

THE PRESERVATION OF WILD ANIMALS ORDINANCE,

1935

(1935 Ordinance No. 5)

An ordinance for the preservation of wild animals.

PART I: PRELIMINARY

1. This ordinance may be cited as the Preservation of Wild Animals Ordinance, 1935 and shall come into force on the first day of January, 1936. Title and commencement

2. The enactments set out in Schedule IV to this Ordinance are hereby repealed together with all regulations and orders made under the provisions of the enactments now repealed. Repeals

Provided that this repeal shall not affect the validity of any current licence or permit given under the Ordinances hereby repealed.

3. In this Ordinance, unless the context otherwise requires, Definitions

“ Animal ” means any wild animal or bird ;

“ Governor ” means in respect of any area the Governor of the Province in which such area lies ;

“ Honorary Game Warden ” means any person appointed as such by the Minister of Animal Resources by notice published in the Gazette ;

“ Native ” means a native of the Sudan who is a member of a tribe accustomed to hunt but shall not include any person ordinarily engaged in a sedentary occupation or an official or ex-official of the Sudan Government, or Uganda Government.

“Part” when used in respect of any animal shall include the carcase, flesh, hide, skin, horns, tusks and other parts of such animal whether severed or not and in respect of any bird shall include the feathers, eggs, egg shells and nests of such bird ;

“Prescribed” means prescribed in regulations made under this Ordinance ;

“Protected Animal” means any animal included in Schedules I, II or III to this Ordinance ;

“Specially Protected Animal” means any animal included in Schedules I and II to this Ordinance.

**Minister of
Animal
Resources.
Power of
devolution**

3A. The Minister of Animal Resources may authorise the Assistant Director, Game and Fisheries Department to exercise either concurrently with or instead of himself and subject to such restrictions, if any, territorial or otherwise as he may think fit, all or any of the powers conferred upon the Minister of Animal Resources by this Ordinance or by any regulations made thereunder. Notice of any such devolution of powers shall be published in the Gazette.

PART II: GENERAL PROTECTION OF PROTECTED ANIMALS

**Hunting of
animals in
Schedule I**

4. No person shall hunt, kill or capture any animal or collect the eggs of any bird included in Schedule I to this Ordinance except by special permission in writing of the Minister of Animal Resources and subject to such conditions as the Minister of Animal Resources shall determine. Such permission shall only be given for important scientific purposes or essential administrative purposes.

**Hunting of
animals in
Schedule II**

5. No person shall hunt, kill or capture any animal or collect the eggs of any bird included in Schedule II to this Ordinance except by virtue of a special licence issued by the Minister of Animal Resources in accordance with regulations made hereunder ; save that in the case of

elephants and giraffe a permit may be issued by the Governor with the consent of the Minister of Animal Resources enabling a Chief or Local Government Authority to authorise any person within his or its jurisdiction to hunt elephant and giraffe without firearms, subject to such conditions and limitations as may be endorsed on the permit.

6. No person shall with firearms hunt or kill any animal included in Schedule III to this Ordinance except by virtue of a licence issued in accordance with regulations made hereunder. **Hunting of animals in Schedule III**

EXPLANATION. A native, or any other person, may therefore hunt Schedule III animals provided that he does so without firearms and without using any of the methods prohibited by section 17.

7. (1) If in the opinion of the Minister of Animal Resources the holder of any licence referred to in Section 5 or 6 kills any animal or animals in a wasteful or cruel manner he shall in writing warn such holder that his licence is liable to be cancelled on any repetition of such killing and if at any time thereafter whether during the currency of the same licence or not any person who has been so warned again kills any animal or animals in a manner which in the opinion of the Minister of Animal Resources is wasteful or cruel the Minister of Animal Resources shall cancel and require the immediate surrender of any licence or licences held by such person and failure to comply with such requirement shall be an offence under this ordinance. **Power to cancel licence in case of wasteful or cruel shooting**

(2) No fees paid by the holder of any licence shall be recoverable by him in respect of any licence so cancelled.

(3) An appeal shall lie to the High Court against any cancellation of a licence under this section.

8. No person shall hunt, kill or capture any female protected animal when accompanied by its young or hunt the young of the same save with the permission in writing of the Minister of Animal Resources. **Hunting of female animals or young**

Licence to cover assistants

9. Any permission in writing or licence granted under Sections 4, 5 or 6 of this Ordinance shall cover in addition to the licensee any other person or persons employed by him to assist him in such hunting provided that they do not themselves use firearms.

Killing of protected animals in defence of person or property

10. Notwithstanding anything in this Ordinance contained, it shall be lawful for any person to take any reasonable measures in defence of himself or any other person against any protected animal, or to prevent serious damage to property which he has an interest or duty to protect.

