



EASTERN CAPE PROVINCE

DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM

POLICY
OF THE CHIEF DIRECTORATE OF
ENVIRONMENTAL AFFAIRS
PRIVATE BAG X 0054, BISHO, 5605

DRAFT
OPERATIONAL POLICY
TO REGULATE FALCONRY
IN THE EASTERN CAPE

1. **Background**

The Department has a legal obligation to prohibit the over-exploitation of wild animals. This does not exclude controlled use of such species. Raptor populations are increasingly being threatened by habitat destruction, pesticides and human persecution. The harvesting of wild raptors for falconry is considered an added risk, and will thus only be allowed under carefully controlled conditions. However, the Department accepts that falconry is a valid sport and a widely accepted method of hunting, provided that, i) wild raptor populations are not negatively impacted; ii) that the controlling function with respect to falconry will not become an excessive administrative burden; iii) and that the final and ultimate control rests with the Department.

The practicing of falconry as a legal activity in the Eastern Cape Province is dependent on a responsible attitude from all falconers. Permission to practice falconry by the members, or the club/s as a whole, may be suspended if the regulations of the Department or rules and constitution of the club are not complied with.

2. **Current legislation**

Falconers must comply with all relevant legislation.

i) National legislation a) The Performing Animals Act 24 of 1935. Any falconer who uses his birds in public display, on any sort of regular basis or for gain, must comply with this legislation and be in possession of a Performing Animals Licence. Application forms are available from Magistrate's Offices and must be submitted to the local magistrate annually. These licenses are valid for one year and stipulate the specific animals to be used in displays.

b) The Animals Protection Act 71 of 1962. The object of this act is to prevent cruelty to animals in captivity or under the control of any person. The act prohibits maltreatment of animals, including neglect, unnecessary confinement, starving or underfeeding of animals. Any such action constitutes a criminal offence.

ii) Provincial Legislation a) Clubs established will be subject to the provisions of the Nature and Environmental Conservation Ordinance (Ordinance 19 of 1974), the Nature Conservation Act (No 10 of 1987) and Environmental Conservation Decree (No 9 of 1992) and their associated regulations. Falconry is permitted in terms of this legislation, by the issuing of a specific Falconry permit.

b) Provincial Notice 955 of 1975. This document refers to the adequate provision of food, water and accommodation. It stipulates the volume of cages required to house birds with reference to the size of the bird. (Compliance with the requirements of the Rules and Regulations of the Cape Falconry Club will satisfy this with the exception of birds over 2 kg in weight for whom specific permission must be sought from the Department). Other requirements of this notice are covered elsewhere in this policy document.

iii) Municipal By-laws. Compliance with municipal by-laws is required and a letter of “No Objection” must be sought from the relevant municipality.

iv) CITES Regulations must be adhered to.

3. Establishment of a falconry club

Falconry clubs will be permitted to establish and organise legalised falconry within the Eastern Cape. These Clubs will be responsible for the co-ordination of their membership and the practicing of falconry in the Eastern Cape by its members, according to a strict code of ethics, a proper constitution and they must be members of the South African Falconry Association. Whilst not desirable, more than one falconry club may exist to perform this function, providing that all clubs fall under the same policy and regulations, and uphold a similar code of ethics. All practicing falconers must be registered members of a falconry club and be of good standing in that club.

Raptor or bird of prey centres are not recognised as practising the art of falconry and a clear distinction should be between these centres and the sport of falconry even if the personnel or owners are members of the falconry club. These centres should fall under the same grouping as rehabilitation and education centres.

The number of practicing falconers in the Eastern Cape should be limited to 35? in all clubs and this number will be reviewed annually. There is no restriction on the number of Associate and Honourary members who do not hold raptors for any other purpose than rehabilitation. These members may not retain birds for practicing falconry unless the member changes status, in other words becomes a practicing falconer.

Clubs and their members are expected to assist the Department in its attempts to conserve raptor populations by:

- Treating and rehabilitating injured or diseased raptors on request;
- Translocating problem raptors from properties where they cause damage;
- Providing information on illegal falconry-related activities;
- Providing data on the distribution, status and breeding of raptor species if requested;
- Publish / report relevant findings.

4. **Species for falconry**

The following species are considered appropriate for falconry in the Eastern Cape:

Scientific Name	English Name	Afrikaans Name
<i>Buteo rufofuscus</i>	Jackal Buzzard.	Rooiborsjakkalsvoel
<i>Accipiter rufiventris</i>	Redbreasted Sparrowhawk	Rooiborssperwer
<i>Accipiter minullus</i>	Little Sparrowhawk	Kleinsperwer
<i>Accipiter melanoleucus</i>	Black Sparrowhawk	Swartsperwer
<i>Accipiter ovampensis</i>	Ovambo Sparrowhawk	Ovambosperwer
<i>Accipiter tachiro</i>	African Goshawk	Afrikaanse sperwer
<i>Micronisus gabar</i>	Gabar Goshawk	Witkruissperwer
<i>Falco peregrinus</i>	Peregrine Falcon	Swervalk
<i>Falco biarmicus</i>	Lanner Falcon	Edelvalk
<i>Falco tinnunculus</i>	Rock Kestrel	Rooivalk
<i>Falco rupicoloides</i>	Greater Kestrel	Grootroovalk
<i>Falco chicquera</i>	Red-necked Falcon	Rooinekvalk
<i>Melierax canorus</i>	Pale Chanting Goshawk	Bleeksingvalk

Other species may be allowed but only under exceptional circumstances.

