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**THE ZAMBIA WILDLIFE ACT, 2015**

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GOVERNMENT OF ZAMBIA

# ACT

No. 14 of 2015

Date of Assent: 14th August, 2015

**An Act to provide for the winding up of the affairs of the Zambia Wildlife Authority; establish the Department of National Parks and Wildlife in the Ministry responsible for tourism; provide for the appointment of a Director and other officers responsible for National Parks and Wildlife; provide for the transfer of the functions of the Authority to the Ministry responsible for tourism, Department of National Parks and Wildlife and Director of National Parks and Wildlife; establish the Wildlife Management Licencing Committee; provide for the establishment, control and management of National Parks, bird and wildlife sanctuaries and for the conservation and enhancement of wildlife eco-systems, biological diversity and objects of aesthetic, pre-historic, historical, geological, archeological and scientific interest in National Parks; provide for the promotion of opportunities for the equitable and sustainable use of the special qualities of public wildlife estates; provide for the establishment, control and co-management of Community Partnership Parks for the conservation and restoration of ecological structures for non-consumptive forms of recreation and environmental education; provide for the sustainable use of wildlife and the effective management of the wildlife habitat in Game Management Areas; enhance the benefits of Game Management Areas to local communities and wildlife; involve local communities in the management of Game Management Areas; provide for the development and implementation of management plans; provide for the**

regulation of game ranching; provide for the licensing of hunting and control of the processing, sale, import and export of wild animals and trophies; provide for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, the Convention on Biological Diversity, the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora and other international instruments to which Zambia is party; repeal the Zambia Wildlife Act, 1998; and provide for matters connected with, or incidental to, the foregoing.

[ 14th August, 2015

Enactment

ENACTED by the Parliament of Zambia

PART I

PRELIMINARY

Short title  
and  
commence-  
ment

1. This Act may be cited as the Zambia Wildlife Act, 2015, and shall come into operation on such date as the Minister may appoint by statutory instrument.

Interpretation

2. In this Act, unless the context otherwise requires —

“ aerodrome ” means an airport, airfield, heliport, a defined area on land or water, including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure or surface movement of aircraft;

“ aircraft ” includes flying machines, aeroplanes, seaplanes, helicopters, flying boats and other aircraft designed to be heavier than air, airships, microlites, balloons, kites and other aircraft designed to be lighter than air, whether captive, navigable or free and whether controlled by a human agency or not;

“ animal ” means a vertebrate animal, and includes a mammal, bird, fish, reptile and amphibian and the egg of a bird or reptile, but does not include a human being;

“ appointed date ” means the date appointed by the Minister under section *one*;



- Cap. 287
- “ Chief ” means a person recognised as such under the Chiefs Act;
  - “ client ” means a person who is booked on a hunting tour by a holder of a hunting licence or a photographic tour operator;
  - “ commercial photographic permit ” means a permit specified under section *forty-seven*;
  - “ Committee ” means the Wildlife Management Licensing Committee appointed under section *seven*;
  - “ Community Partnership Park ” means an area of land declared a Community Partnership Park in accordance with section *twelve*;
  - “ community scout ” means a person employed by a board to enforce this Act within a Community Partnership Park, Game Management Area or open area under the jurisdiction of a board;
  - “ consumptive tourism ” means tourism which involves tangible products extracted from the environment, such as fishing and hunting;
- Cap. 281
- “ Council ” means a city, municipal or district council established under the Local Government Act;
  - “ court ” means a subordinate court or High Court;
  - “ dangerous animal ” means an elephant, a rhinoceros, hippopotamus, buffalo, lion, leopard or crocodile, and includes an animal that poses a threat to property or human life;
  - “ Department ” means the Department of National Parks and Wildlife established under section *five*;
  - “ Director ” means the Director of National Parks and Wildlife appointed in accordance with section *six*;
  - “ domestic animal ” means a horse, donkey, mule, camel, cow, sheep, pig, goat, dog, cat or domestic fowl, or any other animal of any kind or species, whether quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of a human being;
  - “ eco-system ” means a living functional system which contains all organisms including human beings, their environment and the relationship that exists between them;



- “endemic species” means an indigenous species naturally restricted to Zambia;
- “fauna” means all the animal life in a particular area;
- “fishing permit” means a permit issued under section *forty-four*;
- “flora” means all plants and parts of the plants in a particular area;
- “Fund” means the Wildlife Development Fund established under section *one hundred and nine*;
- “game animal” means a wild animal *ferae naturae* that is not necessarily threatened or endangered but requires control in order to prevent consumptive uses inimical to its survival and is so specified by regulations issued under section *thirty-six*;
- “Game Management Area” means an area of land declared a Game Management Area under section *twenty-eight*;
- “general management plan” means a document that sets out the basic management and development philosophy for a protected area and provides strategies for addressing problems and achieving identified management objectives;
- “habitat” means a place where a species or ecological community naturally occurs;
- “harvest” means non consumptive and consumptive use of game, nongame, protected or unprotected animals;
- “honorary wildlife police officer” means a person appointed as such under section *nine*;
- “hunt” includes to kill or the doing of an act immediately directed at killing;
- “hunting block” means a Game Management Area or an area within a Game Management Area that is set aside for hunting;
- “hunting concession” means authority to hunt within a specified hunting block issued under section *forty-eight*;
- “hunting licence” means a licence issued under section *forty*;
- “hunting outfitter” means a company engaged in the business of conducting safari hunting, which holds a tourism enterprise licence and a hunting concession;

Act No. 11  
of 2006

“ investor ” has the meaning assigned to it in the Zambia Development Agency Act, 2006;

“ ivory ” means ivory from an elephant, and includes an article derived from the ivory;

“ land user-rights fee ” means the fee paid by an investor for the use of land in a Game Management Area;

“ licensing ” means a process to obtain or issue a licence, permit or certificate in accordance with this Act and the Business Regulatory Act, 2014;

Act No. 3 of  
2014

“ local community ” means the residents within a Game Management Area or open area, other than owners of tourist and camp lodges or hunting concessions, who by virtue of their rights over land, including under customary land tenure, invest in and derive benefits from the sustainable utilisation of the wildlife resources in their area;

“ meat ” includes fat, blood or flesh, whether fresh or dried, pickled or preserved;

“ National Park ” means an area of land declared a National Park under section *eleven*;

“ non-consumptive tourism ” means conventional tourist activities such as viewing animals, photographing, bird watching, wilderness walks, walking safaris, angling, canoeing and boat rides;

“ open area ” means an area other than a National Park, bird or wildlife sanctuary, Community Partnership Park or Game Management Area, where wild animals are found;

“ owner ” in relation to land, includes the person or persons entitled to the immediate and exclusive possession of land under any right, a licensee in lawful occupation of land under a licence and a person authorised by the owner to act on behalf of the owner in respect of land during the owner’s absence from Zambia;

“ photographic or viewing safari ” means an organised commercial tour for the purpose of taking photographs or viewing of wild animals or scenery;

“ photographic tour operator’s permit ” means a permit issued under section *forty-six*;



“possession” has the meaning assigned to it by section *four* of the Penal Code;

Cap. 87

“prescribed qualifying conditions” means such conditions as the Minister may prescribe for purposes of this Act;

“prescribed trophy” means any ivory or rhinoceros horn or any other trophy prescribed by regulations made under section *eighty-six*;

“private wildlife estate” means an area outside public wildlife estates that is reserved by a person or local community for wildlife conservation and management, and includes a game farm, game ranch, reptile farm, aviary, zoo and captive breeding facility;

“professional hunter’s licence” means a licence issued under section *forty-two*;

“professional guide’s permit” means a permit issued under section *forty-five*;

“protected animal” means a wild animal *ferae naturae* which is endemic, threatened or endangered and is subject to strict control in order to further its survival and is so specified by regulation under section *thirty-six*;

