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**GOVERNMENT NOTICES**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

No. R. 506

19 July 2013

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

I, Bomo Edith Edna Molewa, Minister responsible for Water and Environmental Affairs, hereby make the regulations pertaining to Alien and Invasive Species under section 97(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), in the Schedule hereto.

**BOMO EDITH EDNA MOLEWA****MINISTER FOR WATER AND ENVIRONMENTAL AFFAIRS**

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## CHAPTER 1 INTERPRETATION

### Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the contents otherwise indicates—

**"applicant"** means a person applying for a permit, the amendment of a permit or the renewal of a permit, as the case may be;

**"biological control"** means the use of specimens of one species for the purpose of preying on, parasitizing on, damaging, killing or controlling a specimen of another species;

**"category 1a listed invasive species"** means invasive species listed in terms of section 70(1)(a) as invasive species that require compulsory control;

**"category 1b listed invasive species"** means invasive species listed in terms of section 70(1)(a) as invasive species that require control by means of an invasive species management programme;

**"escape"** means the unintentional loss of physical control over a specimen of a species;

**"exempted alien species"** means an alien species listed in the notice contemplated in section 66(1) of the Act;

**"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;

**"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;

**"pathway"** means the route by which a specimen of an alien or listed invasive species is transported, introduced into, dispersed or spread within the Republic, whether by natural, unnatural, deliberate or inadvertent means or acts of omissions;

**"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;

**"prohibited alien species"** means an alien species listed in the notice contemplated in section 67(1) of the Act;

**"provincial authority"** means the provincial organ of state responsible for conservation of biodiversity in that province;

**"release"** means the intentional or negligent loss of physical control over a specimen of a species;

**"risk assessment"** means a scientific evaluation of the threat or potential threat to ecosystems, habitats, other species, the economy, the environment or human health or well-being posed by a restricted activity involving a specimen of an alien or listed invasive species in terms of Chapter 6 of these Regulations;

**"scientific institution"** means an organ of state that is—

- (a) involved in research;
- (b) a registered research unit of a tertiary institution; or
- (c) a museum or herbarium;

**"species management programme"** means a programme contemplated in regulation 4 for the control or eradication of a specimen of a listed invasive species;

**"species monitoring, control and eradication plan"** means a plan contemplated in regulation 5 for the monitoring or control of a specimen of a listed invasive species;

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

**"vector"** means any object by, with or on which a specimen of an alien or listed invasive species is inadvertently or deliberately transported, dispersed or spread.

## CHAPTER 2 DESIGNATION OF AUTHORITIES

### Designation of issuing authorities

- 2.(1) The Minister is the issuing authority for a permit authorizing the carrying out of a restricted activity involving a specimen of an alien or a listed invasive species.
- (2) The Minister must consult the MEC of the province where the restricted activity will be carried out, prior to the issuance of a permit.

### Designation of competent authorities

3. The Minister is the competent authority for the control of a specimen of an alien or listed invasive species anywhere in the Republic.

## CHAPTER 3 NATIONAL FRAMEWORK DOCUMENTS

### Species management programmes

- 4.(1) The competent authority must develop and coordinate the species management programmes for Category 1b listed invasive species in order to assist landowners to control or eradicate these listed invasive species.
- (2) A species management programme contemplated in subregulation (1) must stipulate—
- (a) the listed invasive species to which it relates;
  - (b) the measures to eradicate or control the listed invasive species specified in paragraph (a);
  - (c) the areas in which the measures referred to in paragraph (b) are to be applied; and
  - (d) the schemes to fund the measures, if applicable.

### Species monitoring, control and eradication plans

- 5.(1) The competent authority must—
- (a) within one year of the date on which these regulations come into effect, develop guidelines for the development of monitoring, control and eradication plans for listed invasive species;
  - (b) publish the guidelines contemplated in paragraph (a) on its website; and
  - (c) review, at least every five years and, if necessary, amend the guidelines contemplated in paragraph (a).
- (2) Management authorities of protected areas and organs of state in all spheres of government must submit their monitoring, control and eradication plans contemplated in section 76 of the Act and based on priorities identified through the guidelines to the competent authority within one year of the publication of the guidelines contemplated in subregulation (1).

- (3) The competent authority must provide the Institute with copies of monitoring, control and eradication plans submitted by organs of state and management authorities of protected areas.

#### **National register of alien and listed invasive species**

6. (1) The Institute must establish and maintain a national register of—

- (a) the following species:
  - (i) All newly introduced alien species; and
  - (ii) all alien and listed invasive species in relation to which a permit has been issued and the conditions subject to which the permit has been issued;
- (b) all species monitoring, control and eradication plans submitted to the competent authority in terms of regulation 5(2);
- (c) all species management programmes developed in terms of regulation 4(1); and
- (d) all research being carried out relating to any aspect of the invasiveness of an alien or listed invasive species or the prevention, eradication or control of such invasiveness.

- (2) The Institute must make the national register available for publication on the Department's website.

