

EDUCATIONAL GAME RESERVE REGULATIONS

(under section 92)

(13th August, 2004)

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S.I. 71, 2004.

PART I

Preliminary (reg. 1)

1. Citation

These regulations may be cited as the Educational Game Reserve Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"**ammunition**" has the meaning assigned to it under the Arms and Ammunition Act;

"**arms**" has the meaning assigned to it under the Arms and Ammunition Act;

"**authorised officer**" means the Director, wildlife officer or any other person authorised in writing by the Director to be an authorised officer for the purposes of these Regulations;

"**day**" means the period of time between the opening and closing hours, provided in the Fourth Schedule of the National Parks and Game Reserves Regulations, for a particular part of the year;

"educational game reserve" means an area of land, which is located within the vicinity of a village, town or city, which has the purpose of providing environmental education and general environmental recreation to educational groups visiting the reserve;

"educational group" means any group that is visiting an educational game reserve for educational purposes;

"explosives" has the meaning assigned to it under the Explosives Act;

"management plan" means a management plan prepared and approved for each educational game reserve under regulation 3;

"Officer-in-Charge" means the wildlife officer who shall perform the duties and exercise the powers conferred by regulation 3(5);

"permit" means an entry permit, or any other permit issued under these Regulations; and

"tour operator" means a person who, for hire or reward, brings any person, or causes any person to be brought, into an educational game reserve.

PART II

Management plans for educational game reserves (reg. 3)

3. Management plan

(1) The Director shall cause to be prepared, for each educational game reserve, a management plan to cover aspects of development and management of the wildlife and facilities of educational game reserves set out in the First Schedule.

(2) Every management plan shall be made in writing and shall not be implemented unless it has been approved by the Director.

(3) The Director shall indicate his approval of a management plan by initialling each page of such plan.

(4) Notwithstanding the provisions of subregulation (1), a management plan prepared for an educational game reserve on tribal land shall be approved by the Director and also signed by the chairman of the land board of such tribal land.

(5) There shall be an Officer-in-Charge who shall be responsible for the implementation of the management plan in the educational game reserve.

(6) A management plan for an educational game reserve may be reviewed as and when necessary, but shall be subject to a comprehensive review at least every five years.

(8) A management plan for an educational game reserve shall specify the maximum number of persons in an educational group that may occupy a camping site.

PART III

Entry into and movement within educational game reserves (regs. 4-7)

4. Entry into and movement within educational game reserves

(1) No person shall enter or be within an educational game reserve unless he is in possession of a valid entry permit issued by an authorised officer.

(2) An entry permit shall be in the form set out in the Second Schedule and shall be issued subject to the conditions contained in these Regulations and such other conditions as may be endorsed therein in writing or placed on public display, by an authorised officer.

(3) Except where authorised by an authorised officer, no person shall enter or leave an educational game reserve other than through a point of entry or exit, declared as such by the Director, by a notice published in the Gazette.

(4) No person, under 18 years of age, shall enter an educational game reserve unless he is accompanied by a person of 18 years of age or older.

(5) A person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a period not exceeding two months.

5. Fees payable on entry

(1) A person entering an educational game reserve shall pay, to an authorised officer, such fees as are specified in the Third Schedule, and shall not be issued with an entry permit unless such fees have been paid.

(2) The payment of fees specified in the Third Schedule shall not apply to the following-

- (a) duly authorised visits of educational groups engaged in field trips;
- (b) persons in the employment of the Government who enter or reside in an educational game reserve in the execution of their official duties; and
- (c) persons to whom a free entry permit has been issued by an authorised officer.

6. Camping sites

(1) A camping site shall be located at an area of an educational game reserve designated for that purpose by the Director.

(2) No person shall occupy a camping site unless he holds a valid entry permit issued by an authorised officer and has paid the camping fees set out in the Third Schedule.

7. Picnic sites

(1) A picnic site shall be located at an area of an educational game reserve designated for that purpose by the Director.

(2) A permit to enter an educational game reserve set out in the Second Schedule shall authorise the holder thereof to occupy a picnic site upon payment of a picnic site fees listed in the Third Schedule, subject to such conditions as may be endorsed on the permit.

(3) Any person who occupies a picnic site without a valid entry permit and payment of a picnic site fee authorising such occupation, or who has failed to comply with any official notice that is displayed at a picnic site, shall be guilty of an offence and liable to a fine not exceeding P500.00 or to imprisonment for a period not exceeding two months.

(4) An authorised officer may cancel a permit that has been issued to any person if the person so issued with the permit fails to comply with any condition that has been endorsed on the permit or any official notice displayed at a picnic site.

PART IV

Tour operations (regs. 8-9)

8. Tour operators and professional guides

(1) No person shall carry on the business of a tour operator within an educational game reserve unless he has been issued with a licence to do so under the Tourism Act.