“public body” means the Government, any Ministry or Department of the Government, a local authority, parastatal, board, council, authority, commission or other body appointed by the Government, or established by or under any written law, excluding a professional association or body;

“public road” has the meaning assigned to it in the Public Roads Act, 2002;

Act No. 12  
of 2002

“public wildlife estate” means a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area and any other area designated for wildlife conservation and management by a public body in accordance with this Act;

“quota” means the number of game animals allocated for harvesting in order to attain wildlife conservation goals;

“regulatory agency” has the meaning assigned to it in the Business Regulatory Act, 2014;

Act No. 3 of  
2014



Act No. 3 of  
2014

“road” means a public or other way, capable of being used by vehicular traffic and to which the public has access, and includes a bridge over which a road passes;

“single licensing system” has the meaning assigned to it in the Business Regulatory Act, 2014;

“species” means a kind of animal, plant or other organism that does not normally interbreed with an animal, plant or organism of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population;

“sustainable” in relation to the use of wildlife, means the use of wildlife in a manner and at a rate that—

(a) would not lead to its long-term depletion;

(b) would not disrupt the ecological integrity of the ecosystem in which it occurs; and

(c) would ensure its continued use to meet the needs and aspirations of present and future generations of people;

“sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

“trafficking” means illegal trade in smuggling, poaching, capture or collection of, endangered species or protected wildlife, or derivatives or products of endangered species or protected wildlife;

Act. No. 13  
of 2015

“tourism” has the meaning assigned to it in the Tourism and Hospitality Act, 2015;

“tourism block” means a National Park, bird sanctuary, wildlife sanctuary, Community Partnership Park, Game Management Area or an area within a National Park, bird sanctuary, wildlife sanctuary, Community Partnership Park or Game Management Area that has been set aside for non-consumptive tourism;

“tourism block concession” means an authority, given by the Committee for a specific period of time, to conduct non-consumptive tourism within a tourism block;

- “tourism enterprise licence” means the tourism enterprise licence issued under the Tourism and Hospitality Act, 2015;
- “trophy” means a horn, tooth, tusk, bone, claw, hoof, skin, hair, egg, feather or other durable part of a game animal or protected animal, whether added to or changed by the work of a human being or not, that is in such form as to be recognisable as a durable part of a game animal or protected animal, and includes meat;
- “trophy dealer” means a person who engages in the buying, selling or processing of trophies, but does not include a person who sells, processes or manufactures an article from a trophy of a game animal or protected animal lawfully hunted by that person under a hunting licence or hunting concession;
- “trophy dealer’s permit” means a permit to engage in the business of a trophy dealer under section *eighty-four*;
- “vegetation” includes any form of vegetation matter, alive or dead;
- “wild animal” means an animal *ferae naturae*, and includes a game or protected animal, but does not include a domestic animal;
- “wildlife” means wild animals or species of birds that are found in Zambia in a wild state and vegetation which is indigenous to Zambia and grows naturally without cultivation;
- “wildlife conservation” means the sustainable management and use of wildlife for its inherent value and for the benefit of human beings and other living things;
- “wildlife management” means the practice of maintaining sustainable wildlife populations and diversity through the protecting of game animals and their habitat and the control of their utilisation;
- “wildlife officer” means an employee of any rank under the Department, and includes a wildlife police officer and community scout;
- “wildlife police officer” means an officer appointed under section *eight*; and



“wildlife sanctuary” means an area declared as a wildlife sanctuary under section *fourteen*.

Ownership  
of wild  
animals

3. (1) Subject to the other provisions of this Act, the absolute ownership of every wild animal within Zambia is vested in the President on behalf of the Republic, except that —

(a) where a wild animal, which is not a game animal or protected animal, is captured or killed or reduced into possession by a person in accordance with this Act, the absolute ownership of that animal or the carcass of that animal is transferred to and vested in that person;

(b) where a game animal or protected animal is lawfully captured or killed or reduced into possession by a person in terms of a hunting licence, capture permit, hunting concession or under an authority granted under this Act, the absolute ownership of the game animal or protected animal or the carcass or a trophy of that animal is, subject to the other provisions of this Act and to the terms and conditions of the hunting licence, capture permit, hunting concession or authority, as the case may be, transferred to, and shall vest in, the licensee, permit holder, concessionaire or the person so authorised; and

(c) subject to such regulations as the Minister may prescribe on the advice of the Director, where a wild animal is found resident on any land, the Director may grant the right to harvest the wild animal to the owner of the land.

(2) Notwithstanding subsection (1), the absolute ownership of a wild animal that has been captured or reduced into possession by a person prior to the commencement of this Act, subject to any other written law in force on the date of the capture of the animal or of its reduction into possession, is declared to be vested in the person who, on the commencement of this Act, whether directly or through an agent, is in actual lawful possession of the animal.

(3) Except as provided by subsection (1), nothing in this section shall be deemed to transfer to a person the ownership of a game animal or protected animal that is found dying or dead, or of any found carcass, part of a carcass, trophy or meat of a game animal or protected animal.



(4) Notwithstanding any other provision of this section, where a person hunts or reduces into possession a game animal or protected animal in contravention of this Act, the absolute ownership of that game animal or protected animal or the carcass or trophy of the animal shall not be transferred, or be deemed to have been transferred, to that person or to any other person by reason of its having been so hunted or reduced into possession.

(5) The Committee may, in writing, transfer to any person the absolute ownership of a game animal or protected animal which has been hunted or reduced into possession by any other person in contravention of this Act and such other person shall forthwith deliver up the game animal, protected animal or carcass of the animal together with every trophy of the animal to the person to whom the ownership has been transferred in terms of this subsection.

4. The following principles shall apply to wildlife conservation and management—

- (a) wildlife shall be conserved and managed as an asset for present and future generations and to achieve economic growth;
- (b) wildlife utilisation, management and conservation shall protect biological diversity, preserve the integrity and ensure the sustainability of the ecosystem and biological diversity;
- (c) wildlife conservation and management shall be integrated, because all the elements of the environment are linked and inter-related;
- (d) the equitable and effective participation of local communities and traditional leaders shall be promoted taking into account their interest and needs;
- (e) wildlife utilisation shall promote equitable access to, and fair distribution of, the economic, social, health and environmental benefits derived from wildlife;
- (f) wildlife utilisation shall promote opportunities and benefits for sustainable development and ensure the potential yield of economic, social and environmental benefits of wildlife conservation and management;

Principles of  
wildlife  
conservation  
and  
management

- (g) global and international responsibilities in wildlife conservation and management shall be discharged in the national interest; and
- (h) traditional knowledge shall be recognised in wildlife management and incorporated in management plans.

## PART II

## THE NATIONAL PARKS AND WILDLIFE DEPARTMENT

Establishment  
of  
Department

5. (1) There is established in the Ministry responsible for tourism the Department of National Parks and Wildlife which shall be responsible for the administration of this Act under the general direction of the Permanent Secretary of the Ministry.

