
GENERAL NOTICES

NOTICE 347 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 DRAFT ALIEN AND INVASIVE SPECIES REGULATIONS, 2009

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby publish for public comment, the draft regulations relating to alien species and listed invasive species under section 97(1)(b), (c), (f) and (h) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), in the Schedule.

Any person who wishes to submit written representations or comments in connection with the draft regulations are invited to do so within 30 days of the date of this notice. All written representations and comments must be submitted in writing to the Director-General of the Department of Environmental Affairs and Tourism:

By post to: The Director-General
 Department of Environmental Affairs and Tourism:

Private Bag X447
Pretoria, 0001
Attention: Mr Bonani Madikizela

Delivered to: The Department of Environmental Affairs and
Tourism
Attention: Bonani Madikizela
Fedsure Building
315 Pretorius Street
PRETORIA

By fax to: (012) 320 2733, and by e-mail to bmadikizela@deat.gov.za

Comments received after the closing date may not be considered.



MARTHINUS VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

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CHAPTER 1 INTERPRETATION AND PURPOSE

Definitions

1. In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act, has the same meaning, and—

“applicant” means a person applying for a permit in terms of regulation 43, the amendment of a permit in terms of regulation 51 or the renewal of a permit in terms of regulation 54;

“biological control” means the use of specimens of one species for the purpose of preying on, parasitizing on, damaging, killing or controlling another species;

“commercial use” in relation to a restricted activity involving an alien or listed invasive species, means the carrying out of the restricted activity for the primary purpose of obtaining economic benefit, including profit in cash or in kind, and is directed towards trade, exchange or another form of economic transaction;

“controlled environment” means an enclosure designed to hold specimens of an alien or listed invasive species in a way that —

- (a) prevents them from escaping;
- (b) facilitates intensive human intervention or manipulation in the form of the provision of—
 - (i) food or water;
 - (ii) artificial housing; or
 - (iii) health care; and
- (c) facilitates the intensive breeding or propagation of an alien and listed invasive species;

“dead specimen” means a specimen that is not able to propagate, reproduce or transfer genetic traits to another specimen;

“exempted species” means a species listed in List 1 of the Notice and regulated in terms of regulation 25;

“existing alien species” means an alien species that—

- (a) was present in the Republic prior to the date upon which these regulations came into effect; or
- (b) was lawfully imported into the Republic after the date upon which these regulations came into effect;

“Head of Conservation” means the Head of the provincial department responsible for conservation within a province or the Chief Executive Officer of an organ of state responsible for conservation within a province;

“hybrid” means a specimen that is the product of the cross-breeding of individuals from different species;

“invasion” means the establishment and subsequent spread of a species outside its distribution range in a manner or to the extent that it constitutes a threat to biodiversity;

“invasive species control plan” means a plan prepared by an organ of state in terms of regulation 9 for the control and eradication of alien or listed invasive species on land under its control;

“invasive species management programme” means a programme prepared by the Department in terms of regulation 8 for the control and eradication of an alien or listed invasive species that has been prioritised in terms of the national strategy;

“land owner” includes the registered owner of the land or the authorized representative of the registered owner, the person in possession or in control of the land or any person deriving a benefit from the land;

“listed invasive species” means a species listed in List 3 of the Notice and regulated in terms of regulations 27, 28 and 29 respectively;

“MEC” means a member of the Executive Council of a province who is responsible for the conservation of biodiversity in the province;

"newly introduced alien species" means an alien species that was first introduced into the Republic after the date on which these regulations came into effect;

"Notice" means the Government Notice published in terms of—

- (a) section 66(1) listing the alien species or category of alien species exempted from the provisions of section 65;
- (b) section 67(1) listing the alien species in respect of which a permit to carry out a restricted activity may not be issued; or
- (c) section 70(1)(a) listing the invasive species in respect of which the Act will apply nationally;

"nursery" means a facility where specimens of an alien or listed invasive species are artificially propagated, reproduced or multiplied for commercial purposes;

"pathway" means the route by which an alien or listed invasive species is transported, introduced into or dispersed or spread within the Republic and includes natural means, inadvertent vectoring, or deliberate acts of human intervention;

"peat" means renewable, natural, organic material of botanical origin and includes an accumulation of partially decayed vegetation material that formed in waterlogged, sterile, acidic and anaerobic and low oxygen conditions;

"permit holder" means a person to whom a permit has been issued in terms of regulation 44;

"permit" means a permit issued in terms of these Regulations;

"personal use" means any non-commercial use;

