POSSESS CONTROLLED WILDLIFE PRODUCTS
(regulation 14)

Name of the applicant: _____

Name of Company: _____

Applicant's identity number: _____

Postal address: _____

Residential address: _____

Tel. number: _____ **Fax number:** _____ **Email address:** _____

If the application is made on behalf of a company, please supply the list of directors below, with the Managing Director being the first entry:

Initials	Surname	Identity number	Capacity/position

Details of items applied for:

Item	Description (Piece or whole)	Girth at base (cm)	Length outside curve (cm)	Weight (kg)

Signature (Applicant)

Date

Accompanying documentation

The following documents must be submitted with the application to possess ivory and rhino horns:

1. A certified copy of applicant's identity document.
2. The applicant should provide proof the legality of all items applied for, by providing relevant permits.
3. The original permit, copy of the identity document for the new and old owner should be submitted with an application to transfer ownership.

For office use only:**Recommendations:**

Conditions:

Approved / Not Approved

Signature

Date