(2) Subject to the other provisions of this Act, the functions of the Department are to —

- (a) control, manage, conserve, protect and administer National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas and coordinate activities in these areas;
- (b) in partnership with local communities, share the responsibilities of management in Community Partnership Parks and Game Management Areas;
- (c) adopt methods to ensure the sustainability, conservation and preservation in the natural state of eco-systems and biological diversity in the National Parks, Community Partnerships Parks, bird and wildlife sanctuaries and Game Management Areas;
- (d) encourage the general development of National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas, including the development of facilities and amenities within these areas in accordance with the management plans for those areas;
- (e) sensitise and educate the general public on the necessity of wildlife conservation and the importance of wildlife to foster appreciation of the economic and aesthetic value of wildlife as natural assets;



- (f) undertake measures to ensure the proper balance between the sustainable use of wildlife and the management of eco-systems in National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas;
- (g) enhance the economic and social well-being of local communities in or around Community Partnership Parks and Game Management Areas;
- (h) prepare and implement management plans for National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas in consultation with relevant stakeholders;
- (i) issue licences, certificates and permits under this Act;
- (j) in partnership with local communities, grant hunting concessions to hunting outfitters and non-consumptive tourism operators in Game Management Areas;
- (k) assist and advise the boards in the management of human and natural resources in Game Management Areas and open areas which fall under their jurisdiction;
- (l) formulate and advise the Minister on the regulations for the preparation and implementation of general management plans for National Parks, Community Partnership Parks, bird and wildlife sanctuaries and Game Management Areas;
- (m) ensure the systematic management of financial, human and natural resources for wildlife conservation so that the abundance and diversity of species is maintained at optimum level;
- (n) advise the Minister on the regulations required to conserve, protect and manage wildlife in National Parks, Community Partnership Parks, bird and wildlife sanctuaries, Game Management Areas, open areas and private wildlife estates;
- (o) pay out monies into a fund established by a board and regulate the use of the funds from profits accrued from the revenues payable under this Act in respect of licences, certificates and permits issued, hunting concessions granted and services rendered from the use of wildlife within an area of a board as the Minister may prescribe, in consultation with the Director;

- (p) regulate trophy hunting operations and non-consumptive tourism operations in Game Management Areas;
- (q) grant and regulate tourism block concessions in tourism blocks;
- (r) co-operate with persons and organisations with an interest in the activities of the Department and are prepared to assist the Department on a voluntary basis and comply with the requirements set by the Ministry;
- (s) regulate private wildlife estates;
- (t) carry out commercial activities related to consumptive and non-consumptive tourism; and
- (u) carry out any other activities relating to wildlife conservation and management that are necessary to the performance of its functions under this Act.

Director,  
Assistant  
Directors  
and  
delegation of  
functions

6. (1) The Public Service Commission shall appoint as a public officer the Director of National Parks and Wildlife who shall be responsible for the administration of the provisions of this Act, subject to the general or special directions of the Minister and the Permanent Secretary in the Ministry that are consistent with the provisions of this Act.

(2) The Director may, subject to the other provisions of this Act and to the general or special directions of the Permanent Secretary, delegate any of the Director's functions to an Assistant Director, a wildlife officer, a member of the Department, a board or to a committee of a board.

(3) The Public Service Commission shall appoint such Assistant Directors and other officers as may be necessary for the administration of this Act.

(4) An Assistant Director shall exercise such functions and duties as are delegated to the Assistant Director by the Director.

Wildlife  
Management  
Licensing  
Committee

7. (1) There is established the Wildlife Management Licensing Committee which shall—

- (a) consider applications for licences, permits and certificates and grant, renew or refuse to grant or renew licences, permits and certificates;
- (b) terminate, suspend or revoke licences, permits and certificates;



- (c) amend the terms and conditions of licences, permits and certificates;
  - (d) perform the functions of the Department relating to licensing;
  - (e) advise the Minister, the Permanent Secretary and the Director on matters relating to its functions under this Act; and
  - (f) perform any other function conferred on the Committee by or under this Act.
- (2) The Committee shall consist of the following part-time members who shall be appointed by the Minister:
- (a) one representative each of the Ministries responsible for —
    - (i) the environment;
    - (ii) land;
    - (iii) fisheries;
    - (iv) forests;
    - (v) finance;
    - (vi) tourism;
    - (vii) chiefs; and
    - (viii) mines;
  - (b) a representative of the Attorney-General;
  - (c) a representative of a security agency;
  - (d) a representative of the Anti-Corruption Commission;
  - (e) a representative of the Zambia Environmental Management Agency;
  - (f) a representative of the Tourism Council of Zambia; and
  - (g) the Director, as an *ex-officio* member.
- (3) A person shall not be appointed as a member of the Committee if that person—
- (a) is an undischarged bankrupt;
  - (b) has been convicted of an offence under this Act or any other relevant written law five years precedent to the date of the nomination or appointment;
  - (c) has been convicted of an offence involving fraud or dishonesty; or

(d) has a mental or physical disability that makes the person incapable of performing the functions of a member.

(4) The Minister shall, where practicable, ensure equitable gender representation when appointing the members of the Committee.

(5) The Minister shall appoint the Chairperson of the Committee and the members shall elect the Vice-Chairperson of the Committee from amongst themselves.

(6) The Committee may delegate its functions to the Director, an Assistant Director or wildlife officer on such terms and conditions as it may determine.

(7) The provisions of the First Schedule apply to the Committee.

Wildlife  
officers and  
wildlife  
police  
officers

8. (1) The Public Service Commission shall appoint as public officers such number of wildlife officers and wildlife police officers as are necessary for the administration of the provisions of this Act.

(2) A wildlife police officer shall, on being employed, be attested to serve as a wildlife police officer for such period and on such conditions as may be prescribed.

(3) A wildlife officer and wildlife police officer shall exercise such functions and perform such duties as are conferred upon the wildlife officer or wildlife police officer by this Act or as may be delegated or assigned to the wildlife officer or wildlife police officer by the Director.

(4) A wildlife officer or wildlife police officer who ceases to be a member of staff of the Department shall surrender to the Director, or the officer-in-charge, all arms, ammunition, uniforms and other apparatus which were supplied to the wildlife officer or wildlife police officer for purposes of this Act and which are the property of the Government.

(5) A wildlife officer or wildlife police officer who fails to surrender the arms, ammunition, uniforms or other apparatus in possession of that officer commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding four years, or to both, and the court that convicts that officer may issue a warrant to search for, and seize, all arms, ammunition, uniforms and other apparatus not surrendered in accordance with this section.



9. (1) The Minister may, in consultation with the Director, by notice in the *Gazette*, on such terms and conditions as the Minister may specify in the notice, appoint any suitably qualified person as an honorary wildlife police officer.

Honorary  
wildlife  
police  
officers

(2) The appointment of an honorary wildlife police officer may be—

(a) general, so that the honorary wildlife police officer is empowered to act in any part of the Republic, in a public wildlife estate or other area specified in the notice of appointment; or

(b) limited, so that the honorary wildlife police officer is empowered to act in a public wildlife estate as may be specified in the notice of appointment.

(3) Subject to the provisions of this Act and the terms of the notice of appointment, an honorary wildlife police officer shall, within the terms of appointment, perform the functions and duties of an authorised officer.

10. (1) The Minister shall ensure cooperation with other countries in enhancing the role of the wildlife sector for international cooperation and regional integration.

International  
cooperation,  
agreements  
and  
instruments  
Cap. 1

(2) Subject to the Constitution and this Act and notwithstanding any other law, the Ministry responsible for wildlife may, on behalf of the Government—

(a) enter into bilateral or multi-lateral agreements with a foreign State or organisation relating to wildlife conservation and management;

(b) in liaison with other relevant Government Ministries, develop national, regional or international legal instruments for the protection and conservation of wildlife and encourage sustainable wildlife utilisation;

(c) establish or strengthen research and development programmes at national, subregional, regional and international levels for the assessment of activities with impact on wildlife and the environment and monitor such research and development programmes to ensure that they are appropriate for wildlife conservation and management;

- (d) set up mechanisms for the sharing of appropriate knowledge and technology for the collection of data for the development of the wildlife sector;
- (e) increase cooperation with international organisations established or constituted under international instruments;
- (f) in cooperation with other foreign States, formulate strategies and undertake joint promotional and enforcement programmes; and
- (g) participate in, and support, regional institutions that increase regional cooperation and promote regional development of the wildlife sector.

(3) The Minister shall, by statutory instrument, give effect to any international or regional agreement on wildlife conservation and management to which Zambia is a State Party.

### PART III

#### THE NATIONAL PARKS, COMMUNITY PARTNERSHIP PARKS AND BIRD AND WILDLIFE SANCTUARIES

Declaration  
of National  
Parks

11. Whenever the President considers that the conservation or protection and enhancement of wildlife, eco-systems, biological diversity and natural beauty so demands, the President may, after consultation with the Minister and the local community in the area, by statutory order, declare an area of land within the Republic to be a National Park for the purposes of this Act and may, in like manner, declare that a National Park shall cease to be a National Park or that the boundaries of a National Park shall be altered or extended.