"prescribed activity" means an activity prescribed as a restricted activity in terms of regulation 22 and 23;

“prohibited alien species” means a species listed in List 2 of the Notice and regulated in terms of regulation 26;

“provincial authority” means the provincial organ of state responsible for conservation in the province;

“registered body” means a body registered by an issuing authority in terms of regulation 17;

“registration certificate” means a certificate issued in terms of regulation 17;

“release” means the intentional or unintentional termination of exercising physical control of a specimen of a species;

“risk assessment” means a scientific evaluation of the threat or potential threat posed to biological diversity by a restricted activity involving a specimen of an alien or invasive species in terms of Chapter 6;

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

“vector” means any object by means of which an alien or listed invasive species is inadvertently or deliberately transported, dispersed or spread.

Purpose of regulations

2. The purpose of these regulations is to—
- (a) prevent the unauthorized introduction and spread of alien species to ecosystem and habitats where they do not naturally occur;
 - (b) manage and control invasive species to prevent or minimize harm to the environment and to biological diversity in particular; and
 - (c) where possible and appropriate, eradicate invasive species that may cause such harm.

Application of regulations

3. These regulations do not apply to indigenous species unless the species is a listed invasive species

CHAPTER 2 DESIGNATION OF AUTHORITIES

Designation of issuing authorities

4 (1) The Minister is the issuing authority for a permit to undertake any other restricted activity involving an alien or listed invasive species if—

- (a) the applicant is an organ of state;
- (b) the species is a marine species regulated in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998);
- (c) there is a threat that the species may migrate across provincial boundaries and the Head of Conservation of a province other than the province designated in terms of subregulation (4) objects to the permit being issued;
- (d) after written notice from the Minister requiring it to do so, the issuing authority designated in terms of subregulation (2), (3) or (4) fails to properly exercise its powers; or
- (e) the importation of any specimen of a new alien species or listed invasive species that is to be utilized as an agricultural food crop or fodder or is a plant, fish or animal to be used in the agricultural sector or for food security.

(2) The Minister of Agriculture, is designated as the issuing authority for a permit authorizing—

- (a) the importation of an existing alien or listed invasive species into the country;
- (b) the carrying out of a restricted activity involving a listed invasive plant species also regulated in terms of Regulation 15 of the Conservation of Agricultural Resources Act, No 43 of 1983.

(3) Notwithstanding the provisions of subregulation (2)(b), the Minister of Water Affairs and Forestry is designated as the issuing authority for a permit authorizing the carrying out of a restricted activity involving an alien or listed invasive plant species that also requires a water use permit in terms of the National Water Act, 1998 (Act No. 36 of 1998).

(4) The Head of Conservation in which the restricted activity is to take place is designated as the issuing authority for a permit authorizing the carrying out of any restricted activity involving an alien or listed invasive species for which a permit is required other than an activity specified in subregulations (1), (2) and (3).

Designation of competent authorities

5. (1) The Minister is the competent authority for the control of alien and invasive species.
- (2) The Minister of Agriculture is designated as the competent authority for the control of—
- (a) an alien or listed invasive species imported into the Republic; and
 - (b) an alien or listed invasive species also regulated in terms of Regulation 15 of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
- (3) The Minister of Water Affairs and Forestry is designated as the competent authority for the control of an alien or listed invasive species for which a water use permit is also required in terms of the National Water Act.
- (4) The Chief Executive Officer of an organ of state responsible for the management of a protected area in which the restricted activity is to take place is designated as the competent authority for the control of alien or listed invasive species within that protected area.
- (5) The Head of Conservation is designated as the competent authority for the control of alien or listed invasive species taking place within that province.
- (6) The Municipal Manager of a local authority, is designated as the competent authority for the control of an alien or listed invasive species taking place within the municipal area of that local authority subject to the following conditions—
- (a) a local authority will only be designated as the competent authority if—

- (i) the Minister has determined that the local authority has the capacity to act as a competent authority; and
 - (ii) the Minister has issued a written notification to the local authority authorizing it to act as a competent authority.
- (b) the written notification in terms of sub regulation (a)(ii) records—
- (i) the names of the persons designated by the local authority to act on its behalf;
 - (ii) the restricted activities in relation to which the local authority shall act as the competent authority;
 - (iii) any conditions determined by the Minister.

(7) Competent authorities designated in terms of this regulation must exercise their powers concurrently.