(2) Any person who is brought to an educational game reserve by a tour operator shall be accompanied by a professional guide.

(3) A motor vehicle carrying guests of a tour operator shall be driven by a professional guide.

(4) Any motor vehicle operated by a tour operator within an educational game reserve shall display the logo of such tour operator on each side measuring at least 30 centimetres in width.

(5) A copy of the logo referred to in subregulation (4) shall be lodged with the Director.

(6) Any tour operator driving a motor vehicle and any occupant of such motor vehicle may enter an educational game reserve upon payment of the fees set out in the Third Schedule.

(7) No person shall operate as a professional guide unless he has been issued with a licence under the Act.

9. Offence and penalty

Any person who contravenes any provision of this Part shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a period not exceeding two months.

PART V

General conduct within educational game reserves (regs. 10-12)

10. General conduct

(1) No person shall, within an educational game reserve-

(a) remove or destroy any fauna or flora, or any part thereof either living or dead, or in any way hunt, harass, disturb or molest any living thing, except for management purposes or with the written permission of an authorised officer:

Provided that an authorised officer may take such action as he considers necessary to remove any animal or vegetation from an educational game reserve or to destroy any trespassing animal;

(b) leave any refuse except in the bins provided within the educational game reserve;

(c) light any fire or leave any such fire unextinguished except within the specially constructed fireplaces at designated picnic and camping sites and with the written permission of an authorised officer;

(d) leave any material capable of causing a fire;

(e) wilfully or negligently cause a veld fire;

(f) cause any damage to, or disturb any object of, geological, technological, historical, archaeological or other scientific interest, or remove any such objects from an educational game reserve unless with the written permission of an authorised officer;

(g) introduce any wild or domestic animal, or any fish or vegetation, or permit any domestic animal to stray in an educational game reserve, except with the written permission of an authorised officer;

(h) erect any building or structure, except with the written permission of the Director, and any structure or building constructed without such permission may be demolished or removed, in accordance with the direction of an authorised officer, without compensation being payable;

(i) operate any radio or electronic equipment for the reproduction of sound or use any mechanical device which creates sound, in a manner likely to disturb another person or the animal life in the educational game reserve, except the normal use of a motor vehicle;

(j) collect firewood, except with the written permission of an authorised officer;

(k) interfere in any way with, or feed or provide food or water for, any animal except as may be authorised in writing by the Director.

11. Arms and ammunition, etc.

(1) No person, other than an authorised officer, shall convey into an educational game reserve, or be in an educational game reserve in possession of, any arms, ammunition, explosives, traps, poisons or any other weapons or devices capable of use in the killing, maiming or capturing of any animal.

(2) A court may order that any arms, ammunition, explosives, traps, poisons, vehicles or any other weapons or devices used by a person convicted of any offences under subregulation (1) shall be forfeited to the State.

(3) Nothing in this regulation shall apply to any member of the armed forces of Botswana in the execution of their duties in an educational game reserve.

12. Offence and penalty

Any person who contravenes any provision of this Part shall be guilty of an offence and liable to a fine not exceeding P1000.00 or to imprisonment for a period not exceeding four months.

PART VI

Miscellaneous (regs. 13-17)

13. Nuisance and misbehaviour

(1) Any person who behaves in such a manner as to create a nuisance, acts in any way that is detrimental to the interests of an educational game reserve or commits an offence under these Regulations or under any other law, shall comply with such lawful order, including an order to leave the educational game reserve, as may be given by an authorised officer.

(2) In the event of being directed to leave an educational game reserve under subregulation (1), no person shall receive a refund for any fees paid under these Regulations.

(3) Any person who is aggrieved by a decision taken under subregulation (2), may appeal to the Director in writing within 14 days of such decision.

14. Refusal to issue entry permit

(1) Any authorised officer may refuse to issue an entry permit or may refuse entry into an educational game reserve to any person or group of persons whom he has reason to believe has or have contravened or may contravene the provisions of these Regulations or, for any other good and proper reason, for the effective management of an educational game reserve.

(2) No person who is refused an entry permit or entry into an educational game reserve under subregulation (1) shall be entitled to a refund for any fees paid under these Regulations.

(3) Any person who is aggrieved by a decision taken under subregulation (2), may appeal to the Director in writing within 14 days of such decision.

15. Permit to carry out a business operation

(1) An authorised officer may issue, to any person licensed to operate a business, a permit to operate that business in an educational game reserve.

(2) The issuing of a permit under subregulation (1) shall be subject to such terms and conditions as may be determined by an authorised officer.

16. Non liability

The Department of Wildlife and National Parks and the Government of Botswana shall not be liable for injury or death to any person or damage to his property while using any facilities, sojourning, residing or participating in activities in an educational game reserve.

17. General penalty

Any person who is guilty of an offence under these Regulations, the penalty for which has not been stipulated, shall be liable to a fine not exceeding P1000 or to imprisonment for a period not exceeding one year or to both.