Establishment  
of  
Community  
Partnership  
Parks

12. (1) The Minister may, on the application of a local community, a person, institution or organisation declare, by statutory instrument, an area that has an environmental, ecological or scientific value or significance to be a Community Partnership Park for environmental education and recreation or for the purpose of conserving, preserving and restoring genes, species or biological diversity and natural amenities and their underlying ecological structure, and may, in like manner, declare that any Community Partnership Park shall cease to be a Community Partnership Park or that the boundaries of a Community Partnership Park shall be altered or extended.



(2) A person, local community, institution or organisation may apply to the Committee, in the prescribed manner and form, to enter into a partnership agreement with the Department in respect of a Community Partnership Park.

(3) The Committee shall, in determining an application made under sub-section (2), consider the current and potential uses of the area and the capacity of the applicant to ensure sustainable wildlife conservation and management.

(4) The Minister may, by statutory instrument—

(a) designate an area in respect of which a partnership agreement is concluded;

(b) prescribe the rights and obligations of the parties to partnership agreements;

(c) prescribe the content, terms and conditions of partnership agreements; and

(d) provide for the assignment, amendment and termination of partnership agreements.

(5) A party to a partnership agreement shall—

(a) protect, conserve and manage the Community Partnership Park in respect of which it is made pursuant to the partnership agreement and the general management plan for the Community Partnership Park;

(b) administer the traditional user rights of the local community in accordance with sustainable wildlife management and conservation;

(c) in consultation with the relevant authority, protect objects of aesthetic, pre-historical geological, archaeological and scientific interest in the Community Partnership Park;

(d) assist the Director in enforcing the provisions of this Act in relation to illegal wildlife harvesting and trafficking;

(e) with the written approval of the Director, enter into partnerships with other persons for the purposes of ensuring efficient and sustainable wildlife conservation and management;

(f) keep the Director informed of any development, change and occurrence within the Community Partnership Park that is critical for the conservation of biological diversity;

(g) help in fire fighting within and around the Community Partnership Park; and

(h) do any other thing that is necessary for the efficient conservation and management of the Community Partnership Park.

Effect of orders and acquisition of land  
Cap. 189

**13.** (1) Where a person has any right in or over any land which is included in an area subject to an order made under section *eleven* or *twelve*, that land may, for the purpose of the extinguishment of such right, be acquired by the President in accordance with the Lands Acquisition Act.

(2) For the purposes of this section, "right in or over any land" includes any right of way, easement, franchise, profit, claim, privilege, exemption or immunity of any person in, over or under that land, but does not include any mining rights or communal fishing right enjoyed under customary law by any person or body of persons.

Declaration of bird and wildlife sanctuaries

**14.** The Minister may, by statutory instrument, after consultation with the Director, declare an area a bird or wildlife sanctuary and provide for the control of entry into, and regulate the activities of persons within, the bird or wildlife sanctuary.

Prohibition of granting of land in National Park, Community Partnership Park or bird or wildlife sanctuary

**15.** (1) A person shall not acquire a certificate of title in respect of any land in a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

Grant of mining and other rights in National Park, Community Partnership Park and bird or wildlife sanctuary

**16.** (1) Subject to subsection (2), nothing in this Act shall be construed as preventing or restricting the granting in respect of any land within a National Park, Community Partnership Park or bird or wildlife sanctuary—

(a) of any mining right or other right, title, interest or authority necessary or convenient for the enjoyment of a mining right; or

(b) for any purpose consistent with this Act of a right, title, interest or authority under any other written law.

(2) A mining right shall not be granted in a National Park, Community Partnership Park or bird or wildlife sanctuary without an environmental impact assessment conducted in accordance with procedures specified by the Environmental Management Act, 2011, and which procedures shall take into account the need to conserve and protect—

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- (a) the air, water, soil, flora, fauna, fish, fisheries and scenic attractions in or on the land over which the right is sought; and
- (b) features of aesthetic, cultural, architectural, archaeological, historical or geological interest in or on the land over which the right is sought.
- (3) The exercise of a mining right in respect of any land comprised in a National Park, Community Partnership Park or bird or wildlife sanctuary shall be subject to section *thirty-eight*.

(4) The exercise of a right, interest or authority granted under paragraph (b) of subsection (2) shall be subject to any conditions which the Minister may impose.

17. (1) The Minister may, by statutory instrument, on the recommendation of the Director and after consultation with the Minister responsible for transport, provide for—

Traffic on  
public roads  
in National  
Park and  
Community  
Partnership  
Park

- (a) the control and regulation of traffic on or over public roads within a National Park or Community Partnership Park, and such regulations may specify the speed limits to be observed over any specified part of the public roads; and
- (b) the points on public roads at which persons or vehicles may enter or leave a National Park or Community Partnership Park and the routes along the public roads which they may follow in passing through or over the National Park or Community Partnership Park.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention of the regulations of a fine not exceeding two hundred thousand penalty units or imprisonment for a term not exceeding two years, or to both.

(3) The Director may, with the approval of the Minister and after consultation with the relevant highway authority, cause traffic signs or signals to be placed and maintained on or near a public road within a National Park or Community Partnership Park, and the instructions conveyed by the traffic sign shall, in relation to a public road within a National Park or Community Partnership Park, prevail over any contrary instructions appearing on any other traffic sign or signal.

(4) Subsections (8), (9) and (10) of section *thirty-three* of the Public Roads Act, 2002, shall apply in respect of a traffic sign or signal placed on or near a public road under subsection (3).

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of 2002

(5) The Director, a wildlife police officer or honorary wildlife police officer may, where it is necessary to do so, cause a person or vehicle using a public road within or leading to, or from, a National Park or Community Partnership Park to stop for search, examination or questioning for the purposes of the enforcement of this Act, and may, for such purposes, erect and control barriers or check points on the public road.

(6) A person who fails to comply with an order or direction to stop, or who fails to stop at a barrier or check point erected in terms of subsection (5) commits an offence.

Restrictions  
on entry into  
or residence in  
National Park  
or  
Community  
Partnership  
Park

18. (1) A person who, except in accordance with this Act, enters into or resides in, or purports to enter into or reside in, a National Park or Community Partnership Park commits an offence.

(2) This section shall not apply to—

(a) an officer of the Ministry in connection with the duties of the officer;

(b) an authorised officer or public officer on specified duties requiring the presence of that officer in a National Park or Community Partnership Park;

(c) an honorary wildlife police officer who is entitled to be present in a National Park or Community Partnership Park under the terms of the instrument appointing the officer;

(d) a person travelling through a National Park or Community Partnership Park along a public road within the confines of the road reserve;

(e) a person in possession of a permit to enter or reside in the National Park or Community Partnership Park issued by the Director or an officer duly authorised, in writing, by the Director to issue the permit;

(f) a person who enters a National Park or Community Partnership Park with authority granted under any provision of this Act;

(g) the employees of persons referred to in paragraphs (e) and (f);

(h) a person admitted under any regulation made under section *twenty-seven*; and

(i) a person who enters a National Park as part of that person's official duties for a board.



(3) The persons referred to in paragraphs (f) to (h), inclusive, of subsection (2) shall be subject to any relevant regulations made under section *twenty-seven* and to any regulation providing for the payment of a charge or fee for permission to enter or reside in a National Park or for the admission of a motor car or other vehicle into a National Park or Community Partnership Park.

**19.** (1) A person commits an offence who, without a hunting licence, capture permit or fishing permit issued under this Act—

- (a) hunts or disturbs a wild animal or fish in a National Park or Community Partnership Park;
- (b) disturbs a bird's nest in a National Park or Community Partnership Park; or
- (c) removes a wild animal, fish, bird's nest, stone, vegetation or other object, whether animate or inanimate, from a National Park or Community Partnership Park.