#### **Invasive species research**

- 7.(1) A proposal on any research relating to any aspect of the invasiveness or potential invasiveness of an alien species or a listed invasive species or the prevention, eradication or control of such invasive or potentially invasive species must be lodged with the Institute or a body designated by the Institute, by—

- (a) any organ of state or organisation conducting or funding such research;
- (b) any person in the Republic conducting such research where the research is wholly or partially funded by an organ of state; or
- (c) any person to whom a permit is issued in terms of section 65(1) or 71(1) of the Act to carry out restricted activities for the purpose of research involving an alien or listed invasive species.

- (2) A proposal in terms of subregulation (1) must—

- (a) be lodged prior to commencing the research;
- (b) be lodged 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) Any information provided in terms of subregulation (2)(c)(ii), (iii) or (iv) is confidential.
- (4) A copy of any findings of research referred to in subregulation (1) must, upon completion, be lodged with the Institute.

#### National status reports

8.(1) The Institute must, for the purpose of reporting as contemplated in section 11(1)(a)(iii) of the Act, submit a report on the status of listed invasive species to the Minister within three years of the date on which these Regulations came into effect, and at least every two years thereafter.

- (2) A status report contemplated in subregulation (1) must—
- (a) contain a summary and assessment of—
    - (i) the status of listed invasive species and other species that have been subject to risk assessment; and
    - (ii) the effectiveness of regulations and control measures based on information from—
      - (aa) notifications received from owners of land regarding listed invasive species occurring on that land;
      - (bb) permits issued for listed invasive species;
      - (cc) species monitoring, control and eradication plans received from organs of state and management authorities of protected areas; and
      - (dd) emergency interventions and directives involving listed invasive species issued by the competent authority.
  - (b) identify—
    - (i) listed invasive species that need to be prioritized for prevention, or compulsory eradication or control;
    - (ii) listed invasive species that require species management programmes;
    - (iii) geographic areas that need to be prioritized for the management interventions contemplated in paragraph (b)(i) and (ii);
  - (c) recommend—
    - (i) species management programmes that need to be implemented to facilitate the control and eradication of listed invasive species contemplated in paragraph (b)(ii);
    - (ii) measures for the compulsory eradication or control of listed invasive species;
    - (iii) identify measures to rehabilitate invaded areas; and
    - (iv) amendments to these Regulations or the lists of invasive species published in terms of section 70(1)(a) of the Act.
- (3) In preparing a report contemplated in subregulation (1), the Institute must carry out the research and monitoring necessary to identify the matters contemplated in subregulation (2)(b).

## CHAPTER 4 REGISTERS AND NOTIFICATION

### Register of permits

9.(1) The issuing authority must—

- (a) establish and maintain a register of—
  - (i) all permits, including integrated permits, issued by that issuing authority;
  - (ii) all permits that were refused;
  - (iii) all permits issued by that issuing authority that were subsequently cancelled; and
  - (iv) all risk assessments that have been carried out in terms of sections 65(2) and 71(2) of the Act;
- (b) record in the register contemplated in paragraph(a)—
  - (i) in the case of applications that were granted, the distinct number assigned to each permit;
  - (ii) the scientific and common name of the species for which the permit was issued, refused or cancelled;
  - (iii) whether the species lawfully occurred in the Republic prior to the date on which these Regulations came into effect and whether the species was first introduced less than five years prior to these Regulations coming into effect;
  - (iv) whether the species was subjected to a risk assessment;
  - (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
  - (ix) the location where the restricted activity is to be carried out; and
- (c) provide the Institute with a copy of the register.

### Register of notifications and directives

10.(1) A competent authority must—

- (a) establish and maintain a register of—
  - (i) All notifications received in terms of section 73(2)(a) of the Act;
  - (ii) the directives issued in terms of section 69(2) or 73(3) of the Act; and
  - (iii) all invasive species monitoring, control and eradication plans contemplated in regulation 5(2) and referred to the competent authority by the Department.

- (b) provide the Department and the Institute with a copy of the register.

#### **Mandatory notification**

11. (1) A notification contemplated in section 73(2)(a) of the Act must—
- (a) be in the form set out in Annexure A; 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) a detailed list of the listed invasive species occurring on the land;
    - (vi) the extent of the infestation and densities of the listed invasive species occurring on the land or a detailed description;
    - (vii) a map of the land indicating the location of the listed invasive species on the land;
    - (viii) a description of measures adopted to monitor, control and eradicate such listed invasive species; and
    - (ix) measurable indicators of progress and indications of when control measures are likely to be completed.
- (2) A competent authority receiving a notification contemplated in subregulation (1) must —
- (a) confirm receipt of the notification in writing; and
  - (b) capture the information provided in subregulation (1)(b).

### **CHAPTER 5 RESTRICTIONS**

#### **Categories of listed invasive species**

12. Listed invasive species consist of the following categories:
- (a) Invasive species requiring compulsory control and which are identified as Category 1a listed invasive species; and
  - (b) invasive species controlled by an invasive species management programme and which are identified as Category 1b listed invasive species.

