

# ILLEGAL HUNTING WITH DOGS

GUIDELINES - Be well informed and act cautiously.

---



We develop the South African Agricultural Industry.  
Ons ontwikkel die Suid-Afrikaanse Landbou Industrie.

## INTRODUCTION

South African farmers are not only concerned about worsening weather patterns, land issues and farm murders, but also have to deal with growing criminal activities on their farms like illegal hunting with dogs. These hunting actions have become more organised and sophisticated over the last decade, adding to the tension between farmers, communities and even conservation authorities. Several farmers have had hair-raising experiences with these trespassers, mostly well-informed about their rights and legal issues and using it to their full benefit.

For the purpose of these guidelines, “hunting” is defined as including all actions of persons unlawfully entering private property, presumably with the intention to steal, capture or kill live-stock or game with the help of a dog or dogs.

**The intention of these guidelines is to provide an overview of the problem and some practical guidelines and is not intended to be legal advice.**



## EXTENT OF THE PROBLEM

There could be no doubt about the extent of the problem when you read through newspaper reports, magazine articles and related research. Examples over the last couple of years include the following:

- The National Council of SPCAs (NSPCA) quoted Dr John Ledger, chairperson of the Endangered Wildlife Trust, in 1998 already, that hunting with dogs posed the greatest threat to the biodiversity of Africa;
- According to an NSPCA report in 2002, Sian Hall, an academic who had been studying traditional hunting dogs over more than ten years, had found that a large percentage of dogs used for hunting purposes were in an exceptionally bad condition: undernourished, tick and worm infested and uncared-for.
- Dr Gerhard Verdoorn from Griffon, a regular article contributor in Agri, confirmed this in an earlier article. “These dogs are deliberately starved to ensure that they are more vicious during hunting.” Verdoorn mentioned a specific case where he saw 14 men with 42 dogs ripping apart everything from hares to meercat and plovers on a farm near Carletonville. The police were very apathetic when he reported the case.
- The University of KwaZulu-Natal stressed that dogs are not efficient killers, ripping pieces from their victims while they are still alive. The university found that the blue crane and crowned crane species had already declined by 90% over the previous ten years due to the indiscriminate use of dogs. This is done in spite of the fact that, if suspects are found guilty of hunting an endangered species, they could be fined millions of rands or sent to jail for up to 25 years;
- Various provincial organisations of Agri SA have become very actively involved in the matter in trying to resolve the problem, which has escalated in the recent past.

## ILLEGAL HUNTING WITH DOGS - GUIDELINES

Be well informed and act cautiously.



Unfortunately, many cases of illegal hunting with dogs are never solved, while angry farmers often get in trouble trying to deal with the culprits. This force farming organisations to become more involved by communicating the correct actions and procedures as well as working towards closer relations with the police and other authorities.

Agri SA has stressed continuously that hunting with dogs on farms is a crime and that the involved trespassers are ignoring the access protocol accepted by several organisations and the South African Police Service (SAPS).

### **IMPORTANT DIRECTIVES**

Agri SA's Rural Safety Committee recently spent considerable time discussing the problem and looking for answers. Illegal hunting with dogs is a growing problem, but that land owners must be extremely careful about actions that could make them liable for prosecution.

#### **Several important legal and other caveats are available to guide farmers, including:**

- There are sufficient laws to deal with the illegal hunting with dogs, such as nature conservation ordinances – that protects wildlife to a certain extent, especially species considered to become extinct. There is also anti-cruelty legislation like the Animal Protection Act, which prohibits certain acts against animals.
- Most South African municipalities have by-laws and regulations regarding the control of pets. Non-compliance is punishable and the involved animals may also be impounded.
- When a landowner suffers damages by an animal, he can make a case against the owner to compensate him for the damage.
- The SAPS recommend that, where possible, hunting dogs must be caught and handed over to the SPCA. Although some nature conservation ordinances allow farmers to shoot dogs, the SAPS consider it a risk. Although landowners have the right to shoot in self-defence in order to protect their property, a multitude of consequences could sour the farmer's life.
- A successful claim of self-defence requires, amongst others, an emergency situation with immediate threat due to illegal conduct and – very important – that the damage caused by the action should not be out of context with the interest protected.