Prohibition of hunting, etc in National Park or Community Partnership Park

(2) If the Minister determines that a wild animal within a National Park or Community Partnership Park should be hunted for the better preservation of other animal life, or for other good and sufficient reason, the Minister may direct the Committee to issue a hunting licence to a person authorising that person, under the direction of the Director, to hunt the animal within the National Park or Community Partnership Park.

**20.** (1) A person commits an offence who, without a permit issued under subsection (2) or (3), or who in breach of an express condition of a permit or regulation made under this Act—

- (a) conveys into a National Park, Community Partnership Park or bird or wildlife sanctuary a firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison; or
- (b) being within the confines of a National Park, Community Partnership Park or bird wildlife sanctuary is in possession of, carries or uses for any purpose, any firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison.

Prohibition of weapons, etc, in National Park, Community Partnership Park or bird or wildlife sanctuary

(2) Subject to any regulations made under this Act, a person may, while travelling through a National Park, Community Partnership Park, bird or wildlife sanctuary or on a public road, convey into and through the National Park, Community Partnership Park, bird or wildlife sanctuary in the course of that journey, a firearm, dart gun, spear, bow, arrow or other weapon or an explosive, snare, net trap or poisonous substance.

(3) The Director, or a wildlife police officer duly authorised in writing by the Director, may subject to such conditions as the Director considers fit, issue a permit to a person to convey into a National Park, Community Partnership Park, bird or wildlife sanctuary, or within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary or to possess, carry or use for any purpose expressly stated in the permit, a firearm, dart gun, spear, bow, arrow or other weapon or an explosive, snare, net, trap or poisonous substance and that permit shall be valid for the period specified in it.

(4) This section shall not apply to a wildlife officer, honorary wildlife police officer, community scout or other police officer in the performance of duties under this Act or any other relevant written law.

Prohibition of introduction of wild animal into National Park, Community Partnership Park or bird or wildlife sanctuary

**21.** (1) A person commits an offence who, without the written consent of the Director—

(a) drives, conveys or introduces a wild animal into a National Park, Community Partnership Park or bird or wildlife sanctuary; or

(b) drives or conveys a wild animal out of a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) A wildlife police officer, community scout or honorary wildlife police officer who finds within the confines of a National Park, Community Partnership Park, bird or wildlife sanctuary a wild animal which was driven, conveyed or introduced into the National Park, Community Partnership Park, bird or wildlife sanctuary in contravention of subsection (1) may kill the wild animal.

Prohibition of domestic animal in National Park, Community Partnership Park or bird or wildlife sanctuary

**22.** (1) A person commits an offence who, being the owner of a domestic animal or the person in charge or control of it, without the written consent of the Director—

(a) drives, conveys or introduces the domestic animal into a National Park, Community Partnership Park or bird or wildlife sanctuary or causes or permits the domestic animal to be driven, conveyed or introduced into a National Park, Community Partnership Park or bird or wildlife sanctuary;



(b) permits or suffers the domestic animal to stray into or within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary; or

(c) permits or suffers the domestic animal to worry, harass or interfere with a wild animal within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary.

(2) The court may, upon the conviction of a person for an offence under this section, on application by the prosecution and in addition to any other penalty imposed, declare or order the domestic animal to be —

(a) forfeited;

(b) destroyed without compensation; or

(c) forfeited and destroyed without compensation.

(3) Notwithstanding subsection (2), a wildlife police officer, honorary wildlife police officer or community scout who discovers any domestic animal worrying, harassing or otherwise interfering with a wild animal within the confines of a National Park, Community Partnership Park or bird or wildlife sanctuary may destroy the domestic animal, and its owner shall not be entitled to any compensation whether convicted of an offence or not under this section.

23. (1) A person who, without the written consent of the Director, introduces any vegetation or causes any vegetation to be introduced into a National Park, Community Partnership Park or bird or wildlife sanctuary, commits an offence.

(2) A wildlife police officer, honorary wildlife police officer or community scout who finds within a National Park, Community Partnership Park or bird or wildlife sanctuary any vegetation introduced into the National Park, Community Partnership Park, bird or wildlife sanctuary, in contravention of subsection (1), may destroy the vegetation or offer it to be destroyed.

Prohibition of introduction of vegetation into National Park, Community Partnership Park or bird or wildlife sanctuary

Prohibition of removal of wild animal or vegetation from National Park, Community Partnership Park or bird or wildlife sanctuary

24. Except as is otherwise provided by this Act, a person commits an offence who, without the written consent of the Director, removes a trophy, vegetation or wild animal, whether alive or dead, from a National Park, Community Partnership Park or bird or wildlife sanctuary or causes or permits the trophy, vegetation or wild animal to be so removed.

Prohibition of damage or removal of object of geological or historical interest, etc. from National Park, Community Partnership Park or bird or wildlife sanctuary

25. Except as is otherwise provided by this Act, a person commits an offence who, without the written consent of the Director, removes from, moves within, defaces or damages within, a National Park, Community Partnership Park or bird or wildlife sanctuary an object of geological, pre-historic, archaeological, historical or scientific interest, or who causes or permits the object to be damaged or removed.

Prohibition of killing, injuring or capturing of wild animal or bird within National Park, Community Partnership Park or bird or wildlife sanctuary

26. Except as is otherwise provided by this Act, a person commits an offence who, without the relevant licence or permit, is in possession of, kills, injures, captures or disturbs a wild animal or removes or destroys an egg, a nest or habitat of a bird, reptile or fish within the confines of a National Park, Community Partnership Park, bird or wildlife sanctuary or Game Management Area.

Regulations relating to National Parks, Community Partnership Parks, bird and wildlife sanctuaries

27. (1) The Minister may, by statutory instrument, in consultation with the Director, make regulations for—

(a) the conditions under which a person, vehicle, boat, aircraft or animal may enter into, travel through, reside or be kept within a National Park, Community Partnership Park or bird or wildlife sanctuary or any part of the National Park, Community Partnership Park, bird or wildlife sanctuary;

(b) the conditions under which any building, lodge or aerodrome may be considered within a National Park, Community Partnership Park or bird and wildlife sanctuary;



- 
- (c) the conditions under which a person travelling through or within a National Community Partnership Park or bird and wildlife sanctuary or on a public road may have in that person's possession, or under the control of that person, a firearm or other weapon, ammunition, explosive, game meat, trophy, trap or poison;
- (d) the conditions under which a wild animal or species of wild animal may be photographed within a National Park, Community Partnership Park or bird and wildlife sanctuary;
- (e) the regulation or prohibition of the lighting of fires within a National Park, Community Partnership Park or bird and wildlife sanctuary;
- (f) the conditions under which a domestic animal may be brought into or maintained within a National Park, Community Partnership Park or bird and wildlife sanctuary or the charging of fees for the bringing of domestic animals into a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (g) the prohibition or control of the bringing of a wild animal or domestic animal into a National Park, Community Partnership Park or bird and wildlife sanctuary;
- (h) the prohibition or control of the introduction of any vegetation, whether alive or dead into, the cutting or damaging within, or the removal from, a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (i) the prohibition or control of destruction, damaging, defacing or removal of any thing, whether animate or inanimate, within or from a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (j) the fees and charges for entering into a National Park, Community Partnership Park or bird or wildlife sanctuary or any part of it and the fees for any services and amenities provided by the Department for the general public in a National Park, Community Partnership Park or bird or wildlife sanctuary;

- (k) the fees for fishing and the conditions under which a person may fish within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (l) the prohibition or control of the low flying of aircraft over a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (m) the rules of conduct and behaviour of persons while within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (n) the regulation of traffic on a road within a National Park, Community Partnership Park or bird or wildlife sanctuary;
- (o) the carriage of passengers and goods within a National Park, Community Partnership Park or bird or wildlife sanctuary, whether for hire or otherwise;
- (p) the points at which persons or vehicles may enter or leave and the routes by which they may pass through or over a National Park, Community Partnership Park or bird or wildlife sanctuary on roads other than public roads;
- (q) the prohibition, control or regulation of any trade or business carried on within a National Park, Community Partnership Park or bird or wildlife sanctuary, without prejudice to the provisions of the Tourism and Hospitality Act, 2015; and
- (r) generally, for the efficient control and management of a National Park, Community Partnership Park or bird and wildlife sanctuary.