#### **Restricted activities**

13. In addition to those activities defined in terms of section 1 of the Act as restricted activities, the following activities are hereby prescribed as restricted activities:

- (a) Spreading or allowing the spread of any specimen of a listed invasive species;
- (b) releasing any specimen of a listed invasive species;
- (c) the interbasin transfer of specimens of alien and listed invasive species;
- (d) discharging of or disposing into any waterway or the ocean water from an aquarium, tank or other receptacle that has been used to keep a prohibited alien species or a listed invasive species; and
- (e) importing into the Republic, including introduction from the sea, any peat or peat products.

#### **Prohibited alien species**

14.(1) A person who has under his or her control a specimen of a prohibited alien species must, within three months after the promulgation of these Regulations, notify a competent authority with jurisdiction in that area of this occurrence.

(2) Notification in terms of subregulation (1) must be in writing and contain the information required in Annexure A.

(3) A person who has under his or her control a specimen of a prohibited alien species must control or eradicate the species as directed by the competent authority.

#### **Listed invasive species requiring Compulsory Control**

15. A person who has under his or her control a specimen of a category 1a listed invasive species must immediately—

- (a) notify the competent authority in writing on a form that corresponds substantially with Annexure B;
- (b) take steps to prevent it from spreading;
- (c) control and eradicate the listed invasive species in compliance with—
  - (i) section 75 of the Act;
  - (ii) any monitoring, control and eradication plan prepared in terms of regulation 5; and
  - (iii) any directive issued in terms of section 73(3) of the Act.

#### **Listed invasive species controlled as part of an invasive species management programme**

16. A person who has under his or her control a category 1b listed invasive species must immediately—

- (a) notify the competent authority in writing on a form that corresponds substantially with Annexure B;
- (b) take steps to manage the listed invasive species in compliance with—
  - (i) section 75 of the Act;
  - (ii) the relevant invasive species management programme developed in terms of regulation 4; and
  - (iii) any directive issued in terms of section 73(3) of the Act.

## CHAPTER 6 RISK ASSESSMENT

### Risk assessment framework

17. (1) A risk assessment must consider—
- (a) information regarding the relevant species, including—
    - (i) the taxonomy of the species, including its class, order, family, scientific name (if known), genus, scientific synonyms and common names of the species;
    - (ii) the originating environment of the species, including climate, extent of geographic range and trends;
    - (iii) persistence attributes of the species, including reproductive potential, mode of reproduction, dispersal mechanisms and undesirable traits;
    - (iv) invasive tendencies of the species elsewhere and taxonomic predisposition;
    - (v) the history of domestic propagation or cultivation of the species, introductions and the extent of naturalization;
    - (vi) nutritional or dietary requirements of the species and, where applicable, whether it has a specialist or generalist diet;
    - (vii) the ability of the species to create significant change in the ecosystem; and
    - (viii) the potential to hybridize with other species and to produce fertile hybrids; and
  - (b) information regarding the restricted activity in respect of which the permit is sought, including—
    - (i) the nature of the restricted activity;
    - (ii) the reason for the restricted activity;
    - (iii) the location where the restricted activity is to be carried out;
    - (iv) the number and, where applicable, the gender of the specimens of the species involved; and
    - (v) the intended destination of the specimens, if they are to be translocated; and
  - (c) information regarding the receiving environment, including—
    - (i) climate match;
    - (ii) habitat;
    - (iii) the presence of natural enemies, predators and competitors; and
    - (iv) the presence of potentially reproductive compatible species.
- (2) A risk assessment carried out in terms of subregulation (1) must identify—

- (a) the probability that the species will naturalize in the area in which the restricted activity is to be carried out or in any other area elsewhere in the Republic;
  - (b) the possible impact of the species on the biodiversity and sustainable use of natural resources of—
    - (i) the area in which the restricted activity is to be carried out; and
    - (ii) in any other area elsewhere in the Republic;
  - (c) the risks and potential impacts on biodiversity by the species to which the application relates;
  - (d) the risks of the specimen serving as a vector through which specimens of other alien species may be introduced;
  - (e) the risks of the method by which a specimen is to be introduced or the restricted activity carried out serving as a pathway through which specimens of other alien species may be introduced; and
  - (f) any measures proposed in order to manage the risks.
- (3) Based on the information in subregulations (1) and 2), a risk assessment must consider—
- (a) the likelihood of the risks being realized;
  - (b) the severity of the risks and consequences of the realization of the risks for other species, habitats and ecosystems;
  - (c) the potential costs associated with the control of the species to minimize harm to biodiversity;
  - (d) options for minimizing the potential risks; and
  - (e) management of the potential risks.
- (4) Notwithstanding the provisions of subregulation (2), an assessment of the risks and potential impacts on biodiversity of the importation into the Republic or the introduction into a province of a specimen of an alien species or listed invasive species introduced into the Republic more than five years prior to the date upon which these Regulations come into effect, need only consider the matters contemplated in subregulations (2)(d), (e) and (f) and (3).
- (5) Notwithstanding the provisions of subregulation (1), (2) and (3), the issuing authority can determine the information to be considered in the risk assessment.
- (6) Notwithstanding the provisions of subregulation (1), (2) and (3), the issuing authority can request the applicant to provide additional information.