Integrated permits

6. The following permits will be issued as integrated permits in terms of section 92 of the Act and these regulations—

- (a) a permit issued in terms of another chapter of the Act that has the effect of controlling a restricted activity involving an alien or listed invasive species;
- (b) a permit issued by a provincial department or organ of state in terms of provincial legislation to undertake an activity that also constitutes a restricted activity involving an alien or listed invasive species;
- (c) a permit issued by the Department of Agriculture in terms of the Agricultural Pests Act, the Plant Improvement Act, the Varieties Control Act, the Genetically Modified Organisms Act, the Animal Improvement Act or the Veterinary Health Act to import an alien or listed invasive species;
- (d) a permit issued by the Department of Agriculture in terms of Regulation 15 of the Conservation of Agricultural Resources 1983, (Act No 43 of 1983) to undertake an activity that also constitutes a restricted activity involving an alien or listed invasive species; and

- (e) a water use permit issued by the Department of Water Affairs in terms of section 20 of the National Water Act in order to undertake an activity that also constitutes a restricted activity involving an alien or listed invasive species; and
- (f) a permit issued in terms of the Marine Living Resources Act 1998 (Act No. 18 of 1998).

CHAPTER 3 NATIONAL FRAMEWORK DOCUMENTS

National strategy for alien and listed invasive species

7. (1) The Department must prepare a national strategy for preventing, eradicating or controlling alien and listed invasive species within three years of the publication of these regulations.
- (2) When preparing a national strategy, the Department must have regard to the contents of the following planning instruments—
- (a) the national biodiversity framework;
 - (b) relevant bioregional plans; and
 - (c) any other relevant national strategy developed by another department
- (3) A national strategy must—
- (a) identify different taxa of alien and listed invasive species requiring invasive species management programmes for prevention, eradication or control;
 - (b) provide a framework for the prevention, eradication or control of alien and listed invasive species within each of the different taxa and within each of the functional areas for which an issuing or competent authority has been designated;
 - (c) provide a framework for an integrated and co-ordinated approach between different organs of state seeking to prevent, eradicate or control alien and listed invasive species of different taxa;
 - (d) using the best available scientific advice, identify species within the different taxa that need to be prioritised for prevention, eradication or control;

- (e) identify areas that should be prioritised for the adoption of control measures; recommend management programmes to be implemented to facilitate the prevention, eradication or control of species that have been prioritised in terms of subregulation (d) and the adoption of control measures in areas prioritised in terms of subregulation (e);
- (f) identify measures to rehabilitate areas that have been invaded; and
- (g) recommend schemes and financial provisions that need to be adopted to ensure the implementation of the national strategy.

(4) The Department must review and amend the national strategy at least every five years.

Invasive species management programmes

8. (1) Within twelve months of the adoption or amendment of the national strategy in terms of regulation 7, the Department must develop an invasive species management programme for each species identified in regulation 7(3)(d).

(2) Notwithstanding the provisions of subregulation (1) any competent authority may at any time prepare and publish an invasive species management programme for a species to be eradicated or controlled.

(3) An invasive species management programme prepared and published in terms of subregulation (2), must not conflict with a programme prepared and published in terms of subregulation (1).

- (4) An invasive species management programme must set out—
- (a) the alien or listed invasive species to which it relates;
 - (b) the control measures to eradicate or control the alien or listed invasive species specified in subregulation (a);
 - (c) the areas in which the control measures set out in terms of subregulation (b) are to be applied; and
 - (c) any schemes to fund the control measures.

(5) An invasive species management programme may provide that the owner of any land regulated by the management programme who has not complied with the provisions of the management programme, may not—

- (a) sell, transfer or donate the land regulated by the management programme;
- (b) receive support in terms of a state-funded scheme or other state-supported programme to ensure the sustainable use of natural resources; or
- (c) receive an exemption or rebate on municipal rates, or a grant in aid to encourage sound land management.

Invasive species monitoring, control and eradication plans

9. (1) The Institute must—

- (a) within three years of the date on which these regulations come into effect, develop and publish on its website guidelines for the preparation of an invasive species control plan referred to in subregulation (2) and (3); and
- (b) every five years, review and, if necessary, amend the guidelines prepared in terms of subregulation (a).

(2) Every organ of state and every management authority of a protected area must prepare a plan for the monitoring, control and eradication of invasive species in terms of section 76(2)(a) of the Act.

(3) A competent authority may require a land owner to prepare a plan for the monitoring, control and eradication of invasive species occurring on their land.