Killing of protected animals for meat

11. Notwithstanding anything in this Ordinance contained in case of urgent necessity any protected animal may be killed for meat provided a specially protected animal shall not be killed in the circumstances aforesaid if any other animal is available.

Killing of protected animals to be reported

12. A report shall be rendered to the Minister of Animal Resources forthwith of all protected animals killed in defence of person or property under Section 10 or killed for meat under Section 11 and of all protected animals accidentally killed. Such report shall contain a full account of the number of such animals killed and of the circumstances in which they were killed provided that in the case of natives such report shall be required only in the case of specially protected animals killed as aforesaid.

PART III: NATIONAL PARKS, SANCTUARIES, RESERVES AND CLOSE SEASONS

National Parks

12A. (1) Such areas shall be National Parks as shall from time to time be prescribed.

(2) (a) No person other than a Government official on duty shall enter a National Park except by virtue of a permit from the Minister of Animal Resources.

(b) No animal whatsoever shall be hunted, killed or captured nor the eggs of any bird collected in a National Park except by or under the direction or control of the Minister of Animal Resources.

13. (1) Such areas shall be sanctuaries for animals as Sanctuaires shall from time to time be prescribed.

(2) No animal whatsoever shall be hunted, killed or captured in any area declared to be a sanctuary for animals.

14. (1) Such areas shall be animal reserves as shall from time to time be prescribed.

(2) No person shall hunt, kill or capture in a reserve such species of animals as shall be prescribed unless, in addition to any licence or permit required by this Ordinance, such person is in possession of a special permit issued by the Director, Game and Fisheries Department. Reserves

15. The Minister of Animal Resources may from time to time by order declare any period of time to be a close season during which the hunting, killing or capturing of any animal, whether protected or not, named in such order shall be prohibited. Close seasons

PART IV : METHODS OF HUNTING AND THE DISTURBANCE OF ANIMALS

16. (1) No person shall shoot at any animal from any aircraft or from any vehicle or craft propelled by mechanical means or attached to any such vehicle or craft save that it shall be lawful to shoot as aforesaid at crocodile and to shoot at wild fowl from launches or small craft. Motors,
steamers
and air-
craft

(2) No person shall wilfully or negligently use any aircraft or mechanically propelled vehicle in such a manner as unduly to drive, stampede, pursue or disturb any animal.

17. (1) No person shall in hunting, killing or capturing any protected animal whatsoever :— Prohibited
methods
of hunting

- (a) employ fire or artificial lights ;
- (b) save with the permission of the Minister of Animal Resources use poison or explosives ;
- (c) save to the extent and during the period that the same may be expressly permitted by the Governor by a notice published locally, employ or have in his possession any trap, net, pitfall or other indiscriminated mode of capture or killing.

(2) Save to the extent that the same be expressly permitted by the Governor, by notice published locally, no person shall use a dog or dogs in hunting, killing or capturing any protected animal. Provided that it shall be lawful for the holder of a licence under this Ordinance to use a dog to pursue and despatch an animal which has been wounded by him.

Shot guns

18. No person shall shoot any protected animal with a shot gun or miniature rifle of .22 calibre save so far as such shooting shall be expressly declared by regulations to be lawful.

PART V.

TRAFFIC IN ANIMALS OR PARTS THEREOF

Export of animals or parts thereof

19. (1) No protected animal or part of such animal shall be exported save on an export permit granted by the Minister of Animal Resources, provided that no permit shall be required for the export of articles manufactured from parts of elephants or hippopotamus.

(2) Every elephant tusk and rhinoceros horn exported shall be identified by marks as prescribed.

Import of specially protected animals or of parts thereof

20. No person shall import into the Sudan any specially protected animal or any part thereof unless an export permit issued by the competent authority of the country in which such animal or such part was originally captured, killed or collected be produced to the customs at the place of import, provided that this section shall not extend to the import of part or parts of any specially protected animal which have been subjected to a process of bona fide manufacture.

The sale and purchase of animals

21. The sale or exposure for sale of any protected animal or part of such animal is prohibited save in so far as the same may be expressly declared by regulations made under this Ordinance to be lawful.

PART VI: MISCELLANEOUS

22. The following animals and parts of animals are declared to be the property of the Government :—

Government
property
in animals

- (a) all protected animals and parts of such animals in respect of which an offence has been committed under this Ordinance or regulations ;
- (b) all protected animals accidentally killed or lawfully killed in the defence of person or property or in case of necessity ;
- (c) all dead protected animals or parts thereof found by any person not being a person who has lawfully killed such animal otherwise than in the defence of person or property.

23. (1) It shall be lawful for the Minister of Animal Resources or any Honorary Game Warden or any Magistrate of the first or second class or any commissioned officer of the Sudan Defence Force who is in command of any police post, station or patrol or an inspector or assessor of customs or any officer or official in charge of a customs station to seize any animal or part of an animal which he has reason to believe is Government property.