#### **Risk assessment facilitator**

- 18.(1) A risk assessment contemplated in sections 65(2) and 71(1) of the Act must be undertaken by an environmental assessment practitioner.
- (2) Notwithstanding subregulation (1), the Institute or the issuing authority may undertake the risk assessment.
- (3) An environmental assessment practitioner contemplated in subregulation (1) must—
- (a) be independent;

- (b) have knowledge of the Act, these Regulations and any guidelines that have relevance to the proposed application;
  - (c) have expertise in biodiversity matters;
  - (d) have expertise in conducting risk assessments; and
  - (e) consult at least one relevant expert.
- (4) The applicant must take all reasonable steps to verify whether the environmental assessment practitioner complies with subregulation (3).

#### **Risk assessment procedure**

- 19.(1) A risk assessment must be undertaken in accordance with the provisions of regulation 17.
- (2) The applicant must provide the person undertaking the assessment of risks with access to all information at the disposal of the applicant regarding the application, whether or not such information is favorable to the applicant.
- (3) The risk assessment report must be submitted, with the application, to the issuing authority.

#### **Risk assessment report**

- 20.(1) A risk assessment report must contain the following details:
- (a) The personal details and qualifications of the risk assessment practitioner carrying out the risk assessment;
  - (b) the personal details and qualifications of the expert consulted as required in regulation 18(3)(d);
  - (c) the risk of invasion as a result of the issuing of the permit;
  - (d) key economic, social and ecological considerations that will guide a decision on whether to issue a permit;
  - (e) any risk management measures that must be applied;
  - (f) a recommendation on whether or not a permit should be issued; and
  - (g) any conditions or control measures that should apply if a permit is to be issued.
- (2) A risk assessment report prepared in terms of subregulation (1) must be submitted by the issuing authority to the Institute for scientific review, if required by the issuing authority.
- (3) The applicant will be responsible for the cost associated with the review.

**Alien species with invasive potential**

21.(1) The Institute or the issuing authority may from time to time identify any alien species that is already in the Republic and that has or may become invasive.

(2) The Institute must subject the species identified in terms of subregulation (1) to an initial risk assessment.

(3) The initial risk assessment contemplated in subregulation (2) must determine whether that species has—

- (a) a known tendency to invade in other parts of the world with similar geophysical conditions to parts of the Republic;
- (b) a scientific record of invasive tendencies in the Republic; or
- (c) any other property that may make the species invasive.

(4) Should the initial risk assessment indicate that the species has invasive potential, the Institute must undertake a comprehensive assessment to determine whether the species should be listed as a prohibited alien or listed invasive species in terms of the Act, and advise the Minister accordingly.

**CHAPTER 7****ISSUING, AMENDMENT AND CANCELLATION OF PERMITS****Nature of a permit**

22.(1) A permit to authorize the carrying out of restricted activities, may be issued for—

- (a) multiple restricted activities;
- (b) multiple specimens of a species;
- (c) multiple species; or
- (d) multiple instances of the same restricted activity.

(2) Notwithstanding the provision of subregulation (1)(d), a permit for the import into the Republic, including introduction from the sea, of an alien or listed invasive species is valid for one consignment unless otherwise stipulated.

**Form and content of application for permit**

23.(1) An application for a permit contemplated in section 65(1) or 71(1) of the Act must be made on a form that corresponds substantially with Annexure C.

(2) An application referred to in subregulation (1) must—

- (a) be submitted by the person to whom the permit must be issued or by such person's duly authorized representative;
- (b) be accompanied by the applicable application fee specified in Annexure D;
- (c) be accompanied by the details of the risk assessment facilitator;
- (d) be accompanied by the risk assessment report contemplated in regulation 20;
- (e) include any other additional information as may be required by the issuing authority, and

- (f) be lodged—
  - (i) with the issuing authority together with such additional copies as may be required by the issuing authority;
  - (ii) in a manner as required by the issuing authority; and
  - (iii) with the original or certified documentation in support of the application, if required by the issuing authority.

(3) Notwithstanding the provisions of subregulation (2)(b), payment of the applicable application fee as set out in Annexure D to these regulations does not apply to organs of state.

### Consideration of application

24. The issuing authority must, upon receipt of an application for a permit—

- (a) request, within 30 working days of receipt of the application and the risk assessment report, such further information as the issuing authority may require;
- (b) notify any province that may be adversely affected by the proposed activity, of the application;
- (c) have regard to the contents of the risk assessment report accompanying the application;
- (d) consider the application and any objections that have been lodged with regard thereto by a provincial authority;
- (e) conduct such inspections as may be appropriate, and
- (f) reach a decision in accordance with regulation 25.

### Decision

25.(1) A decision on an application for a permit must be made within 60 working days of receiving the risk assessment report or, where further information has been requested in terms of regulation 23(2)(e) or 24(a), within 30 working days of receiving such information.

