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## THE PRESIDENCY

**No. 4595** **3 April 2024**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 13 of 2023: National Veld and Forest Fire Amendment, Act 2023**

## DIE PRESIDENSIE

**No. 4595** **3 April 2024**

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**Wet No. 13 van 2023: Nasionale Wysigingswet op Veld – en Bosbrande, 2023**


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**GENERAL EXPLANATORY NOTE:**

| | |
|---|---|
| [ ] | Words in bold type in square brackets indicate omissions from existing enactments. |
| ______ | Words underlined with a solid line indicate insertions in existing enactments. |

*(English text signed by the President)*
*(Assented to 18 March 2024)*

# ACT

**To amend the National Veld and Forest Fire Act, 1998, so as to amend and insert certain definitions; to provide for the facilitation of the formation of fire protection associations by a municipality and a traditional council; to compel a municipality, state-owned enterprise, public entity or other organ of state which owns land to join the fire protection associations; to extend the powers of entry, search, seizure and arrest to peace officers and traditional leaders; to amend the title of the Act to the National Veldfire Act; and to provide for matters connected therewith.**

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 101 of 1998**

**1.** Section 1 of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The purpose of this Act is to prevent and combat **[veld, forest and mountain fires]** veldfires throughout the Republic.".

**Amendment of section 2 of Act 101 of 1998**

**2.** Section 2 of the principal Act is hereby amended—

*(a)* by the insertion after the definition of "fire danger" of the following definition:

" **'fire in the open air'** means any fire not within a building or structure, but does not include a fire in an area specifically designated for such fire, protected against wind and spreading, and maintained by the owner;";

*(b)* by the substitution for the definition of "municipality" of the following definition:

" **'municipality'** means a municipality as referred to in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);";

**ALGEMENE VERDUIDELIKENDE NOTA:**

| | |
|---|---|
| **[ ]** | Woorde in vetdruk in vierkantige hakies dui weglatings uit bestaande verordeninge aan. |
| ______ | Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeninge aan. |

*(Engelse teks deur die President geteken)*
*(Goedgekeur op 18 March 2024)*

# WET

**Tot wysiging van die Nasionale Wet op Veld- en Bosbrande, 1998, ten einde sekere omskrywings te wysig en in te voeg; voorsiening te maak vir die vergemakliking van die vorming van brandbeskermingsverenigings deur 'n munisipaliteit en 'n tradisionele raad; om 'n munisipaliteit, onderneming in staatsbesit, openbare entiteit of ander staatsorgaan wat grond besit, te dwing om by die brandbeskermingsverenigings aan te sluit; die magte van betreding, deursoeking, beslaglegging en inhegtenisneming uit te brei na vredesbeamptes en tradisionele leiers; die titel van die Wet te wysig na die Nasionale Wet op Veldbrande; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

DAAR WORD BEPAAL, deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 101 van 1998**

**1.** Artikel 1 van die Nasionale Wet op Veld- en Bosbrande, 1998 (Wet No. 101 van 1998) (hierna die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die doel van hierdie Wet is om **[veld, bos en bergbrande]** veldbrande dwarsdeur die Republiek te voorkom en te bestry.".

**Wysiging van artikel 2 van Wet 101 van 1998**

**2.** Artikel 2 van die Hoofwet word hierby gewysig—

*(a)* deur die omskrywing van "die Wet" of "hierdie Wet" deur die volgende omskrywing te vervang:

" **'die Wet'** of **'hierdie Wet'** die Nasionale Wet op **[Veld en Bosbrande]** Veldbrande, 1998, en ook die regulasies kragtens die Wet uitgevaardig;";

*(b)* deur die omskrywing van "munisipaliteit" deur die volgende omskrywing te vervang:

" **'munisipaliteit'** 'n munisipaliteit in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), bedoel;";

*(c)* by the insertion after the definition of ''prescribe'' of the following definition:

'' **'public entity'** means a public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);'';

*(d)* by the substitution for the definition of '' 'the Act' or 'this Act' '' of the following definition:

'' **'the Act'** or **'this Act'** means the National **[Veld and Forest Fire]** Veldfire Act, 1998, and includes the regulations made under the Act;'';

*(e)* by the insertion after the definition of '' 'the Act' or 'this Act' '' of the following definitions:

'' **'traditional council'** means a traditional council as defined in section 1 of the Traditional and Khoi-San Leadership Act;

**'Traditional and Khoi-San Leadership Act'** means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);''; and

*(f)* by the substitution for the definition of ''veldfire'' of the following definition:

'' **'veldfire'** means **[a veld, forest or mountain]** any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries;''.

**Amendment of section 3 of Act 101 of 1998**

**3.** Section 3 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

''(3A) The municipality concerned, and a traditional council established in terms of section 16 of the Traditional and Khoi-San Leadership Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.''.