(4) An invasive species control plan prepared in terms of subregulation (2) or (3) must—

- (a) comply with—
 - (i) the guidelines published in terms of subregulation (1);
 - (ii) the national biodiversity framework published in terms of section 38(2) of the Act;
 - (iii) the norms and standards determined in terms of section 9 of the Act; and

- (iv) the national strategy in terms of subregulation (7);
- (b) take account of any plan prepared by any other organ of state or management authority of a protected area in terms of any other legislation to prevent, eradicate or control alien or invasive species within the area under its jurisdiction, including—
 - (i) an environmental implementation or environmental management plan of a national or provincial organ of state prepared in terms of Chapter 3 of the National Environmental Management Act, 1998 (Act No 107 of 1998);
 - (ii) a catchment management plan prepared in terms of the National Water Act;
 - (iii) a disaster management plan prepared in terms of the National Disaster Management Act;
- (c) have separate sections dealing with marine species, plants, vertebrates, invertebrates and microbes;
- (d) include the following information—
 - (i) the area of jurisdiction of the organ of state or management authority;
 - (ii) the land within the area of jurisdiction to which the plan or strategy relates;
 - (iii) a detailed list and description of any prohibited species or restricted species prioritized for prevention in the national strategy occurring on that land;
 - (iv) a description of the parts of that land that are infested with such prohibited or restricted species;
 - (v) an assessment of the extent of such infestation;
 - (vi) the prioritization for control of the different areas of the land that are infested;
 - (vii) the prioritization for control of the different species occurring on the land;
 - (viii) the current and proposed measures to monitor, control and eradicate such prohibited or restricted species;
 - (ix) the rehabilitation measures to be adopted; and
 - (x) an estimate of the costs of implementing the measures;
- (e) contain an annexure with the following information—
 - (i) the proposed timetable for implementing the measures detailed in the invasive species control plan; and

- (ii) measurable indicators of progress and success with implementing the measures; and
 - (f) contain a record of all research into any aspect of the invasiveness of an alien or listed invasive species or the prevention, eradication or control of such invasiveness being undertaken on behalf of the organ of state or management authority.
- (5) The information contained in paragraph (e) of subregulation (4) must be captured in a representative manner on topographical maps or aerial photographs of the land.
- (6) An invasive species control plan referred to in subregulation (2) must be prepared within one year of the publication of the guidelines referred to in subregulation (1).
- (7) A copy of the invasive species control plan referred to in subregulation (2) or (3) and the maps or aerial photographs referred to in subregulation (5) must be lodged—
 - (a) in the case of a municipality, with the provincial conservation authority; and
 - (b) in the case of any other organ of state or management authority, with the Department.
- (8) A body receiving an invasive species control plan or amendment to such a plan in terms of subregulation (7) must—
 - (a) within six months of receiving the plan or amendment to the plan, assess the plan or amendment;
 - (b) request such further information as it considers necessary;
 - (c) if the plan or any amendment to the plan does not meet the requirements of the Act or Regulations, amend or refer the plan back to the organ of state or management authority submitting the plan with recommendations for its modification;
 - (d) report to the Minister on any matters detailed in the plan requiring intervention; and
 - (e) lodge a copy of the plan with—
 - (i) the Institute; and
 - (ii) any issuing or competent authority that may have jurisdiction over any aspect of the implementation of the plan.

- (9) The organ of state or management authority preparing a plan in terms of subregulation (2) must—
- (a) implement the plan;
 - (b) no later than every five years review the plan and the progress with its implementation; and
 - (c) following on from the review, submit to the provincial conservation authority or the Department, as the case may be—
 - (i) a report on progress with the implementation of the plan; and
 - (ii) any amendments to the plan.

National register of alien and listed invasive species and control plans

10. (1) The Institute must establish and maintain a national register of—
- (a) all invasive species control plans submitted to it in terms of regulation 9;
 - (b) the following species—
 - (i) all newly introduced alien species;
 - (ii) all exempted species that have been subjected to a risk assessment in terms of regulation 35;
 - (iii) all alien and listed invasive species in relation to which a permit has been issued in terms of regulations 27, 28, 29,30 and 31 in respect of each species, whether the permit has been issued subject to conditions; and
 - (iv) any species that is being investigated in terms of regulation 33 as species with invasive potential;
 - (c) all areas demarcated in terms of regulation 30;
 - (d) all research being undertaken into any aspect of the invasiveness of an alien or listed invasive species or the prevention, eradication or control of such invasiveness.
- (2) Any person wanting to ensure that information is included in the register in terms subregulation (1) may submit it to the Institute in writing with a request that it be incorporated.