5. **Captive breeding**

Club members may be required to establish a captive-breeding program for the less common species to be used in falconry. Clubs will be granted a quota of wild birds for the establishment of the captive-breeding program. [Taking of birds for this program must follow the protocols](#)

stipulated in Appendices A and B. Each club will be responsible for all captive breeding units managed by individual members. Breeding units will be inspected at least annually by the Department. Permits issued to the individuals in the clubs to keep and breed raptors in captivity will be valid for a period as specified on the permit.

Progeny of wild caught birds are the responsibility of the clubs. Second generation progeny are the property of the club or the breeder at the discretion of each.

Injured (permanently damaged), confiscated, “problem” and captive-bred birds from other institutions, may also be used in establishing a captive breeding program. The importation of species from other provinces / countries in Southern Africa will be considered on condition that such species do not occur naturally in the Eastern Cape or that approval of the relevant environmental conservation authorities are submitted.

Any hybrids (between species or subspecies) that might be produced through the captive breeding program of raptors naturally occurring in Africa must be human imprinted.

All captive bred birds must be individually marked with a closed ring bearing a unique number. This number will be entered on the permit of the member holding the bird.

The breeder will maintain a record of all breeding birds in his / her possession and their progeny. Should it be deemed necessary by the Department, included in this record would be one feather from each bird, including both parents and progeny. Duplicates of these records with feathers will be lodged with the Department. The purpose of this is to avert disputes regarding the paternity of progeny produced and to facilitate D N A testing. These records must be available for examination at the annual inspection of the breeding facility. Note: the retention of feathers is not a requirement at present but this control mechanism may be instituted at the discretion of the Department.

If the demand for birds for falconry is so low as not to justify a captive breeding program, and provides no threat to wild populations, then the capture of wild birds may be permitted by the Department. All conditions applicable to the capture and holding of wild birds for captive breeding will apply equally to birds taken for falconry purposes.

The ultimate fate of these harvested birds will be either entry to the breeding program or preferably released to the wild. Each club will be responsible for ensuring that such birds are released in the best possible condition and location, and should be ringed. All such releases must be reported to the club secretary within 2 weeks, whether intentional or unintentional.

Any proposal to export an indigenous raptor must be specifically motivated and will be considered on its merits.

6. Annual Quota

It is anticipated that the demand for birds will be so low as not to justify a captive breeding program for most species. An annual quota of birds, which may be harvested from the wild and made available to club members, subject to approved applications, will be decided upon in consultation between the clubs and the Department. This must provide no threat to wild populations. An initial quota could be 2 (4) Peregrines, 2 (10) Lanners, 2 (10) Black Sparrowhawks, 5 Pale Chanting Goshawks, 1 (5) Redbreasted Sparrowhawk and 1 Gabar Goshawk. (Other raptors suitable for falconry such as eagles and hawk eagles may be added to the quota under certain circumstances and only with the approval of both the Department and the club.) This quota represents the maximum number of any species in a given year, which may be taken and is subject to annual review. Birds will be allocated in response to requests received from members by each club executive. A permit for this quota will be issued to the club annually. Any bird taken for falconry purposes during that year, excluding suitable rehabilitation birds, must be counted against this permit.

These quotas have been negotiated annually and have varied from year to year. The total number of birds as listed above has never yet been taken, and captive breeding satisfies most of the current requirements.

Birds imported from other provinces will be on a separate permit.

Only birds under 1 year (passage) of age may be taken from the wild for falconry.

7. Permits for falconry

On the recommendation of the falconry club committee, all graded members of the clubs will be issued with a **Falconry Permit** by the Department. The Falconry Permit will be valid for 1 (5) year(s) and may be rescinded at any time if requested by the club. The permit will be specific to the grade held by the falconer.

i) Apprentice or Beginner Falconer Permit (Grade C)

- Permission to keep one raptor, suitable for this grade, for falconry purposes.
- Permission to transport the raptor.
- Permission to fly the raptor free.
- Permission to hunt wild animals using a prohibited hunting method.
- [Permission to temporarily export the raptor from the province for a period of not more than one month.](#)

ii) General Falconer Permit (Grade B)

- As in (ii) with the addition of:
- A Trapping Permit may be issued to trap a raptor using a prohibited trapping method, with prior approval by the club committee [according to the protocols stipulated in Appendices A and B.](#)

iii) Master Falconer Permit. (Grade A)

- As in (iii) with the addition of:
- Permission to hold more than two raptors for falconry purposes (this excludes rehabilitation and breeding birds).