**Amendment of section 4 of Act 101 of 1998**

**4.** Section 4 of the principal Act is hereby amended—

*(a)* by the substitution in subsection (7) for the words following paragraph *(b)* of the following words:

''the municipality **[or]** and designated service must become a member of the fire protection association.''; and

*(b)* by the substitution for subsection (8) of the following subsection:

''(8) The owner in respect of State land, a state-owned enterprise, a public entity or an organ of state must, within a year after the commencement of the National Veld and Forest Fire Amendment Act, 2023, join **[any]** a registered fire protection association **[registered]** in the area in which the land **[lies]** is situated.''.

**Amendment of section 10 of Act 101 of 1998, as amended by section 10 of Act 35 of 2005**

**5.** Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

''(2) *(a)* When the Minister has published a warning in terms of subsection (1)*(b)*, no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, unless the Minister, on good cause shown, exempts in writing, a landowner or group of landowners from the said warning, subject to any conditions that the Minister may impose.

*(c)* deur die volgende omskrywing na die omskrywing van ‘‘munisipaliteit’’ in te voeg:

“ **‘openbare entiteit’** enige openbare entiteit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);’’;

*(d)* deur die volgende omskrywing na die omskrywing van ‘‘Staatsbos’’ in te voeg:

“ **‘tradisionele raad’** ’n tradisionele raad soos in artikel 1 van die Wet op Tradisionele en Khoi-San-leierskap omskryf;’’;

*(e)* deur die omskrywing van ‘‘veldbrand’’ deur die volgende omskrywing te vervang:

“ **‘veldbrand’ [’n veld, bos of bergbrand]** enige plantegroeibrand wat buite ’n stad, dorp, die aangrensende nywerheids- of woongebied daarvan, met inbegrip van enige plantegroei langs enige stedelike randgebied van ’n stad, dorp, en die aangrensende nywerheids- of woongebiede se grense voorkom;’’; en

*(f)* deur die volgende omskrywings na die omskrywing van ‘‘voorskryf’’ in te voeg:

“ **‘vuur in die ope lug’** enige vuur wat nie binne ’n gebou of struktuur is nie, maar nie ook ’n vuur in ’n gebied wat spesifiek vir daardie vuur aangewys is nie, wat teen die wind en verspreiding beskut is, en deur die eienaar aan die gang gehou word;

**‘Wet op Tradisionele en Khoi-San-leierskap’** die Wet op Tradisionele en Khoi-San-leierskap, 2019 (Wet No. 3 van 2019);’’.

**Wysiging van artikel 3 van Wet 101 van 1998**

**3.** Artikel 3 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3) in te voeg:

‘‘(3A) Die betrokke munisipaliteit, en ’n tradisionele raad ingevolge artikel 16 van die Wet op Tradisionele en Khoi-San-leierskap ingestel, indien enige, kan die vormingsproses van ’n brandbeskermingsvereniging soos beoog in subartikel (3) vergemaklik, indien die Minister van mening is dat ’n brandbeskermingsvereniging nodig is.’’.

**Wysiging van artikel 4 van Wet 10 van 1998**

**4.** Artikel 4 van die Hoofwet word hierby gewysig—

*(a)* deur in subartikel (7) die woorde wat op paragraaf *(b)* volg deur die volgende woorde te vervang:

‘‘moet die munisipaliteit **[of]** en aangewese diens ’n lid van die brandbeskermingsvereniging word.’’; en

*(b)* deur subartikel (8) deur die volgende subartikel te vervang:

‘‘(8) Die eienaar ten opsigte van Staatsgrond, ’n onderneming in staatsbesit, ’n openbare entiteit of ’n staatsorgaan moet, binne ’n jaar na die inwerkingtreding van die Wysigingswet op die Nasionale Wet op Veld- en Bosbrande, 2023, aansluit by **[enige]** ’n geregistreerde brandbeskermingsvereniging **[wat]** in die gebied **[geregistreer is]** waarin die grond geleë is.’’.

**Wysiging van artikel 10 van Wet 101 van 1998, soos gewysig deur artikel 10 van Wet 35 van 2005**

**5.** Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

‘‘(2) *(a)* Wanneer die Minister ’n waarskuwing ingevolge subartikel (1)*(b)* gepubliseer het, mag niemand ’n vuur in die ope lug in die streek waar die brandgevaar hoog of uiters hoog is, aansteek, gebruik of aan die gang hou nie, tensy die Minister, by die aanvoer van goeie gronde, ’n grondeienaar of groep grondeienaars van die vermelde waarskuwing skriftelik vrystel, behoudens enige voorwaardes wat die Minister kan oplê.

*(b)* The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the fire protection officer.''.

**Amendment of section 11 of Act 101 of 1998**

**6.** Section 11 of the principal Act is hereby amended by the substitution for paragraph *(a)* of the following paragraph:

''*(a)* the South African Weather **[Bureau]** Service, established in terms of the South African Weather Service Act, 2001 (Act No. 8 of 2001), if the Director-General of the Department **[of Environmental Affairs and Tourism]** responsible for the administration of the said Act agrees;''.