#### **This necessitates farmers to be well informed on legal matters and to act extremely cautiously. Always keep these very important directives in mind:**

- It is recommended that livestock or game farmers who incur losses as a result of dogs should lodge complaints of illegal entry in terms of the Trespass Act and cruelty against animals in terms of the Animal Protection Act. Complaints in terms of the Fencing Act, Stock Theft Act or the Wildlife Theft Act, nature conservation ordinances and relevant municipal by-laws could also be lodged. A compensation action, where the owners of the dogs are known, could also be instituted.
- The SAPS recommend that, where possible, dogs should be caught and handed over to the SPCA. Although it may in certain circumstances be legal to shoot these dogs, there are many risks – including legal misuse by the intruders, resulting in the farmer being falsely accused of intimidation, the pointing of a weapon or even attempted murder. Packs of dogs of more than 20 could also be involved and they could also be aggressive.
- It is also recommended that a land owner notifies his local farm watch system when any suspects are found on his or her farm or in the vicinity. The illegal hunters usually work in groups of at least four and it would be unwise to confront them alone. They are known to be very arrogant and aggressive and are usually heavily armed.
- Safety representatives of farmer associations can on behalf of their members deal with the problem at the local Priority Committee meetings.



## RELEVANT LEGISLATION

The issue of farm and farmer security, disregard for private property, the effect on game and domestic stock and the shooting of expensive dogs are all causing increased tension between the hunters and the land owners on whose farms they are hunting.

The following laws are available to farmers to deal with illegal hunting with dogs, which are the following:

### **Trespass Act, Act 6 of 1959**

According to the Trespass Act, no person may trespass on private land without the permission of the owner, lawful occupier or the person in charge of the land. Section 1 of this act deals with the prohibition of entry or presence upon land. Any unauthorised person using dogs to hunt the stock or game of another person commits the common law crime of malicious injury to property. If the landowner has informed all his employees that no-one may be given permission or enter the land with dogs or to hunt on the land, such an employee may not give lawful permission.

However, landowners have to take note of incidents where the court has found that the shooting of a dog was disproportionate to the requirements of the occasion – even though the argument was made that the shooting act was in defence of property.

This implies that the landowner could face civil litigation after killing the dog. Although not possible in many cases, a civil action against the owners of the dogs is the preferred route.

### **Malicious damage to property**

Malicious damage to property is committed when a person unlawfully and intentionally damages movable or immovable property belonging to another. The damaging of fences or gates as well as the injuring or killing of an animal belonging to the landowner, will fall within the scope of this offence.

### **The Stock Theft Act, Act 57 of 1959**

The Stock Theft Act provides for certain offences related to illegal hunting. Section 9(1) of the act allows a person to, without warrant, arrest an intruder upon reasonable suspicion that such person has committed an offence. Landowners should, however, be aware of the fact that a wrongful and malicious arrest in the absence of reasonable cause is an offence in itself. Section 4 of the Act also stipulates that a person who enters land enclosed on all sides with a fence or a kraal, shed or stable or other walled place with the intent to steal stock or produce, shall be guilty of an offence.

### **The Game Theft Act, Act 105 of 1991**

Section 3 of this act specifies that any person entering land or dispersing or luring away game shall be guilty of an offence.

### **The Fencing Act, Act 31 of 1963**

The Fencing Act prohibits entry to land by amongst others climbing over or crawling under a fence or the removal of locks should the gate be locked or entry by any other means may be an offense. The wilful damaging of fences and or gates is also described as an offence in terms of this act.

### **Provincial and National Nature Conservation Ordinances and Acts**

Dogs can only legally be used without a permit for the purpose of retrieving birds during hunting and for the purpose of following or searching for an animal wounded in a legal hunt. This means that no person shall hunt ordinary game with a dog unless he is the holder of a licence/ permit and hunts under the direct supervision of the land owner.