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of 2015

(2) The Minister may, on the advice of the Director, in making regulations under subsection (1), provide differently for different National Parks, Community Partnership Parks, bird or wildlife sanctuaries and categories of businesses and premises for purposes of this Act.

(3) Any regulation made under this section may prescribe, for a breach of the regulations, a fine not exceeding two hundred thousand penalty units or imprisonment for a term not exceeding two years, or to both.



## PART IV

## GAME MANAGEMENT AREAS

28. (1) The President may, after consultation with the Minister and the local community, by statutory order, declare an area of land within the Republic to be a Game Management Area for the sustainable utilisation of wildlife and for the purposes of this Act, and may, in like manner, define or alter or extend the limits of the area or order the area to cease to be a Game Management Area.

Declaration  
of Game  
Management  
Areas

(2) Any land within any declared or extended Game Management Area that is held under a leasehold title shall not, except with the written consent of the occupier, be affected by the declaration or extension made under subsection (1) and shall be deemed to be excluded from it.

(3) The Minister may, upon application made to the Director, in writing, by the occupier of any land held under a leasehold title, recommend to the President that the land be declared to be, or be included within, a Game Management Area under subsection (1).

(4) Notwithstanding the provisions of any written law, a person may obtain leasehold title within a Game Management Area in accordance with the provisions of the general management plan for the Game Management Area.

(5) Nothing in this section shall prevent the Minister from granting concession agreements within a Game Management Area and land user-rights fees shall be payable to the Ministry by an investor within the Game Management Area which shall be shared between the Ministry and the local community, on such terms as may be prescribed.

29. A person who settles or lives in a Game Management Area shall comply with the provisions of a general management plan for the Game Management Area.

Settlement in  
Game  
Management  
Areas

30. (1) A person who holds any mining rights in, over, under or in respect of any land comprised in a Game Management Area may enter and exercise the mining right within the Game Management Area upon that person giving prior written notice to the Director of the person's intention to enter the Game Management Area and to exercise that person's right upon compliance with any conditions which the Minister may impose.

Restriction  
on exercise  
of mining  
rights within  
Game  
Management  
Area

(2) Without prejudice to the generality of the powers of the Minister to impose conditions, the Minister may impose conditions relating to the exercise of any mining rights in accordance with the measures specified under an environmental impact assessment approved by the Zambia Environmental Management Agency, including the number of persons to be employed within a Game Management Area and the conditions to be observed by such persons.

(3) A person to whom subsection (1) applies who enters a Game Management Area without giving prior notice to the Director or fails to comply with any condition imposed by the Minister commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Restriction on  
hunting wild  
animals in  
Game  
Management  
Area

31. Except as otherwise provided by this Act, a person who, not being the holder of a hunting licence, capture permit or hunting concession issued under this Act relevant to such hunting, hunts a game or protected animal, except elephant and rhinoceros, in any Game Management Area commits an offence and is liable, upon conviction, to a fine not exceeding four hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

## PART V

### COMMUNITY RESOURCES BOARDS

Community  
resources  
boards

32. (1) A local community along geographic boundaries contiguous to a chiefdom in a Game Management Area, an open area or a particular chiefdom with common interest in the wildlife and natural resources in that area, may apply to the Minister for registration as a community resources board.

(2) The Minister shall register as a board, a local community which, in addition to the pre-requisites described in subsection (1), meets the requirements of subsection (3) and shall, in consultation with that board, develop management plans for the Game Management Area, open area or any part of the Game Management Area or open area which is under its jurisdiction.

(3) A board registered under subsection (2) shall serve for a fixed term of three years and shall comprise—



- (a) not more than ten but not less than seven representatives from the local community who shall be elected by the local community;
- (b) one representative of the Council in the area;
- (c) a representative of a Chief in whose area a board is established to represent that Chief; and
- (d) a person seconded by the Minister in accordance with subsection (2) of section *thirty-four*.

(4) Notwithstanding subsection (2), a board may invite a person whose presence is, in its opinion, desirable to attend and to participate in the deliberations of a meeting of the board, but that person shall not vote on any matter.

(5) A Chief in whose area a board is established shall be a patron of that board.

(6) The Minister may, in consultation with the Director and the particular board, determine the allowances and honorarium that shall be payable to a Chief referred to in subsection (5).

(7) The Director shall, in consultation with the Minister and the majority of the members of the local community represented by a board, if satisfied that the board is no longer—

- (a) able to perform its functions under this Act, dissolve that board; or
- (b) viable in the area, de-register that board.

(8) Subject to the other provisions of this Act, a board may regulate its own procedure, and shall cause minutes to be kept of the proceedings of every meeting of the board.

(9) A board may convene any meeting at any time for the conduct of its business under this Act.

**33. (1)** The functions of a board are to promote and develop an integrated approach to the management of human and natural resources in a Community Partnership Park, Game Management Area or an open area falling under its jurisdiction.

Functions of  
board

(2) Without prejudice to the generality of subsection (1), a board may —

- (a) negotiate, in conjunction with the Department, co-management agreements with hunting outfitters and photographic tour operators;
- (b) manage the wildlife under its jurisdiction within quotas specified by the Department;
- (c) appoint community scouts to exercise and perform the duties of a wildlife police officer under the supervision of a wildlife police officer in the area falling under the board's jurisdiction;
- (d) in consultation with the Director, develop and implement management plans which reconcile the various uses of land in areas falling under the board's jurisdiction; and
- (e) perform such other functions as the Minister or Director may direct or delegate to it.

(3) The preparation and implementation of general management plans in Community Partnership Parks, Game Management Areas and open areas shall be in accordance with such regulations as the Minister may prescribe, in consultation with the Director.

Secretariat of  
board

34. (1) There shall be a secretariat for each board which shall consist of such appropriately qualified officers as the board may appoint on such terms and conditions as it may determine.

(2) The Minister shall second an officer to the board who shall serve as part of the secretariat.

Financial  
provisions

35. (1) A board shall establish a fund to enhance the economic and social well being of the local community within the area described in section *thirty-two*.

(2) There shall be paid into the fund of a board, in addition to the revenues referred to in paragraph (o) of subsection (2) of section *five*, such monies as the board may, with the approval of the Minister, accept by way of grants and donations from any source within or outside Zambia.

(3) A board shall cause to be kept proper books of account and other records relating to its accounts.

(4) The accounts referred to in subsection (3) shall be open for inspection by the Minister, the Director or any other member of that local community.

(5) A board shall, not later than ninety days after the end of the financial year, submit to the Minister, through the Director —



- (a) an audited balance sheet;
  - (b) an audited statement of income and expenditure; and
  - (c) a report concerning its activities during that financial year.
- (6) A person who misuses any money belonging to a board shall —
- (a) be liable to a surcharge; and
  - (b) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.
- (7) A board shall submit quarterly reports to the Director.
- (8) The accounts of a board shall be audited annually by independent auditors appointed by the board with the approval of the Minister.

## PART VI

### GAME ANIMALS AND PROTECTED ANIMALS

36. (1) For the purposes of this Act, the Minister shall, by statutory order, in consultation with the Director and on the advice of a board specify, including by scientific name, a wild animal as a game animal or protected animal and in like manner specify a game animal as a protected animal.

Game and  
protected  
animals

(2) A game animal shall be specified as a protected animal under this section —

- (a) to preserve a viable population of the species when it becomes rare, threatened or endangered;
- (b) for its role in the maintenance and assessment of the health of an eco-system;
- (c) for its economic significance in a local or national economy;  
or
- (d) to preserve populations of endemic species.