(2) The issuing authority must—

- (a) notify the applicant and any objectors to the application of the decision in writing; and
- (b) if the application has been approved, issue a permit in the name of the person authorised to carry out the restricted activity.

(3) The notification contemplated in subregulation (2)(a) must stipulate—

- (a) the alien species or listed invasive species to which the application relates;
- (b) whether the decision relates to a single specimen or to multiple specimens of the same alien species or listed invasive species;
- (c) the restricted activities involving the alien species or listed invasive species that may take place;
- (d) the period for which the permit will be valid; and

- (e) the conditions to which the permit is subject.

**Permit conditions**

26.(1) A permit must be issued subject to the following conditions:

- (a) The permit may not be transferred to any other person;
- (b) the permit automatically lapses if the species to which it relates is subsequently listed as a prohibited alien species in terms of section 67(1) of the Act; and
- (c) the holder of the permit must prevent the escape and spread of the species, including the growth or spread of seeds or any other specimens of the species, outside the area for which the permit is issued, and must take all necessary steps to control any specimen that escapes or spreads.

(2) The issuing authority may issue a permit to carry out a restricted activity involving a specimen of an alien or listed invasive species subject to conditions, including but not limited to, control methods determined by the issuing authority, including the use of sterile varieties or the concurrent introduction of biological control agents.

**Special provisions for research and biological control permits**

27.(1) A permit issued to a scientific institution to carry out a restricted activity involving a specimen of an alien or listed invasive, must be issued under the following conditions—

- (a) The specimen must—
  - (i) be kept for identification or research purposes only;
  - (ii) form part of a preliminary study into biological control methods; or
  - (iii) form part of an effective biological control programme; or
- (b) the restricted activity must form part of a national initiative to eradicate a listed invasive species.

(2) When issuing a permit for the specimens contemplated in subregulation (1)(b), the issuing authority must determine—

- (a) restrictions and conditions, including quarantine conditions and conditions for the prevention of escape, for the importation or the carrying out of other restricted activities involving the specimen;
- (b) mechanisms for ensuring compliance with conditions determined in terms of paragraph (a);
- (c) procedures to be followed in the event of a specimen contemplated in paragraph (b) escaping or failure to comply with the conditions determined in terms of paragraph (a); and
- (d) determine restrictions and conditions for the research and the release of the specimen into the wild.

**Form and content of permits**

28.(1) A permit contemplated in regulation 25(2)(b) must be in a form that corresponds substantially with Annexure E.

- (2) A permit contemplated in subregulation (1) must—
- (a) contain a sequential unique permit number;
  - (b) specify—
    - (i) the name and identity number of the permit holder;
    - (ii) the species to which the restricted activities relate;
    - (iii) the restricted activities for which the permit is issued;
    - (iv) the period for which the permit remains valid;
    - (v) the conditions subject to which the permit is issued; and
  - (c) contain the signature of the issuing authority which must be certified by means of an official stamp.

**Period of validity of permits**

29.(1) A permit authorizing—

- (a) the possession of an alien species or listed invasive species may not be valid for a period exceeding five years from the date of issue or renewal thereof, as the case may be; and
  - (b) the carrying out of any other restricted activity involving an alien species or listed invasive species may not be valid for a period exceeding 12 months.
- (2) Notwithstanding the provisions of subregulation (1), a permit may be valid for a period exceeding the period contemplated in that subregulation, if it is issued—
- (a) for a restricted activity that will be carried out by a scientific institution; or
  - (b) in terms of an integrated permit and the other law to which the permit relates provides for a longer period.
- (3) Notwithstanding the provisions of subregulation (1), the issuing authority may specify a period of validity that exceeds the period contemplated in that subregulation, based on the recommendations in the risk assessment report.
- (4) Notwithstanding the provisions of subregulation (1), (2) and (3) a permit automatically lapses if the species to which it relates is subsequently listed as a prohibited alien species in terms of section 67(1) of the Act.

**Amendment of permits**

30.(1) A permit may be amended by—

- (a) adding or removing a condition;
- (b) amending a condition;
- (c) amending any detail on the permit; or
- (d) correcting a technical or editorial error on the permit.

(2) An issuing authority which issued a permit may amend the permit condition stipulated therein if information is obtained by the issuing authority indicating that the species or the restricted activity for which the permit was issued is likely to have a detrimental impact on biodiversity.

(3) The issuing authority must, before amending a permit, notify the permit holder in writing of its intention to do so and provide the permit holder with an opportunity to make representations as to why the permit should not be amended.

(4) The issuing authority must, if it decides to amend the conditions of the permit, after consideration of any representations made in terms of subregulation (3), notify the permit holder in writing—

- (a) that the conditions of the permit have been amended; and
- (b) of the date upon which the amendment becomes effective.

#### **Return of cancelled permits**

31. A permit that has been cancelled in terms of section 93 of the Act must be returned to the issuing authority within 30 days of the date of cancellation.

#### **Renewal of permits**

32.(1) A permit holder may apply for the renewal of a permit to the issuing authority who issued the permit.