### **National Environmental Management Biodiversity Act, Act 10 of 2004**

The act gives regulations regarding threatened or protected species and deals with the hunting, catching, capturing or killing of these species.

### **Animals Protection Act, Act 71 of 1962**

This act prohibits any person to bait or provoke any animal or incite any animal to attack another animal.

### **Criminal Procedure Act, Act 51 of 1977**

Section 20 of this act provides that the State may seize objects or articles believed to be used in the commission of an offence. Dogs could be regarded as an exhibit within the meaning of this section.



## **PRACTICAL GUIDELINES**

Although the illegal hunting with dogs is regarded a serious offence, landowners should be cautious of the correct procedures and the preserving of as much evidence against the culprits as possible. And remember to rather get the local farm watch involved from the beginning. There is just too much at stake to act impulsively.

In recent discussions with the police, the following guidelines were tabled that farmers may follow in dealing with the problem of illegal hunting with dogs:

- There are sufficient laws as indicated above to deal with the problem.
- Report all cases of the illegal hunting with dogs to the local police station and keep record of all case numbers.
- Implement Agri SA's farm access protocol and display the applicable signage at entrances and boundary fences.
- Farmer associations can create an increase awareness among the public and the media of the problem.

- Gathering of evidence and protecting the crime scene by:
  - Keep the evidence of the crime scene uncontaminated until recorded and collected by police, e.g. vehicle tracks, suspect and animal spoor.
  - Ensure that there are no further suspects in the area.
  - Protect evidence that may be destroyed.
  - Entry point, open gate, damage fence.
  - No eating, drinking or smoking at the crime scene.
  - Gather names and addresses of possible witnesses.
  - Not discussing facts with witnesses.
  - Making notes on position of vehicles, suspects, dogs, gates, fences etc.
  - Where possible, take photographs of vehicles, dogs and suspects.
- Nature Conservation Organisations should immediately be involved and to assist with complaints with illegal hunting.
- Get the nearest SPCA involved who can also deal with the confiscation of dogs.
- Farmer Associations should involve the local National Prosecuting Authority at their meetings, where assistance on how to deal with issues of illegal hunting should be discussed.
- Get involved with the local police and Sector Community Policing Forum.
- Utilise the Local Priority Committee to develop action plans to deal with the problem, such as patrols and increase awareness programmes.
- In the event of damages caused by dogs, land owners must also open a case of malicious damage to property and insists on a compensatory fine declaring the value of the property.
- If hunting was previously permitted and the land owner now wish to cease hunting, a legal procedure should be followed to inform neighbours, tenants, community members etc that it will no longer be permitted.



## CONCLUSION

Extreme caution and consideration of actions must be exercised when dealing with the issue pertaining to the illegal hunting with dogs. In cases where land owners find dogs on their land, destroying property, the police should immediately be notified. It is highly recommended that farmers contact their safety network for some farmers/neighbours to assist them especially when several offenders are involved in the commission of illegal hunting with dogs on their land.

**Remember unlawful hunting constitutes a crime – but avoid vigilante action, which may lead to prosecution.**

# ILLEGAL HUNTING WITH DOGS - GUIDELINES

Be well informed and act cautiously.

---

## REFERENCE

- Die onwettige jag met honde: Wat staan jou te doen – Annelize Crosby 2017
- Guideline hunting with dogs, Kwanalu
- Illegal hunting with dogs, a brief overview of the legal issues, SAPS, 2017
- Illegal hunting with dogs on farms, Provincial SAPS instruction Free State, November 2015
- Rural Safety Strategy, Implementation Guidelines
- The illegal hunting with dogs, Servamus, February 2015

**T:** +27 12 643 3400  
**F:** +27 12 663 3178  
**E:** agrisa@agrisa.co.za

Inkwazi Building, Block A, 1249 Embankment Road, Zwartkop X7, Pretoria, South Africa

