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**VAN DIE REPUBLIEK VAN SUID-AFRIKA**  
**REPUBLIC OF SOUTH AFRICA**  
**GOVERNMENT GAZETTE**

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**PROKLAMASIE**  
*van die*

*Staatspresident van die Republiek van Suid-Afrika*

No. R. 74, 1984

WET OP DIE BEWARING VAN LANDBOUHULPBRONNE, 1983 (WET 43 VAN 1983)

**INWERKINGTREDING**

Kragtens die bevoegdheid my verleen by artikel 31 van die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), bepaal ek hierby dat voormalde Wet op 1 Junie 1984 in werking tree.

Gegee onder my Hand en Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vyfde dag van April Eenduisend Negehonderd Vier-en-tigtyg.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

J. J. G. WENTZEL.

**GOEWERMENTSKENNISGEWINGS**

**DEPARTEMENT VAN LANDBOU**

No. R. 1048

25 Mei 1984

WET OP DIE BEWARING VAN LANDBOUHULPBRONNE, 1983 (WET 43 VAN 1983)

**REGULASIES**

Die Adjunk-minister van Landbou, handelende namens die Minister van Landbou, het kragtens artikel 29 van die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), die regulasies in die Bylae uitgevaardig.

**BYLAE**

**INDELING VAN REGULASIES**

*Regulasie*

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**PROCLAMATION**  
*by the*

*State President of the Republic of South Africa*

No. R. 74, 1984

CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

**COMMENCEMENT**

Under the powers vested in me by section 31 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), I hereby determine that the said Act shall come into operation on 1 June 1984.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of April, One thousand Nine hundred and Eighty-four.

M. VILJOEN, State President.

By Order of the State President-in-Council:

J. J. G. WENTZEL.

**GOVERNMENT NOTICES**

**DEPARTMENT OF AGRICULTURE**

No. R. 1048

25 May 1984

CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

**REGULATIONS**

The Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, has under section 29 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), made the regulations in the Schedule.

**SCHEDULE**

**SUBDIVISION OF REGULATIONS**

*Regulation*

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**Woordomskrywing**

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“afleibaan” 'n kunsmatige vloeipad wat op grond oopgerig is ten einde afloopwater weg te voer sonder om oormatige grondverlies te veroorsaak;

“afloopwater” oortollige oppervlakwater as gevolg van reën;

“die Wet” die Wet op die Bewaring van Landbouhulpbronnes, 1983 (Wet 43 van 1983);

“helling”, met betrekking tot 'n bepaalde stuk grond op 'n plaaseenheid, die vertikale hoogteverskil tussen die hoogste en die laagste punte van daardie stuk grond, uitgedruk as 'n persentasie van die horizontale afstand tussen daardie twee punte;

“oormatige grondverlies” die verlies aan grond deur erosie wat na die oordeel van die uitvoerende beampte die norm oorskry wat hy in 'n gegewe situasie met inagneming van die toepaslike natuurlike faktore en boerderyprakteke as gangbaar beskou;

“plaaseenheid” een of meer stukke grond wat elk afsonderlik in 'n aktekantoor geregistreer is en as 'n enkele eenheid geboer word;

“sekretaris”, met betrekking tot 'n bewaringskomitee, iemand wat ingevolge artikel 15 (10) van die Wet aangestel is om as sekretaris van daardie bewaringskomitee op te tree;

“veld” grond wat nie bewerk word of bewerk is nie en waarop inheemse plantegroei, of ander plantegroei wat na die oordeel van die uitvoerende beampte as weiding vir diere benut word of kan word, voorkom;

“vloedgebied”, met betrekking tot 'n waterloop, die gebied wat na die oordeel van die uitvoerende beampte tydens 'n 1-in-10-jaarvloed deur die vloedwater in daardie waterloop oorstrom word; en

“voorligtingskantoor” 'n kantoor van die departement wat ingestel is met die oog op die levering van landboukundige voorligtingsdienste.

**DEEL I: BEHEERMAATREËLS****Bewerking van nuwe grond**

2. (1) Behalwe op gesag van 'n skriftelike toestemming deur die uitvoerende beampte mag geen grondgebruiker enige nuwe grond bewerk nie: Met dien verstande dat so 'n toestemming nie vereis word nie ten opsigte van nuwe grond waarvoor 'n toestemming ingevolge artikel 4A van die Boswet, 1968 (Wet 72 van 1968), verleen is.