(2) An application contemplated in subregulation (1) must be—

- (a) made at least 60 days before the expiry of the period for which the permit was issued;
- (b) made on a form that corresponds substantially with Annexure C; and
- (c) accompanied by—
  - (i) a written motivation setting out the reasons for the application; and
  - (ii) the applicable renewal fee specified in Annexure D.

(3) The provisions of regulation 26 apply verbatim to an application for the renewal of a permit.

### **CHAPTER 8 ADDITIONAL CONTROL MEASURES**

#### **Emergency suspension of permits**

33.(1) An issuing authority may suspend the operation of a permit if—

- (a) it is necessary in order to control or eradicate a particular alien or listed invasive species;
- (b) the carrying out of the restricted activity permitted in terms thereof will have a significant harmful impact on the environment or ecosystems; or
- (c) the species pose an immediate threat to the environment or ecosystems.

(2) Notice of the suspension of a permit must be in writing and must be served on—

- (a) the permit holder; or

- (b) any other person acting on behalf of the permit holder.
- (3) A suspension will be effective immediately upon notification, unless otherwise stated in the notice.
- (4) An issuing authority must, within 21 days of suspending a permit, initiate proceedings in terms of regulation 30 to amend the permit in order to address the cause of the emergency.
- (5) A suspension will remain in force until the finalization of proceedings in terms of regulation 30.

### Emergency interventions

34.(1) A competent authority may declare an emergency intervention for the purpose of the control or eradication of an alien or listed invasive species where the competent authority is of the view that the alien or listed invasive species constitutes a significant threat to the environment.

- (2) A competent authority must, when making an emergency intervention—
  - (a) determine—
    - (i) the measures to be implemented in order to eradicate or control the species, which measures may include—
      - (aa) containment;
      - (bb) any rehabilitation interventions; or
      - (cc) such other measures as may be deemed necessary;
    - (ii) the person or group of persons to whom the measures will apply;
    - (iii) the area in which the measures will apply; and
    - (iv) the period for which the measures will remain in force; and
  - (b) communicate the measures contemplated in subparagraph (i) to the person or group of persons to whom the measures apply in a manner most likely to bring it to the attention of such person.
- (3) The communication in subregulation (2)(b) must be in writing and must include—
  - (a) the species to which the emergency intervention relates;
  - (b) the reasons for the intervention;
  - (c) the determinations made in terms of subregulation (2); and
  - (d) the further steps to be taken by the competent authority.
- (4) The competent authority should identify the measures to be adopted pursuant to the emergency intervention, including the listing of the species in terms of section 67 or 70 of the Act, if appropriate.
- (5) The competent authority must lodge a copy of the communication referred to in subregulation (3) to the Institute.

## CHAPTER 9 COMPLIANCE AND ENFORCEMENT

### Prohibited alien and listed invasive species directives

35.(1) A directive contemplated in section 69(2) or section 73(3) of the Act must be in a form that corresponds substantially with Annexure F.

- (2) A directive contemplated in subregulation (1) may be served by—
- (a) delivering it by hand to the person or group of persons or to their authorised representative;
  - (b) in the case of a juristic person, delivering it to the registered office of the juristic person; or
  - (c) forwarding it by registered post to the person or group of persons.
- (3) A competent authority must—
- (a) maintain a record of all directives issued;
  - (b) retain a copy of the directive issued for record purposes; and
  - (c) provide the relevant issuing authority with a copy of the directive issued.
- (4) A competent authority may at the time of issuing a directive identify—
- (a) the steps that the competent authority will take to monitor compliance with the directive; and
  - (b) the dates upon which such steps will be taken.

### Additional powers of compliance

36. A competent authority may require a land owner to lodge with the authority a control and eradication plan to control a listed invasive species that has been identified in terms of regulation 8(2)(b)(i) as requiring compulsory control, on land under his or her ownership or control.

### Requests for directives

37.(1) A request to issue a directive in terms of section 74(1) of the Act must be on a form that corresponds substantially with Annexure G.

- (2) A competent authority may waive any of the information required in Annexure G.

### Withdrawal of directives

38. A directive issued under section 69(2) or section 73(3) of the Act may be withdrawn in writing by the competent authority if the circumstances giving rise to the issue of the directive no longer exist.

**Offences and penalties**

39. Any person who contravenes or fails to comply with a provision of these Regulations is guilty of an offence and liable on conviction to—

- (a) imprisonment for a period not exceeding five years;
- (b) a fine not exceeding five million rand, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment; or
- (c) both a fine and such imprisonment.

**Short title and commencement**

40. These Regulations are called the Alien and Invasive Species Regulations, 2012 and takes effect on a date to be determined by the Minister by notice in the *Gazette*.

## ANNEXURE A

## Prohibited Alien Species Notification Form

For official use:

Reference number:

Date:

**1. LAND OWNERS DETAILS:**

Full Name:.....

Identity Number:.....

Postal Address:.....

.....

Telephone Number: (Code:.....)

Fax Number: (Code:.....)

Cellular Number:.....