Invasive species research

11. (1) A report on any research into any aspect of the invasiveness of an alien or listed invasive species or the prevention, eradication or control of such invasiveness must be lodged with the Institute by—
- (a) any organ of state or organisation conducting or funding such research; or
 - (b) any person in the Republic conducting such research where the research is wholly or partially funded by an organ of state.
- (2) A report in terms of subregulation (1) must—
- (a) be lodged prior to commencing the research;
 - (b) be in writing;
 - (c) contain the following information—
 - (i) the name of the researcher, his or her institution and contact details;
 - (ii) the species, pathway or vector being researched;
 - (iii) the hypothesis being tested;
 - (iv) the source of funding for the research; and
 - (v) the anticipated period of the research.
- (3) A copy of any findings of research referred to in subregulation (1) must, upon completion, be lodged with the Institute, both electronically and in writing.

National status reports

12. (1) The Institute must, in terms of section 11(1)(a)(i) and (iii) of the Act, submit a report on the status of all alien and listed invasive species to the Minister within three years after promulgation of these regulations and every two years thereafter.
- (2) A status report referred to in subregulation (1) must—
- (a) contain an assessment of the national strategy and its effectiveness;
 - (b) contain a summary and assessment of—
 - (i) permits issued for restricted species;
 - (ii) notifications received from owners of land regarding restricted species occurring on that land;
 - (iii) invasive species control plans received from organs of state and management authorities of protected areas; and

- (iv) directives involving alien and listed invasive species issued by competent authorities;
- (c) identify—
 - (i) prohibited or restricted species that need to be prioritized for prevention, eradication or control;
 - (ii) prohibited or restricted species that require invasive species management programmes;
 - (iii) geographic areas that need to be prioritized for management interventions;
 - (iv) species that are exhibiting invasive potential; and
- (d) recommend—
 - (i) invasive species management programmes that need to be implemented to facilitate the prevention, eradication or control of prohibited or restricted species in areas identified in subregulation (b);
 - (ii) identify measures to rehabilitate invaded areas; and
 - (iii) recommend amendments or additions to the lists published in terms of the Notice.

Publication of national framework documents

13. The national strategy, invasive species management programmes, invasive species control plans, the national register and the national status reports must be published electronically on the website of the Department.

CHAPTER 4

REGISTERS, REPORTING & GENERAL DUTIES

Register of permits

14. (1) An issuing authority must—
- (a) establish a register of all permits issued by that authority in terms of these regulations;
 - (b) assign a distinct number to each permit issued;
 - (c) record in the register—
 - (i) the number assigned to each permit;

- (ii) the scientific and common name of the species for which the permit was issued;
- (iii) whether the species lawfully occurred in the Republic prior to the date on which these regulations came into effect;
- (iv) whether the species was subjected to a risk assessment in terms of regulation **35**;
- (v) the restricted activity for which the permit was issued;
- (vi) any conditions under which the permit was issued;
- (vii) the date on which the permit was issued;
- (viii) the period of validity of the permit; and
- (xi) the location where the restricted activity is to be carried out.

(2) An issuing authority issuing permits for importation must establish a register of risk assessments that have been carried out in terms of regulation **35**.

Reporting by issuing authorities

15. (1) An issuing authority must, on an annual basis, provide to the Department a written report containing—

- (a) a list of all permits issued by it including permit numbers;
- (b) a copy of the register established in terms of subregulation **14(1)(a)**;
- (c) a summary of the information recorded in terms of subregulation **14(1)(c)** for each permit;
- (d) a copy of the register, if any, established in terms of subregulation **17(2)**;
- (e) a list of all reports received in terms of subregulation **17(6)**; and
- (f) a summary of the information recorded in terms of subregulation **17(7)** for each report;
- (g) a record of the progress made with the implementation of any invasive species control plan referred to it in terms of regulation **9**.

(2) A copy must be submitted by the issuing authority to the Institute.

Reporting by competent authorities

16. A competent authority must, on an annual basis, provide to the Department and the Institute, a written report recording—

- (a) a list of all notifications received in terms of subregulation **18(1)**;
- (b) a summary of the information recorded in terms of subregulation **18(2)** for each notification;
- (c) the progress made with the implementation of any invasive species control plan prepared in terms of regulation **9** and referred to it by the Department.

Registered bodies

17. (1) A person carrying out a restricted activity involving an alien or listed invasive species for commercial or scientific purposes must apply to an issuing authority for registration as a registered body.