(2) 'n Aansoek om 'n toestemming in subregulasie (1) bedoel, moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor verkrybaar is.

(3) Sodanige aansoekvorm moet deur die grondgebruiker van die plaaseenheid waarop sodanige nuwe grond geleë is, ingevul word, en moet minstens drie maande voor die beoogde datum van bewerking by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, ingediend word.

(4) 'n Beampte kan 'n grondgebruiker vir die doeleindes van 'n ondersoek wat nodig geag word ten einde sodanige aansoek te oorweeg, gelas om die grondprofielgate wat sodanige beampte bepaal, te grawe en om sodanige ander stappe wat die beampte bepaal, te doen.

**Definitions**

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

“excessive soil loss” means the loss of soil through erosion that in the opinion of the executive officer exceeds the norm which he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

“extension office” means an office of the department established with a view to the rendering of agricultural extension services;

“farm unit” means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

“flood area”, in relation to a water course, means the area which in the opinion of the executive officer is flooded by the flood water of that water course during a 1-in-10 years flood;

“run-off water” means excess surface water resulting from rain;

“secretary”, in relation to a conservation committee, means a person appointed in terms of section 15 (10) of the Act to act as secretary for that conservation committee;

“slope”, in relation to a specified portion of land on a farm unit, means the vertical difference in height between the highest and the lowest points of that portion of land, expressed as a percentage of the horizontal distance between those two points;

“the Act” means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);

“veld” means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs; and

“waterway” means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

**PART I: CONTROL MEASURES****Cultivation of virgin soil**

2. (1) Except on authority of a written permission by the executive officer, no land user shall cultivate any virgin soil: Provided that such authority shall not be required in respect of virgin land for which an approval has been granted in terms of section 4A of the Forest Act, 1972 (Act 68 of 1972).

(2) An application for a permission referred to in subregulation (1) shall be made on a form obtainable from an extension office for this purpose.

(3) Such application form shall be completed by the land user of the farm unit on which such virgin soil is situated and shall be lodged at the extension office for the area within which the farm unit concerned is situated at least three months prior to the intended date of cultivation.

(4) An officer may, for the purposes of an investigation deemed necessary to consider such application, direct a land user to dig such soil profile pits as such officer may determine and to take such other steps as that officer may determine.

**Bewerking van grond met 'n helling**

3. (1) Behalwe op gesag van 'n skriftelike toestemming deur die uitvoerende beampete mag geen grondgebruiker enige grond bewerk nie indien dit—

- (a) 'n helling van meer as 20 persent het; of
- (b) 'n helling van meer as 12 persent het, in 'n gebied geleë is wat in kolom 1 van Tabel 1 vermeld word, hoofsaaklik bestaan uit grond van 'n grondvorm en grondserie wat onderskeidelik in kolomme 2 en 3 van voormalde Tabel teenoor die betrokke gebied vermeld word en, indien van toepassing, die fisiese eienskappe het wat in kolom 4 van voormalde Tabel teenoor die betrokke grondserie vermeld word.

(2) Die verbod in subregulasie (1) (a) vervat, is nie van toepassing nie ten opsigte van grond wat op die datum van inwerkingtreding van hierdie regulasies onder bewerking is, mits dit reeds ingevolge regulasie 4 doeltreffend teen oormatige grondverlies weens erosie deur die werking van water beskerm is.

(3) Die bepalings van regulasie 2 (2), (3) en (4) is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om 'n toestemming in subregulasie (1) bedoel.

