

## CHAPTER 19:10

### QUELEA CONTROL ACT

*Acts 31/1972, 47/1981, 8/1988 (s. 164), 22/2001 (s. 4).*

#### **AN ACT to provide for the control of quelea birds and for matters incidental thereto and connected therewith.**

[Date of commencement: 27th October, 1972.]

#### **1 Short title**

This Act may be cited as the Quelea Control Act [*Chapter 19:10*].

#### **2 Interpretation of terms**

In this Act—

“Director” means the Director of National Parks and Wild Life Management;

“local authority” means a municipal council, town council, local board or rural district council;

“Minister” means the Minister of Environment and Tourism or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“occupier”, in relation to any land, means the person who exercises general control over the land;

“officer” means a person designated as an officer in terms of section *seven*;

“quelea” means any bird of the species *Quelea quelea*.

#### **3 Duty of occupier to report quelea nestling or roosting sites**

(1) The owner or occupier of any land upon which queleas are nesting or roosting shall, as soon as possible and in any event within seven days after he first becomes aware of the nesting or roosting of queleas on his land, give notice thereof to—

(a) the local authority for the area in which his land is situated; or

(b) the nearest—

(i) police station; or

(ii) office of the Department of Conservation and Extension in the Ministry responsible for Agriculture;

or

(iii) office of the Department of National Parks and Wild Life Management.

(2) In giving the notice required by subsection (1) the owner or occupier shall—

(a) define as nearly as possible the locality upon his land where the queleas have established nesting or roosting sites; and

(b) give such other information relating to queleas as may be prescribed.

(3) On receipt of any notice under this section the person to whom such notice is given shall transmit the purport thereof to the Director.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence unless he satisfies the court—

(a) that he made every reasonable effort to comply with the subsection concerned; or

(b) that he was ignorant of the presence of the queleas concerned and that his ignorance was not due to any lack of reasonable supervision of his land;

and shall be liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

(5) Any person who, without just cause, contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

#### **4 Minister may give orders to occupiers or owners**

(1) The Minister may order the occupier or owner of any land to take such steps or measures in relation to his land as the Minister may consider necessary or desirable for the destruction or control of any queleas in the area.

(2) Any person who, without just cause the proof whereof lies on him, fails to comply with an order given to him in terms of subsection (1), he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

#### **5 Powers of Minister and officers**

(1) The Minister may take such steps, including the use of poisons, as he may consider advisable for the destruction of queleas upon any land.

(2) For the purpose of observing or destroying queleas an officer may enter upon any land with such assistants, material and apparatus as he may require.

## **6 Compensation not payable in respect of injury or destruction caused by exercise of powers**

(1) No compensation shall be payable by the State the Minister or any other person in respect of loss or injury caused by or in the exercise or performance of any functions conferred or imposed by or in terms of this Act:

Provided that this subsection shall not prevent any person from recovering by proceedings in any competent court compensation for any loss or injury suffered by him which was caused by any wrongful act or omission.

(2) Notwithstanding subsection (1), if any person has suffered any loss or injury as a result of the exercise or performance of functions conferred or imposed by or in terms of this Act and the Minister has reasonable cause to believe that such loss or injury was caused by any wrongful act or omission otherwise than by or on behalf of any person to whom an order in terms of section *four* has been given, although conclusive proof thereof is not forthcoming, he may, with the consent of the Minister responsible for finance, pay such compensation for such loss or injury as he may determine from moneys appropriated for the purpose by Act of Parliament.

## **7 Designation of officers**

(1) The Minister may designate the persons or classes of persons employed in the Public Service who shall be officers for the purpose of exercising and performing the functions conferred and imposed upon officers in terms of this Act:

Provided that the Minister shall not designate persons employed in any Ministry the administration of which has not been assigned to him without the consent of the Minister to whom the administration of that Ministry has been assigned.

(2) An officer shall be provided with a certificate signed by or on behalf of the Minister which shall state that the holder has been designated as an officer for the purposes of this Act.

(3) An officer exercising or performing any function conferred or imposed upon him in terms of this Act, or about to do so, shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection (2).

(4) The Minister may delegate to officers such of the powers conferred upon him in terms of this Act as he thinks fit.

(5) All functions conferred upon officers in terms of this Act or delegated to them by the Minister shall be exercised subject to the directions of the Minister.

## **8 Offences**

(1) ....

(2) ....

[Subsections repealed by section 4 of Act 22 of 2001]

(3) If any person—

(a) obstructs or hinders any officer in the exercise of his functions under this Act; or

(b) fails to disclose any information required by an officer as to the presence or movements of queleas;

he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

## **9 .....**

[Section repealed by section 4 of Act 22 of 2001]

## **10 Regulations**

(1) Subject to subsection (3), the Minister may, by regulation, provide for all matters which by this Act are required or are permitted to be prescribed or which, in his opinion, are necessary or expedient to be provided for in order to carry out or give effect to this Act.

(2) The Minister may, in the exercise of the powers conferred upon him by subsection (1), make regulations providing for—

(a) the duties of officers;

(b) the provision and safe use of poisons used for the purposes of this Act;

(c) the methods of quelea destruction.

(3) Regulations in terms of subsection (1) may provide for penalties for any contravention thereof:

Provided that such penalties shall not exceed a fine of level four or imprisonment for a period of six months or both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]