(2) An application for registration in terms of subregulation (1) shall be in writing and contain-

- (a) the full names of the person making the application;
- (b) the address and contact details of the person carrying out the restricted activity;
- (c) if the person referred to in subregulation (a) is not a natural person, the full names of the person who is responsible for the restricted activities to be undertaken on behalf of that person;
- (d) the alien or listed invasive species in relation to which the applicant has previously undertaken restricted activities;
- (e) the details of all the restricted activities involving alien or listed invasive species that have been previously undertaken by the applicant;
- (f) the details of any legal body or association made up of persons carrying out restricted activities involving alien or listed invasive species of which the applicant is a member;
- (g) the details of all restricted activities involving alien or listed invasive species that the applicant intends to undertake;

- (h) the alien or listed invasive species in relation to which the applicant intends to undertake restricted activities;
 - (i) the magisterial districts in which the restricted activities are to be undertaken;
 - and
 - (j) such other information as the issuing authority may require.
- (3) An application in terms of subregulation (1) must be accompanied by—
- (a) written confirmation that the applicant—
 - (i) is a scientific institution funded in whole or part by the State research and that the restricted activities will be carried out for the purposes of scientific research; or
 - (ii) will carry out the restricted activity for commercial purposes.
 - (b) written confirmation from the body referred to in subregulation (2)(f) that the restricted activities previously undertaken by the applicant have been in accordance with the provisions of the Act and regulations and national norms and standards, if any; and
 - (c) the applicable processing fee as set out in Addendum 3.
- (4) An issuing authority receiving an application in terms of subregulation (1) must—
- (a) assess the application taking into account whether—
 - (i) restricted activities involving alien or listed invasive species to be undertaken by the applicant are for scientific or commercial purposes;
 - (ii) restricted activities involving alien or listed invasive species to be undertaken by the applicant are in accordance with the provisions of the Act and regulations and national norms and standards, if any;
 - (iii) the applicant is a member in good standing of a national body or association made up of other persons undertaking similar restricted activities involving alien or listed invasive species; and
 - (iv) the objectives of the Act will be better served by the registration of the Applicant;
 - (b) if appropriate, issue a certificate

- (5) A certificate issued in terms of subregulation (4) shall remain valid for a period of three years or such lesser period as is specified in the certificate.
- (6) A registered body must annually submit a report to the issuing authority.
- (7) A report in terms of subregulation (6) must—
- (a) be in writing; and
 - (b) contain—
 - (i) the full names, address and contact details of the person submitting the report;
 - (ii) the full names, address and contact details of the registered body;
 - (iii) the restricted activities involving an alien or listed invasive species undertaken by it;
 - (iv) the alien or listed invasive species in relation to which the restricted activities were undertaken;
 - (v) the number of specimens of each alien or listed invasive species in relation to which the restricted activities were undertaken;
 - (vi) the magisterial districts in which the restricted activities were undertaken.
- (8) An issuing authority receiving a report in terms of subregulation (1) must capture the information provided in subregulation (2).

Mandatory notification

18. (1) A person who is the owner of land on which occurs a specimen of a prohibited alien species, or a listed invasive species in respect of which a permit to undertake a restricted activity has not been issued, must notify the relevant competent authority, in writing, of the species occurring on that land.
- (2) A notification in terms of subregulation (1) must—
- (a) be in the form set out in Addendum 2; and

- (b) contain—
- (i) the full names of the owner of the land;
 - (ii) the address and contact details of the owner of the land;
 - (iii) the name and contact details of the person in control of the land;
 - (iv) the cadastral description or the title deed number of the land;
 - (v) the prohibited or restricted species occurring on the land;
 - (vi) the extent of the infestation and densities of the prohibited or restricted species occurring on the land or, if accepted by the competent authority, a detailed description;
 - (vii) a map of the land indicating the location of the prohibited or restricted species on the land;
 - (viii) a description of measures adopted to monitor, control and eradicate such prohibited or restricted species; and
 - (ix) measurable indicators of progress and indications of when control measures are likely to be completed.

- (3) A competent authority receiving a notification in terms of subregulation (1) must capture the information provided in subregulation (2).

General duty of care of issuing and competent authorities

19. When exercising any power or performing any duty under the Act or these Regulations an issuing authority or competent authority must—

- (a) have regard to—
 - (i) the national strategy;
 - (ii) any invasive species management programme; and
 - (iii) any control plan approved in terms of regulation 9;
- (b) exercise such power or perform such duty subject to the overall coordination of the Department.