(3) Where the Minister specifies a wild animal as a protected animal under an order made under subsection (1), the order may—

- (a) prohibit or regulate the hunting of the protected animal generally or during a specified period and throughout the Republic or in a specified area of the Republic; or

(b) apply to all wild animals within the area specified or to a wild animal or species, class or variety of a class of wild animal specified in the order and may make different provisions for different sexes of the specified wild animal.

(4) Except as otherwise provided by this Act, a person who hunts or is found in circumstances showing that the person intends to hunt a protected animal commits an offence.

Restriction  
on hunting  
game or  
protected  
animals

37. Except as otherwise provided by this Act, a person who hunts a game animal or protected animal, except under or in accordance with the conditions of a hunting licence, commits an offence.

Wildlife  
impact  
assessment

38. (1) A person who has reasonable grounds to believe that a proposed or existing government plan or activity of the Government, an organisation or person may have an adverse effect on wildlife in a National Park, Community Partnership Park, bird or wildlife sanctuary, Game Management Area or open area, may request the Minister through the Director that a wildlife impact assessment be conducted.

Act No. 12  
of 2011

(2) Where the Minister requires an environmental impact assessment to be conducted, it shall be conducted in accordance with the procedures specified under the Environmental Management Act, 2011, taking into account—

(a) existing or anticipated impact upon wildlife that may be threatened; and

(b) any endangered or endemic species which are or may be affected.

## PART VII

### LICENCES AND PERMITS

Licences and  
permits

39. (1) The following classes of licences shall be issued under this Part—

(a) hunting licence;

(b) bird licence; and

(c) professional hunter's licence.

(2) The following permits shall be issued under this Part—

(a) fishing permit;

(b) capture permit;



- (c) professional guide's permit;
  - (d) photographic tour operator's permit; and
  - (e) commercial photographic permit.
- (3) The Minister may, by statutory instrument, in consultation with the Committee, prescribe—
- (a) the form of, and the terms and conditions attaching to, each class of licence and permit;
  - (b) the species, variety of species or the sex of game animal or protected animal which may be hunted or captured under each class of licence or permit;
  - (c) the method of hunting to be employed under each licence, the number of game animals or protected animals of each prescribed species, variety or sex which may be hunted;
  - (d) the area or areas in which each licence or permit shall be valid and the validity of each licence or permit;
  - (e) the time or times of the year during which any specified species, variety or sex of game animal or protected animal may be hunted or captured pursuant to the licence or permit; and
  - (f) the fee payable in respect of each class of licence or permit issued under this Part.

(4) The Minister may, on the advice of the Committee, make different provisions for different areas and for different species, varieties and sexes of game animals or protected animals.

**40.** (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a hunting licence to that person.

Hunting  
licence

(2) Subject to this Act and the terms and conditions prescribed for a hunting licence, the hunting licence shall authorise the licensee to hunt such animals as are specified in the hunting licence in such areas and for such period as may be prescribed.

(3) The Committee may, by way of endorsement on a hunting licence issued under this section, authorise the licensee to employ a Zambian, for reward or otherwise, to hunt or assist in hunting, on behalf of the licensee, the animal specified in the hunting licence, except that the Committee's endorsement under this subsection shall not be unreasonably withheld.

(4) It shall not be necessary that a person employed under subsection (3) be the holder of a hunting licence under this Part.

Bird licence

41. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a bird licence to that person.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a bird licence, the bird licence shall authorise the licensee to hunt such birds as are prescribed for the bird licence and in the numbers stated in the bird licence.

Professional  
hunter's  
licence

42. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a professional hunter's licence to that person.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a professional hunter's licence, a professional hunter's licence shall —

(a) authorise the licensee to carry on business as a professional hunter;

(b) allow the licensee to be employed by a hunting outfitter with a hunting concession or with an unfenced private wildlife estate;

(c) engage and supervise such number of apprentice professional hunters on such terms and conditions as may be prescribed; and

(d) while accompanied by a *bona fide* client, authorise the licensee to hunt such animals as are specified in the hunting licence issued to the *bona fide* client and in the numbers so prescribed.

(3) A person commits an offence who, without a professional hunter's licence —

(a) carries on business as a professional hunter;

(b) holds oneself out to the general public to be a professional hunter;

(c) advertises oneself publicly, by any means, as a professional hunter;

(d) solicits from a person a contract or commission to act in the capacity of a professional hunter for that person or for any other person; or



- (e) except as provided by subsection (3) of section *forty*, for gain or reward, assists another person in the hunting of a game animal in a capacity other than as a tracker, gunbearer or beater as provided by section *sixty-one*.

43. (1) Notwithstanding any other provision of this Act, the Minister may, in consultation with the Committee, upon such terms and conditions as the Minister may impose, issue a capture permit to —

Capture  
permit

- (a) a person, body of persons or institution authorising the person or institution, for purposes of scientific research or the collection of specimens for zoological gardens, museums or education, to hunt in a stated area or part of the Republic such game animal or protected animal as may be specified in the permit;

- (b) a person or institution authorising the person or institution to rear a wild animal and for such purposes to capture for rearing in a stated area or part of the Republic such game animal or protected animal as may be specified in the permit;

- (c) a person permitting that person to collect crocodile eggs, bird's nest or eggs or any other reptile eggs in such quantities, in such area and for such period as may be specified in the permit; or

- (d) a Chief or other person approved by the Minister, authorising the Chief or that person to hunt, in any stated area or part of the Republic, such game animal or protected animal as may be specified in the permit.

(2) The Minister may, by way of endorsement on a capture permit issued under this section, authorise the holder to employ for reward or otherwise, any other person to hunt or assist in hunting, or to capture or assist in capturing for rearing, on behalf of the holder, a game animal or protected animal specified in the capture permit.

(3) It shall not be necessary that a person employed as provided by sub-section (2) be the holder of a hunting licence or capture permit under this Part.

(4) Where a person employed by the holder of a capture permit commits an offence under this Act during and in the course of such employment or contravenes a term or condition of the permit, the holder of the capture permit shall be deemed to have committed the same offence that the employed person commits, and the holder of the capture permit may be joined as a defendant with the employed person in any prosecution brought against the employed person for that offence.

Fishing  
permit

44. (1) The Committee, or a wildlife police officer duly authorised, in writing, by the Committee, may issue a fishing permit to authorise a person to fish for non-consumptive purposes in a National Park or Community Partnership Park and shall impose such conditions upon the use of the fishing permit as the Minister may prescribe.

(2) A fishing permit issued under subsection (1) shall specify the species and number of fish which may be caught under the fishing permit.

Professional  
guide's  
permit

45. (1) The Committee may, upon application made to the Committee in the prescribed manner and form, and upon payment of the prescribed fee, by a person who ordinarily resides in Zambia and who complies with the prescribed qualifying conditions, issue to that person a professional guide's permit.

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for the professional guide's permit, a professional guide's permit shall be in the prescribed form and shall authorise the holder of the permit to—

(a) conduct or offer to conduct for reward, a photographic or viewing safari; and

(b) take out clients for game drives and walks as may be specified in the permit.

(3) A person commits an offence who, not being a holder of a professional guide's permit—

(a) conducts for reward in a National Park, Community Partnership Park, bird sanctuary, wildlife sanctuary, Game Management Area or game ranch any photographic or viewing safari;

(b) offers to conduct for reward any photographic or viewing safari;



- (c) advertises publicly by any means that the person is a professional guide;
- (d) solicits from any person a contract or commission to act in the capacity of a professional guide for that person or for any other person; or
- (e) holds out to the general public that the person is a professional guide.

(4) A person who employs any other person to carry out the functions of a professional guide without a professional guide's permit commits an offence.

46. (1) The Committee may, upon application made to the Committee, in the prescribed manner and form and upon payment of the prescribed fee, by a person holding a tourism enterprise licence, issue to that person a photographic tour operator's permit.