**Amendment of section 26 of Act 101 of 1998**

**7.** Section 26 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

''(2) *(a)* A forest officer, a police officer, a peace officer, a traditional leader as defined in section 1 of the Traditional and Khoi-San Leadership Act and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), have the power to enforce the Act **[in terms of this Chapter]**: Provided that they have been trained to be competent by an accredited institution to exercise powers to enter, search, arrest and seize in terms of this Act.

*(b)* A reference to a fire protection officer in sections 27, 28 and 29 includes the officers and the traditional leader referred to in paragraph *(a)*.

(3) A fire protection officer and any officer or traditional leader contemplated in subsection (2)*(b)*, exercising powers under this Act must carry with him or her, and produce on request, the prescribed proof of his or her identity **[and appointment as a fire protection officer]**.''.

**Insertion of section 32A in Act 101 of 1998**

**8.** The following section is hereby inserted in the principal Act after section 32:

''**Appeals**

**32A.** (1) Any affected person may appeal to the Minister against a decision or action taken by any person or entity acting under a power delegated in terms of this Act.

(2) An appeal under subsection (1) must be noted and shall be dealt with in the manner and in accordance with the procedure prescribed by the Minister in the regulations.

(3) The Minister shall consider any matter submitted to him or her on appeal, after giving every person with an interest in the matter an opportunity to state his or her case.''.

**Substitution of section 37 of Act 101 of 1998**

**9.** The following section is hereby substituted for section 37 of the principal Act:

''**Short title**

**37.** This Act is called the National **[Veld and Forest Fire]** Veldfire Act, 1998.''.

*(b)* Die Minister moet, voordat enige vrystelling toegestaan word, die brandbeskermingsvereniging van die gebied, indien enige, en die brandbeskermingsbeampte, raadpleeg.''.

**Wysiging van artikel 11 van Wet 101 van 1998**

**6.** Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* die Suid-Afrikaanse **[Weerburo]** Weerdiens, ingevolge die Wet op die Suid-Afrikaanse Weerdiens, 2001 (Wet No. 8 van 2001) ingestel, indien die Direkteur-generaal van die **[Departement van Omgewingsake en Toerisme]** departement verantwoordelik vir die administrasie van die vermelde Wet daartoe instem;''.

**Wysiging van artikel 26 van Wet 101 van 1998**

**7.** Artikel 26 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur die volgende subartikels te vervang:

''(2) *(a)* 'n Bosbeampte, 'n polisiebeampte, 'n vredesbeampte, 'n tradisionele leier soos omskryf in artikel 1 van die Wet op Tradisionele en Khoi-San-leierskap en 'n beampte wat aangestel is ingevolge artikel 5 of 6 van die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987), het die bevoegdheid om die Wet af te dwing **[ingevolge hierdie Hoofstuk]**: Met dien verstande dat hulle deur 'n geakkrediteerde instelling opgelei is om bevoeg te wees om bevoegdhede van betreding, deursoeking en beslaglegging ingevolge hierdie Wet uit te oefen.

(*b*) 'n Verwysing na 'n brandbeskermingsbeampte in artikels 27, 28 en 29 sluit die beamptes en die tradisionele leier bedoel in paragraaf *(a)* in.

(3) 'n Brandbeskermingsbeampte en enige beampte of tradisionele leier in subartikel (2)*(b)* beoog, wat bevoegdhede kragtens hierdie Wet uitoefen, moet saam met hom of haar dra, en op versoek toon, die voorgeskrewe bewys van sy of haar identiteit **[en aanstelling as 'n brandbeskermingsbeampt**e].''.

**Invoeging van artikel 32A in Wet 101 van 1998**

**8.** Die volgende artikel word hierby na artikel 32 in die Hoofwet ingevoeg:

''**Appèlle**

**32A.** (1) Enige geraakte persoon kan by die Minister appèl aanteken teen 'n beslissing of stappe gedoen deur enige persoon of entiteit wat kragtens 'n bevoegdheid wat ingevolge hierdie Wet gedelegeer is, handel.

(2) 'n Appèl kragtens subartikel (1) moet aangeteken word en word hanteer op die wyse en ooreenkomstig die prosedure deur die Minister in die regulasies voorgeskryf.

(3) Die Minister moet enige aangeleentheid wat op appèl aan hom of haar voorgelê word, oorweeg nadat elke persoon wat 'n belang in die saak het, 'n geleentheid gegun is om sy of haar saak stel.''.

**Vervanging van artikel 37 van Wet 101 van 1998**

**9.** Artikel 37 van die Hoofwet word hierby deur die volgende artikel vervang:

''**Kort titel**

**37.** Hierde Wet heet die Nasionale Wet op **[Veld- en Bosbrande]** Veldbrande, 1998.''.

**Short title and commencement**

**10.** This Act is called the National Veld and Forest Fire Amendment Act, 2023, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

**Kort titel en inwerkingtreding**

**10.** Hierdie Wet heet die Nasionale Wysigingswet op Veld- en Bosbrande, 2023, en tree in werking op 'n datum by proklamasie in die *Staatskoerant* deur die President vasgestel.

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