General duty of MECs

20. The MEC for environmental affairs in a province wishing to control or manage an alien or listed invasive species in a manner that differs from that set out in these regulations may only do so after consultation with the Minister.

**CHAPTER 5
RESTRICTIONS****Categories of alien and listed invasive species**

21. (1) Alien and listed invasive species consist of the following categories of species—
- (a) exempted species being alien species listed in List 1 of the Notice;
 - (b) prohibited alien species being species listed in List 2 of the Notice; and
 - (c) listed invasive species being invasive species listed in List 3 of the Notice as—
 - (i) species requiring compulsory control (1a.);
 - (ii) invasive species controlled by an invasive species management programme (1b)
 - (iii) invasive species controlled by area (2);
 - (iv) invasive species controlled by activity (3);
- (2) A species may be listed in different categories in different parts of the country.

Restricted activities

22. (1) In addition to those activities defined as restricted activities in the Act, the following activities are prescribed as restricted activities—
- (a) allowing any specimen of an alien or listed invasive species to grow, breed or multiply;
 - (b) allowing the movement or spread of a specimen of an alien or listed invasive species; and
 - (c) releasing a specimen of an alien or listed invasive species.

Prescribed activities

23. A person may not undertake the following activities:
- (a) importing into the Republic, including introducing from the sea, any wooden packaging materials that does not comply with any determination made in terms of the Agricultural Pests Act, 1983 (Act No. 36 of 1983);
 - (b) importing into the Republic, including introducing from the sea, any peat or peat products without a permit;
 - (c) managing or discharging ballast water from ships in contravention of prevailing IOC standards;
 - (d) discharging or disposing into a waterway or the ocean, water from an aquarium, tank or other receptacle that has been used to keep a prohibited species or listed invasive species without a permit.

General restriction on importation

24. (1) A person may not import into the Republic a specimen of any species, including an exempted species, unless authorised to do so by a permit.

(2) A person may not release a specimen of a new alien species imported into the Republic in terms of subregulation (1) unless authorised to do so by a permit.

(3) An application for the importation of a specimen of a species into the Republic shall require the written consent of the Head of Department of the province to which the specimen is to be transported or in which it is to be released.

Exempted Species

25. (1) A person may, without a permit, undertake any restricted activity involving a specimen of an exempted species.

(2) Notwithstanding the provisions of subregulation (1) a person—

(a) intending to import an exempted species into the Republic may only do so if authorised by a permit issued in terms of Regulation 24;

(b) intending to carry out a restricted activity involving a specimen of an exempted species is required to obtain any permits that may be required in terms of other legislation.

Prohibited alien species

26. A person may not import nor undertake any other restricted activity involving a specimen of a prohibited alien species;

Invasive species requiring Compulsory Control

27. (1) A person may not, without a permit, undertake any of the following restricted activity involving a specimen of a species listed in List 3 as an invasive species requiring compulsory control—

- (a) importing a specimen into the Republic, including introducing it from the sea;
- (b) possessing or exercising physical control over a specimen;
- (c) growing a specimen, or allowing it to grow, breed or multiply;
- (d) breeding or in any other way propagating a specimen or causing it to multiply;
- (e) conveying, moving or otherwise translocating a specimen;
- (f) selling or otherwise trading in, giving, donating or disposing of a specimen;
- (g) buying, receiving, accepting as a gift, or in any way acquiring a specimen; or
- (i) conducting any other activity prescribed in regulation 23 or 24 involving a specimen.

(2) A person who has under his or her control a specimen of an invasive species requiring compulsory control in respect of which a permit has not been issued must notify a competent authority in writing of this occurrence, in accordance with Addendum 1.

Invasive species controlled by invasive species management programme

28. (1) No person may undertake the following restricted activity involving a specimen of species listed in List 3 as an invasive species controlled by invasive species management programme—

- (a) importing a specimen into the Republic, including introducing it from the sea;
- (b) breeding or in any other way propagating a specimen or causing it to multiply;
- (c) conveying, moving or otherwise translocating a specimen;
- (d) allowing the movement or spread of a specimen from an area under their control;
- (e) selling or otherwise trading in, giving, donating or disposing of a specimen;
- (f) buying, receiving, accepting as a gift, or in any way acquiring a specimen;
- (g) conducting any other activity prescribed in regulation 22 or 24 involving a specimen.