The species of raptor that may be held by each grade is determined by the club.

Each club will issue all Graded members with a laminated identity card. This card shall be carried in the field to identify them as members of a club in good standing. It will indicate their grading and that they have been issued with a Falconry Permit by the Department.

The falconry club will undertake to notify the Department on an annual basis of the change in status of a member [\(in other words, change in grading or failure to remain in good standing\) within two months of such change.](#) Similarly the club will regularly update the Department on the birds held by club members and of any change such as new acquisitions, releases or deaths. This shall be done at least every three months.

All members The Club will maintain a bird register, which will stipulate those birds in **their** member's possession and shall include such information as to the source, parentage and current status. This register will include breeding birds and any birds held temporarily for rehabilitation. This register will comprise of an electronic database and can be inspected at any time as part of the inspection of birds and mews. The register must be retained for at least two years after release or death of a bird.

Unwanted birds may only be disposed of after consultation with the club committee, which will arrange their release or disposal in consultation with the Department. Permit holders may not indiscriminately release raptors that have been used in falconry.

A transport, import / export permit will also be issued valid for one year. This permit may be used to temporarily export the raptor from the province for a period of not more than 1 month. The falconry club must be notified of the dates and destination of the temporary export; and that appropriate permission / permit from the province or country of destination has been obtained. The onus rests on the falconer for obtaining such permits.

8. Exotics and hybrids

The importation of certain exotic raptors (including hybrids) will be allowed. The Department reserves the right to veto any such importation should it be felt that there is a reasonable possibility of the conservation effort being negatively affected.

The exotic Hybrids, whether imported or locally bred, may be required to be human imprinted at the discretion of the Department. **No exotic raptor may be put out at hack.**

Exotics that are imported must be **captive bred**, closed rung and preferably human imprinted. All CITES regulations must be adhered to. Locally captive bred exotics should be human imprinted and may, along with **exotic** hybrids, only be disposed of to suitably qualified falconers. Such exotic raptors should be flown with double transmitters.

Rehabilitation

Birds brought in for rehabilitation may, with approval, be retained for falconry purposes for one season. Extension of this period can be considered upon application and such birds must then be included against the annual quota.

Birds that cannot be rehabilitated or are not suitable or required for captive breeding by the club may be disposed of to individuals or institutions. Birds that do not have the potential to recover to a level where they can successfully be released or be used in a captive breeding program, should, after evaluation by a veterinarian or suitably experienced member of be euthanized and deposited with the South African Museum.

9. Annual Reports

Each member is required to provide the club with a detailed annual report on each bird held. The report shall comprise of a list of species successfully hunted over the past year, and any other information (gathered which may be relevant to the conservation of raptors or quarry species in South Africa, for example nest record cards, specimens for museums) the falconer may deem relevant. This information will form part of the annual report submitted by the club to the Department. This should be completed in a suitable format on a pre-prepared form which will be circulated to members.

It is required that the club submit a detailed report to the Department, containing information of the names and addresses of members, detailed information on the capture of all birds, and results of the captive breeding program, together with a register of all raptors in captivity. Records must include the number of males and females of each raptor species and their origin (in other words, captive bred, rehabilitation, "passage" bird, and so on). The site of 'collection' must also be accurately described or a grid reference given (preferably both). Each bird's ring number must also be given in the annual report.

A full list of birds successfully and unsuccessfully rehabilitated / treated, with relevant information, (date and locality of collection, diagnosis, by whom treated, ring number, fate in other words euthanized, died, release not possible, rehabilitated by, ring number, retained for falconry / breeding, date and site of release), must be submitted annually.

10. Hunting regulations

Protected game species, which are declared annually in the hunting proclamations of the Department, may be hunted by falconers, subject to the standard hunting conditions, such as hunting seasons, daily bag limits and written approval of the landowner.

Should non-target species be taken, they must, if feasible, be released. If release is not an option, the bird may feed from its prey in the field. Such prey may not be retained by the falconer; record of it must however, appear in the annual report. Similar constraints will apply to protected game taken out of season.

It is recognised that falconers kill very small numbers of protected game and that their hawks need to be hunted regularly for a large proportion of the year. The clubs may apply for an "Out of Season Hunting Permit" each year, by stipulating specific species to be hunted and with the understanding that not more than one kill per hawk, per hunt, be taken out of season and that every effort be made to avoid hunting game populations that are known to be breeding at that time. Such hunting will then be permitted in terms of their "Prohibited Hunting Method Permit".

11. Publicity

The clubs and their members shall not give any publicity to their activities without prior consent of the Department. This prohibition includes press, radio and television interviews and releases, public displays, and any form of advertising.