Right of
Minister of
Animal
Resources to
seize animals

(2) Any person aggrieved by any such seizure may apply within six months of such seizure to a magistrate of the first class for an order for the restoration of such property, but no action shall lie in respect of any loss or damage suffered in consequence of such seizure.

(3) After the expiration of such period of six months the animal or part of an animal seized shall be confiscated and shall be disposed of as the Minister of Animal Resources shall direct.

23A. (1) No person shall possess any specially protected animal, or part of any such animal, declared by Section 22 to be the property of the Government unless he has acquired it from the Minister of Animal Resources.

Unlawful
possession
of specially
protected
animals

(2) When any person is found in possession of any specially protected animal or part of any such animal it shall be presumed to be the property of the Government under Section 22 unless the possessor can prove the contrary.

Regulations

24. (1) Regulations not inconsistent with this Ordinance for the better carrying out of this Ordinance may be made by the Minister of Animal Resources and in particular such regulations may deal with any of the following matters:—

- (a) the form of ordinary or special licences and permits, the conditions thereof, and the species and number of animals that may be hunted thereunder;
- (b) national parks, sanctuaries and reserves;
- (c) marking of parts of animals for purposes of identification;
- (d) sale of animals and parts of animals;
- (e) provision of penalties not exceeding a fine of £s. 50 or imprisonment for 3 months or both for breaches of regulations made under this section.

(2) All such regulations shall be laid upon the table of each House of Parliament.

Trial of offences

25. Any person who commits a breach of any of the provisions of this Ordinance shall be guilty of an offence and may be tried by the Court of a magistrate of the second class or any higher Court summarily or non summarily and such Courts shall have power to impose the maximum penalty provided for a contravention of this Ordinance notwithstanding that such penalty exceeds their ordinary powers.

Arrest

25A. Any policeman or sheikh may arrest any person against whom a reasonable complaint has been made or credible information has been received or reasonable suspicion exists of his having been concerned in an offence under this Ordinance.

Penalties

26. Any person who commits a breach of the provisions of this Ordinance or abets the commission of such an offence shall be liable to a fine not exceeding £s. 200 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. The Court may also order the cancellation of any licence or permit held by the offender under this Ordinance and the confiscation of any animals or parts of animals in respect of which the offence has been committed.

SCHEDULE I.

Aard Wolf.

Ass Wild.

Elephant of which the tusks do not exceed 5
kilogrammes in weight.

Ibis (bald headed).

Rhinoceros (all species).

Shoe Bill Stork (*Balaeniceps rex*).

SCHEDULE II.

Addax.

Addra or Ril.

Bongo.

Bushbuck, Giant.

Cheetah.

Chimpanzee.

Duiker, Yellow-backed.

Egret (all species).

Eland, Giant.

Elephant of which the tusks exceed 5 kilogrammes
in weight.

Flamingo, Greater.

Flamingo, Lesser.

Giant Forest Hog.

Giraffe.

Hartebeest Tora.

Hoopoe.

Hornbill, Ground.
Ibis (all species other than bald headed).
Marabout.
Monkey, Colobus.
Nile Lechwe (Mrs. Gray's Waterbuck)
Oryx Algazal.
Ostrich (wild).
Pangolin.
Secretary Bird.
Situtunga.
Spoon Bill.
Saddlebill.
White Stork.
Wooley-necked Stork.

SCHEDULE III.

Bushbuck (all species except Giant).
Bush Pig.
Cob (all species).
Dikdik (all species).
Duiker (all species other than Yellow-backed).
Eland Lesser.
Gazelle (all species).
Hartebeest (all species except Tora).

Hippopotamus.
Hyrax.
Ibex.
Klipspringer.
Kudu (all species).
Leopard.
Monkey (other than Colobus).
Oribi.
Oryx Beisa.
Reedbuck.
Roan Antelope.
Sheep (wild).
Tiang.
Warthog.
Waterbuck.
Wild Cats (all species).
Zebra.

SCHEDULE IV.

REPEALS

1. The Preservation of Wild Animals Ordinance, 1927
2. The Preservation of Wild Animals (Amendment) Ordinance, 1929.
3. The Preservation of Wild Animals (Amendment) Ordinance, 1930.
4. Section 5 of the Minor Amendments Ordinance, 1932.

THE PRESERVATION OF WILD ANIMALS ORDINANCE (DELEGATION OF POWERS) ORDER, 1960

(1960 L.R.O. No. 14)

In pursuance of Section 15 of the Interpretation and General Clauses Ordinance, 1955 the Minister of Animal Resources hereby delegates his powers under the Preservation of Wild Animals Ordinance with the exception of his powers under Section 24 to the Director, Ministry of Animal Resources,