(2) Where an invasive species management programme requiring the control of the species has been adopted in terms of regulation 8, no person may, without a permit, possess or have in their possession or under their control a specimen of an invasive species controlled by invasive species management programme, where the control programme makes specific provision for control of that listed invasive species in that area, or where a directive has been issued.

(3) Notwithstanding the provisions of subregulations (1) and (2) a person may with a permit undertake a restricted activity listed in subregulations (1) or (2) if—

- (a) the restricted activity is expressly authorised in terms of the invasive species management programme; or

- (b) the restricted activity has as its objective the eradication of the specimen of the species involved.

Invasive species controlled by area

29. (1) No person may, without a demarcation permit, undertake any of the following restricted activities involving a specimen of a species listed in List 3, published in terms of section 70 of the Act, as an invasive species controlled by area—

- (a) importing a specimen into the Republic, including introducing it from the sea;
- (b) possessing or exercising physical control over a specimen;
- (c) growing a specimen, or allowing it to grow or multiply;
- (d) breeding or in any other way propagating a specimen or causing it to multiply;
- (e) conveying, moving or otherwise translocating a specimen;
- (f) selling or otherwise trading in, giving, donating or disposing of a specimen;
- (g) buying, receiving, accepting as a gift, or in any way acquiring a specimen;
- (h) allowing a specimen to grow, breed or multiply; or
- (i) conducting any other activity prescribed in regulation 23 or 24 involving a specimen.

(2) A permit issued in terms of subregulation (1)—

- (a) must stipulate the area in which the restricted activity may be carried out; and
- (a) may relate to a single specimen or to multiple specimens of the same species.

(3) A person may, without a permit, carry out a restricted activity referred to in subregulation (1) in—

- (a) that part of the Republic indicated on the map as the distribution range of the species; or
- (b) an area demarcated for that purpose in terms of regulation 30.

(4) The Director-General must publish maps referred to in subregulation (3) within 12 months of the coming into effect of these regulations.

(5) Until such time that the maps are published in terms of subregulation 4, regulation 27 applies to fish species listed in list 3 and published in terms of section 70 of the Act.

(6) Until such time that the maps are published in terms of subregulation 4, these regulations will not regulate the indigenous mammalian species listed in list 3 and published in terms of section 70 of the Act.

(7) Notwithstanding the provisions of subregulations (1) and (3) no person may undertake a restricted activity involving an invasive plant species managed by area within the riparian zone.

Demarcation of areas

30. (1) Any person or organ of state may apply to an issuing authority to demarcate an area as an area in which it is possible to undertake a restricted activity involving a species controlled by area without a permit.

(2) An application in terms of subregulation (1) must—

(a) be in writing;

(b) record the name of the applicant;

(c) state the area where the restricted activity is to be carried out;

(d) set out the measures that will be adopted to manage restricted activities involving the species undertaken within that demarcated area by persons other than the applicant.

(3) The information contained in subregulation (2)(c), must be captured in a representative manner on topographical maps or aerial photographs of the land.

(4) An issuing authority receiving an application in terms of subregulation (1) must subject the application to risk assessment.

(5) A demarcation in terms of sub-regulation (1)—

(a) may relate to a single specimen or to multiple specimens of the same species; and

(b) must stipulate the restricted activities involving a listed invasive species that may take place within the demarcated area without a permit.

(6) The applicant must, within the area demarcated in terms of subregulation (1), monitor compliance with the conditions of such demarcation by all persons carrying out a restricted activity in that area involving a specimen of a species to which the demarcation relates.

(7) The applicant must report to the issuing authority all instances of non-compliance in terms of sub-regulation (6).

Invasive species controlled by activity

31. (1) No person may, without a permit, undertake the following restricted activities involving a specimen of species listed in List 3 as a species controlled by activity—

- (a) importing a specimen into the Republic, including introducing it from the sea;
- (b) possessing or exercising physical control over a specimen;
- (c) growing a specimen, or allowing it to multiply;
- (d) breeding or in any other way propagating a specimen or causing it to multiply;
- (e) conveying, moving or otherwise translocating a specimen;
- (f) selling or otherwise trading in, giving, donating or disposing of a specimen;
- (g) buying, receiving, accepting as a gift, or in any way acquiring a specimen;
- (i) conducting any other activity prescribed in regulation 22 or 24 involving a specimen; or

(2) A permit in terms of subregulation (1) may only be issued for a purpose identified in Column 4 of the list as the purpose for which a permit relating to that species may be issued.

(3) A permit to sell or otherwise trade in a specimen of a species controlled by activity may only be issued to a registered body in terms of regulation 17.