Photographic  
tour  
operator's  
permit

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a photographic tour operator's permit, a photographic tour operator's permit shall be in the prescribed form and shall authorise the holder to carry on business as a photographic tour operator.

47. (1) The Committee may, upon application made by a person to the Committee in the prescribed manner and form and upon payment of the prescribed fee, issue a commercial photographic permit to that person.

Commercial  
photographic  
permit

(2) Subject to the other provisions of this Act and to the terms and conditions prescribed for a commercial photographic permit, the commercial photographic permit shall authorise the holder to make paintings or take films or video for commercial purposes in a National Park or Community Partnership Park.

48. (1) Subject to subsection (2), the Committee may, upon application by a hunting outfitter in the prescribed manner and form and upon payment of the prescribed fee, grant the hunting outfitter a hunting concession.

Hunting  
concession

(2) A hunting concession shall authorise a hunting outfitter to—

- (a) hunt within a Game Management Area or part of a Game Management Area on such terms and conditions as may be prescribed; and
- (b) sell a hunting quota to any person to hunting in the concession area.

Refusal to  
issue licence  
or permit

**49.** (1) The Committee may refuse to issue a licence or permit under this Part if—

- (a) the applicant fails to comply with any prescribed conditions precedent to the issue of the licence or permit;
- (b) a licence or permit formerly held by the applicant is revoked by the Committee;
- (c) the applicant has been or is convicted of an offence under this Act;
- (d) the Committee is satisfied that the applicant is not a fit or proper person to hold the licence or permit;
- (e) the applicant for a photographic tour operator's permit or a hunting concession, is not the holder of a tourism enterprise licence;
- (f) the Committee is satisfied that in the interest of wildlife management, the licence or permit should not be issued; or
- (g) the applicant has been convicted of an offence relating to hunting outside Zambia or the applicant's licence or permit was withdrawn by the wildlife authority of another country.

(2) The Committee shall notify the applicant, in writing, of the refusal to issue a licence or permit and shall state the reasons for the refusal.

Display of  
licence or  
permit

**50.** A licensee or permit holder shall display the licence or permit issued in accordance with this Act, or a certified copy of the licence or permit, in a conspicuous place at the principal place of business and at every subsidiary premises where the licensee or permit holder carries out business.

Prohibition  
of transfer of  
licence or  
permit

**51.** (1) Except as is otherwise provided by this Act, a licence or permit issued under this Part shall be used solely by the licensee or permit holder and is not transferable to another person.

(2) A person who transfers a licence or permit issued to that person or accepts the transfer of a licence or permit from any person commits an offence.

Amendment  
or variation  
of licence or  
permit

**52.** (1) A licensee or permit holder may, at any time during the validity of the licence or permit, if there are any changes to the licensee's or permit holder's business operations, apply to the Committee for the amendment or variation of the terms and conditions of the licence or permit.



(2) The Committee may approve the amendment of a licence or permit to accommodate any variations requested by the licensee or permit holder and approved by the Committee.

(3) The Committee shall endorse and date any variation, approved in accordance with subsection (2), on the licence or permit.

53. (1) Where a licensee or permit holder decides not to continue operating the licensed or permitted business or activity, the licensee or permit holder shall notify the Committee, in writing, and surrender the licence or permit to the Committee.

Surrender of  
licence or  
permit

(2) Where a licence or permit is surrendered in accordance with subsection (1), the Committee shall cancel the licence or permit subject to such conditions as it may impose with respect to the winding up of the licensed or permitted business or activity.

54. (1) Subject to subsection (2), the Committee may suspend or revoke a licence or permit if the licensee or permit holder—

Suspension  
or revocation  
of  
licence or  
permit

(a) obtained the licence or permit on the basis of fraud, negligence or misrepresentation;

(b) assigns, cedes or otherwise transfers the licence without the prior approval of the Committee;

(c) fails to comply with any term or condition of the licence or permit; or

(d) operates the licensed or permitted business activity in contravention of this Act or any other relevant written law.

(2) The Committee shall, before suspending or revoking a licence or permit, in accordance with subsection (1), notify the licensee or permit holder of its intention to suspend or revoke the licence or permit, giving reasons for its decision and requesting the licensee or permit holder to show cause, within such reasonable period as may be specified in the notice, why the licence or permit should not be suspended or revoked.

(3) The Committee shall, where a licensee or permit holder fails to correct the contravention within the period specified under subsection (2), suspend or revoke the licence or permit as it considers appropriate in the circumstances of the case.

(4) Where a licence or permit is revoked, in accordance with this section, the licensee or permit holder shall surrender the licence or permit to the Committee and the Committee shall cancel the licence or permit, subject to such conditions as it may impose with respect to the winding up of the licensed or permitted business or activity.

Renewal of  
licence or  
permit

**55.** (1) A licensee or permit holder may, sixty days prior to the expiration of the period of validity of the licence or permit, apply to the Committee for the renewal of the licence or permit in the prescribed manner and form upon payment of the prescribed fee.

(2) The Committee shall, within thirty days of receiving an application for the renewal of a licence or permit, approve or reject the application and give reasons where it rejects the application for renewal of the licence or permit.

(3) A licensee or permit holder who submits an application for the renewal of a licence or permit in accordance with subsection (1), shall continue to operate the licensed or permitted business or activity until a decision is made by the Committee on the application for renewal of the licence or permit.

Loss of  
licence or  
permit

**56.** (1) A person who loses a licence or permit or whose licence or permit is damaged shall inform the authorised officer within fourteen days of the loss or damage and shall, after a further period of fourteen days, apply to the Committee for the issuance of a duplicate licence or permit.

(2) On application under subsection (1), the Committee may —

(a) issue a duplicate licence or permit on such terms and conditions as it may determine; or

(b) refuse the application and notify the licensee or permit holder, in writing, and gives reasons for the refusal.

Single  
licensing

Act No. 3 of  
2014

**57.** (1) Subject to this Act, the Department shall operate a single licensing system for the wildlife sector in accordance with the Business Regulatory Act, 2014.

(2) A regulatory agency shall not issue or grant a licence, permit, certificate or other authorisation for the doing of an activity by a person, which may have an adverse effect on wildlife management and conservation, before the regulatory agency first consults the Department whether the issuing or the grant of the licence, permit, certificate or other authorisation will have an adverse effect on wildlife management and conservation.



(3) The Department may, where consulted under subsection (1), impose such conditions or stipulate such requirements as it considers necessary to maintain the wildlife estate or protect wildlife and the wildlife habitat, including conditions relating to the strict compliance of any provision of this Act.

(4) Where the Department imposes any conditions or stipulates any requirement under subsection (3), a regulatory agency shall endorse such condition or requirement on a licence, permit, certificate or authorisation issued to a person whose activities under the licence, permit, certificate or authorisation will affect wildlife conservation and management.

(5) A regulatory agency shall, when requested to do so by the Department, give to the Department any advice or assistance or submit such information as may be necessary for the performance of its functions under this section.

(6) A contravention of a condition or requirement endorsed on a licence, permit, certificate or authorisation under subsection (3), shall be a ground for the revocation of the licence, permit, certificate or authorisation issued by a regulatory agency under the relevant law.

## PART VIII

### HUNTING OF WILD ANIMALS

**58. (1)** A licensee and permit holder shall—

- (a) have the licence or permit in actual possession at all times while hunting a game animal or protected animal under the licence or permit;
- (b) produce the licence or permit for inspection and give the licensee's or permit holder's full names and address, in writing, to an authorised officer, upon request;
- (c) be accompanied by a wildlife police officer or community scout while hunting; and
- (d) keep, in the prescribed form, a true record of all game animals or protected animals, other than birds, hunted by that person during the validity of the licence or permit.

(2) A person who contravenes sub-section (1) commits an offence.

Duties of  
licensees and  
permit  
holders