FIRST SCHEDULE **ASPECTS TO BE COVERED IN THE MANAGEMENT PLAN** (regulation 3(1))

A management plan shall, at minimum, cover the following-

1. An introduction which shall contain-

1.1 reference to the creation of the educational game reserve and description of its current boundaries;

1.2 objectives for the educational game reserve.

2. Zoning of the educational game reserve for purposes of-

2.1 resource management, with limits to the acceptable change for soilwater, vegetation and animal populations;

2.2 physical developments, with specifications for each zone of types and quantities of physical developments permitted, including, but not limited to:

- (a) roads, tracks, firebreaks, airfields, bridges;
- (b) administrative structure, e.g houses, offices, workshops, stores, entrance gates;
- (c) water supplies both for domestic purposes and animal watering; and
- (d) sewage and litter management facilities;

2.3 community use zones.

3. Designation of tourism facilities and activities with particular reference to-

3.1 Zoning for tourism facilities and activities with specifications for each zone of:

- (a) density of roads
- (b) density of motor vehicles per kilometre of road;
- (c) total number of motor vehicles permitted;
- (d) the allocation of the number of motor vehicles to each category of user;

(e) types of activities permitted (i.e. day driving, night driving, walking, power boating, mekoro poling, etc.);

(f) numbers, locations and capacities of tourist facilities (i.e non-permanent lodges, mobile operator sites, public camp grounds, wilderness camp sites, observation hides, wilderness trails, day use facilities, accompanied walking areas, etc.).

4. Locations of educational game reserve facilities including-

4.1 Numbers and locations of educational game reserve facilities comprising of:

- (a) staff camps;
- (b) entrance gates;
- (c) information centres
- (d) educational group camp sites; and
- (e) training facilities.

5. Staff of educational game reserve including-

5.1 Staff numbers, ranks, functions and locations.

6. Filming and photography with particular reference to number of filming groups and filming vehicles that may be permitted in a sub zone within a national park or game reserve.

7. Management and administration including-

(a) policies on controlled burning, road maintenance, use of artificial watering points, etc.;

(b) recurrent budgets, administrative procedures, equipment, etc.

8. Park Outreach-

(a) policies on community consultation, education and information in relation to the management and development of the educational game reserve.

SECOND SCHEDULE
PERMIT TO ENTER AN EDUCATIONAL GAME RESERVE
(regulation 4(2))

Permission is hereby granted to

(Full Name)

of

(Address)

together with..... other persons to enter the educational game reserve.

(Number of persons)

Having paid the entry fees set out in the Third Schedule and any other additional fees set out therein.

CONDITIONS:

1. This permit is valid for one entry only.
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2. This permit is for use at the following times:

Summer: 0500-1900 hours

Winter: 0600-1830 hours

*Please keep this permit in your possession at all times whilst in the educational game reserve.

THIRD SCHEDULE
FEE STRUCTURE FOR EDUCATIONAL GAME RESERVES

(Regulation 5(1), 6(2), 7(2), 8(6))

A. ENTRY FEES

1. INDIVIDUAL FEES

- (i) Persons of 18 years of age and over: P10.00 per day
- (ii) Persons under 18 years and over 8 years: P5.00 per day
- (iii) Persons of 8 years and under: Free

2. GROUP FEES (EDUCATION GROUPS)

- (i) 30 persons or less: P75.00 per day
- (ii) 30 to maximum of 50 persons: P100.00 per day

B. PICNIC SITE FEES

1. INDIVIDUAL FEES

- (i) Persons of 18 years of age and over: P5.00 per day
- (ii) Persons under 18 years and over 8 years: P2.50 per day
- (iii) Persons of 8 years and under: Free

2. GROUP FEES (EDUCATION GROUPS)

- (i) 30 persons or less: P50.00 per day
- (ii) 30 to maximum of 50 persons: P75.00 per day

C. CAMPING FEES

1. INDIVIDUAL FEES

- (i) Persons of 18 years of age and over: P10.00 per night
- (ii) Persons under 18 years and over 8 years: P5.00 per night
- (iii) Persons of 8 years and under: Free

2. GROUP FEES (EDUCATION GROUPS)

- (i) 30 persons or less: P120.00 per night
- (ii) 30 to maximum of 50 persons: P150.00 per night

D. OTHER FEES

1. VISITOR CENTRE FACILITY HIRE: P 75.00 per day
2. MOTOR VEHICLE ENTRY FEES
 - (i) Private motor vehicles under 3500 kg: P10.00 per day
 - (ii) Privatemotor vehicles between 3500-7000 kg: P20.00 per day
 - (iii) All Motor vehicles over 7000 kg: No entry permitted
 - (iv) Commercial motor vehicles under 3500 kg: P20.00
 - (v) Commercial motor vehicles between 3500-7000 kg: P50.00