E-mail Address: .....

**2. SITE AND SPECIES DETAILS:**

1. Name (if applicable), province/magisterial district, erf number:

.....

.....

2. Prohibited alien species occurring on land (Attach list if space is insufficient):

Scientific name (if known) : .....

Genus:.....

Common name: .....

3. Extent of the infestation of each species (estimated number of specimens/area infested) and density of infestation (e.g. isolated specimens, small groups, large groups; sparse, dense, very dense) (Provide information relating to each species in an Annex to the form)

4. If appropriate, provide details on the location of the prohibited alien species on the property. Please mark on a separate 1:50,000 map or aerial photo.

5. What measures have been adopted to monitor, control or eradicate the invasive species listed in 2 above?

.....  
.....  
.....  
.....  
.....

I, the undersigned, [FULL NAME:] .....

hereby confirm that the above information is correct and complete to the best of my knowledge.

SIGNED: ..... DATE: .....

**ANNEXURE B**

**Listed Invasive Species Notification Form**

**For official use:**

Reference number:

Date:

**1. LAND OWNERS DETAILS:**

Full Name:.....

Identity Number:.....

Postal Address:.....

.....

Postal Code:.....

Telephone Number: (Code:.....).....

Fax Number: (Code:.....).....

Cellular Number:.....

E-mail Address: .....

**2. SITE AND SPECIES DETAILS:**

1. Name (if applicable), province/magisterial district, erf number:

.....

.....

2. Listed invasive species occurring on land (Attach list if space is insufficient):

Scientific name (if known) : .....

Genus:.....

Common name: .....

3. Extent of the infestation of each species (estimated number of specimens/area infested) and density of infestation (e.g. isolated specimens, small groups, large groups; sparse, dense, very dense) (Provide information relating to each species in an Annex to the form)

4. If appropriate, provide details on the location of the listed invasive species on the property. Please mark on a separate 1:50,000 map or aerial photo.

5. What measures have been adopted to monitor, control or eradicate the invasive species listed in 2 above?

.....  
.....  
.....  
.....  
.....

I, the undersigned, [FULL NAME:] .....

hereby confirm that the above information is correct and complete to the best of my knowledge.

SIGNED: ..... DATE: .....

**ANNEXURE C**  
**Permit Application Form**

**Explanatory Note:**

*In terms of section 65(1) and 71(1) a person may not carry out a restricted activity involving an alien species or a listed invasive species without a permit.*

**1. Personal details (person to whom the permit will be issued):**

Name of Applicant:.....  
Identity Number:.....  
Company (if applicable):.....  
Physical address:.....  
Postal address:.....  
Telephone Number: .....  
Fax Number: .....  
Cellular Number: .....  
E-mail address: .....

**2. Personal details (duly authorized representative):**

Name of Applicant's representative:  
Identity Number: .....  
Company (if applicable): .....  
Physical address: .....  
Postal address: .....  
Telephone Number: .....  
Fax Number: .....  
Cellular Number: .....  
E-mail address: .....

**3. Species information:**

Scientific name: .....  
Genus: .....  
Common name: .....

Description: .....

Quantity: .....

**4. Restricted activity for which permit is required:**

- 4.1 Import into the Republic (complete section 5)
- 4.2 Possession (complete section 6)
- 4.3 Growing / Breeding / Propagating (complete section 7)
- 4.4 Conveying / Moving / Translocating (complete section 8)
- 4.5 Selling / Trading / Buying (complete section 9)
- 4.6 Receiving / Giving / Donating (complete section 10)
- 4.7 Disposal / Acquisition (complete section 11)

**5. Details required for import into the Republic:**

- 5.1 Full name and address of foreign supplier / exporter: .....
- 5.2 Full name and address of importer & final destination: .....
- 5.3 Port of entry: .....
- 5.4 Expected date of arrival: .....

**6. Details required for possession**

- 6.1 Name and address of person taking possession of specimen/s (if different from applicant):.....  
.....
- 6.2 Premises (address) where specimen will be kept:.....  
.....

**7. Details required for growing/breeding/propagating**

- 7.1 Name: .....
- 7.2 Type of facility:
  - Nursery – Wholesale: .....
  - Nursery – Retail: .....
  - Museum: .....
  - Zoo: .....
  - Captive breeding operation: .....

Game farm: .....

Other (specify): .....

7.3 Address of the facility where this restricted activity is to be carried out:.....

.....

7.4 Date of establishment: .....

**8. Details required for conveying/moving/translocating**

8.1 Conveyed/Moved/Translocated from (name & address):.....

8.2 Conveyed/Moved/Translocated to (name & address):.....

8.3 Expected date & duration of activity:.....

8.4 Method:.....

**9. Details required for selling/trading/buying**

9.1 Address of premises from where the restricted activity is to be carried out:.....

9.2 Name and address of buyer / purchaser / trader:.....

**10. Details required for receiving/giving/donating**

10.1 Name and address of giver/donor:.....

10.2 Name and address of recipient:.....

**11. Details required for disposal/acquisition**

11.1 Address of premises where activity is to be carried out:.....

11.2 Proposed method of disposal / acquisition:.....

11.3 Reason/s for disposal / acquisition:.....

**ANNEXURE D****FEES****Fees in connection with the application for Alien species and Listed Invasive Species Permits****Explanatory Note:**

*In terms of section 97(1)(f)(ii) and (xvi) of the Act the Minister may prescribe the fees to be paid in connection with the lodging and consideration of applications for permits and appeals .*

	<b>Activity</b>	<b>Fee</b>
	<b>Import into the Republic</b>	<b>R200.00</b>
	<b>All prescribed activities</b>	<b>R1000.00</b>
	<b>Possession</b>	<b>R50.00</b>
Alien species and listed Invasive species	<b>Growing / Breeding / Propagating</b>	<b>R50.00</b>
	<b>Conveying / Moving / Translocating</b>	<b>R50.00</b>
	<b>Selling / Trading / Buying</b>	<b>R50.00</b>
	<b>Receiving / Giving / Donating</b>	<b>R50.00</b>
	<b>Disposal / Acquisition</b>	<b>R50.00</b>
	<b>Renewal of permit</b>	<b>R50.00</b>
	<b>Appeal</b>	<b>R50.00</b>

**ANNEXURE E****Permit**

Permit number:

Date issued:

Valid until:

**Address of Issuing Authority:****Permit Holder Details:**Name:Identity Number:Address:**Exporter/Purchaser/Seller/Trader details:****Premises where restricted activity will be carried out:**Name:Address:Address:**Restricted / Prescribed activity for which permit is issued: (Tick the appropriate box & encircle relevant activity)**

Import into the Republic		Selling / Trading / Buying	
Possession		Receiving / Giving / Donating	
Growing / Breeding / Propagating		Disposal / Acquisition	
Conveying / Moving / Translocating		Prescribed activity Specify:	

**Species:**

Scientific Name	Genus	Common Name	Description of the specimens	Quantity
-----------------	-------	-------------	------------------------------	----------

This permit issued by:

Official stamp

Place

Signature

**ANNEXURE F**

**Directives issued in terms of section 69(2) or 73(3) of the Act**

For official use:

Directive number:

Date:

**1. DIRECTIVE ISSUED TO:**

Full Name:.....

Identity Number:.....

Physical Address:.....

.....

.....

Postal Code:.....

Postal Address:.....

.....

Postal Code:.....

Telephone Number: (Code:.....).....

Fax Number: (Code:.....).....

Cellular Number:.....

E-mail Address:.....

**2. SITE AND SPECIES DETAILS:**

2.1 Name (if applicable), province/magisterial district, erf number:

.....

.....

2.2 Alien / Listed invasive species involved (Attach list if space is insufficient):

Scientific name: .....

Genus:.....

Common name: .....

3. Permit number (if applicable):.....

4. Conditions of the permit (If applicable) (Attach Annex if space is insufficient):

.....

.....

.....

**3. DIRECTIVE SPECIFICATIONS**

Remedial actions to be taken by responsible person (Attach Annex if space is insufficient):

.....

.....

.....

.....

.....

**ISSUED BY:**

**RECEIVED BY:**

**DATE:**

**OFFICIAL STAMP**

**ANNEXURE G****Request to issue a directive in terms of regulation 37**

For official use:

Reference number:

Date:

**1. DIRECTIVE REQUESTED BY:**

Full name:.....

Identity number:.....

Physical address:.....

.....

.....

Postal code:.....

Postal address:.....

.....

Postal code:.....

Telephone number:(code:.....)

Fax number: (code: .....)

Cellular number:.....

E-mail address:.....

**2. DIRECTIVE TO BE ISSUED TO**

Name: .....

**2.1 SITE AND SPECIES DETAILS:**

2.1.1 Name (if applicable), province/magisterial district, erf number or physical address:

.....

.....

.....

2.1.2 A detailed description of the area to which the request relates including, where the request relates to land, the cadastral description of the property:

.....

.....

.....

2.1.3 Listed invasive species involved (attach list if space is insufficient):

Scientific name: .....

Common name: .....

Description: .....

**2.2 REASONS FOR REQUEST**

2.2.1 Contravention of permit requirements in terms of section 71(1) and/or associated permit conditions?

If yes, substantiate:

Yes	No
-----	----

.....  
.....

2.2.2 Contravention of notification requirements in terms of section 73(2)(a)?

If yes, substantiate:

Yes	No
-----	----

.....  
.....

2.2.3 Contravention of measure to prevent spreading / control / eradicate in terms of section 73(2)(b)?

If yes, substantiate:

Yes	No
-----	----

.....  
.....

2.2.4 Previous directives not implemented?

If yes, substantiate:

Yes	No
-----	----

.....  
.....

2.2.5 Details of all steps taken by the person making the request to address the problem with the permit holder to which the request relates?

.....  
.....

I, the undersigned, [FULL NAME:] .....

confirm that the above information is correct and complete to the best of my knowledge.

SIGNED: ..... DATE: .....