**Beskerming van bewerkte grond teen erosie deur die werking van water**

4. (1) Elke grondgebruiker moet die bewerkte grond op sy plaaseenheid deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend teen oormatige grondverlies weens erosie deur die werking van water beskerm:

- (a) 'n Gesikte grondbewaringswerk moet opgerig en daarna in stand gehou word ten einde afloopwater van ander grond af weg te keer, of om die aflolopsnelheid van afloopwater te beperk.
- (b) Die betrokke grond moet ooreenkomsdig sodanige metode bewerk of op sodanige wyse uitgelê word dat die aflolopsnelheid van afloopwater beperk word.
- (c) Die betrokke grond moet ooreenkomsdig 'n wisselboustelsel benut word.
- (d) Afwisselende stroke waarop 'n dekgewas voorkom, moet jaarliks onversteurd gelaat word.
- (e) Oesreste en ander plantmateriaal moet op die betrokke grond gelaat word, of moet slegs in so 'n mate as weiding gebruik of andersins verwijder word dat die oorblywende gedeelte daarvan voldoende sal wees om 'n deklaag te vorm.
- (f) 'n Gesikte weidingsgewas moet op die betrokke grond gevestig word, waarna dit permanent aan bewerking onttrek moet word.

(2) Indien die uitvoerende beampete oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om bewerkte grond doeltreffend teen oormatige grondverlies weens erosie deur die werking van water te beskerm nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampete bepaal, toe te pas.

**Beskerming van bewerkte grond teen erosie deur die werking van wind**

5. (1) Elke grondgebruiker moet die bewerkte grond op sy plaaseenheid deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend teen oormatige grondverlies weens erosie deur die werking van wind beskerm:

- (a) Die betrokke grond moet ooreenkomsdig sodanige metode bewerk word of op sodanige wyse uitgelê word dat die oppervlakbeweging van gronddeeltjies deur die werking van wind beperk word.

**Cultivation of land with a slope**

3. (1) Except on authority of a written permission by the executive officer, no land user shall cultivate any land if it—

- (a) has a slope of more than 20 per cent; or
- (b) has a slope of more than 12 per cent, is situated in an area specified in column 1 of Table 1, consists mainly of soil of a soil form and soil series respectively specified in columns 2 and 3 of the said Table opposite the area concerned and, if applicable, has such physical properties as may be specified in column 4 of the said Table opposite the soil series concerned.

(2) The prohibition contained in subregulation (1) (a) shall not apply in respect of land which is under cultivation on the date of commencement of these regulations, provided it is already protected effectively in terms of regulation 4 against excessive soil loss due to erosion through the action of water.

(3) The provisions of regulations 2 (2), (3) and (4) shall apply *mutatis mutandis* with regard to an application for a permission referred to in subregulation (1).

**Protection of cultivated land against erosion through the action of water**

4. (1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water:

- (a) A suitable soil conservation work shall be constructed and thereafter be maintained in order to divert run-off water from other land or to restrict the run-off speed of run-off water.
- (b) The land concerned shall be cultivated in accordance with such method or be laid out in such manner that the run-off speed of run-off water is restricted.
- (c) The land concerned shall be utilised in accordance with a crop rotation system.
- (d) Alternate strips on which a cover crop occurs shall be left undisturbed annually.
- (e) Crop residues and other plant material shall be left on the land concerned, or shall be utilised as grazing or otherwise be removed only to such an extent that the remaining portion thereof will be sufficient to form a mulch.
- (f) A suitable grazing crop shall be established on the land concerned, whereafter it shall be permanently withdrawn from cultivation.

(2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect cultivated land effectively against excessive soil loss as a result of erosion through the action of water, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

**Protection of cultivated land against erosion through the action of wind**

5. (1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of wind:

- (a) The land concerned shall be cultivated in accordance with such method or be laid out in such manner that the surface movement of soil particles through the action of wind is restricted.

- (b) Stroke natuurlike plantegroei moet dwars teen die heersende windrigting gelaat word, 'n geskikte windskerm moet opgerig word of geskikte plantegroei moet gevestig word om as windskerm te dien.
- (c) Die betrokke grond moet ooreenkomsdig 'n wisselboustelsel benut word.
- (d) Afwisselende stroke waarop 'n dekgewas voorkom, moet jaarliks onversteurd gelaat word.
- (e) Die betrokke grond mag nie braak laat lê word nie.
- (f) Die bewerking en beweiding van die betrokke grond gedurende tydperke van hoë windsnelhede moet vermy word.
- (g) Die vestiging van gewasse waarvan die oesproses die versteuring van die bogrond meebring, moet vermy word.
- (h) Oesreste en ander plantmateriaal moet op die betrokke grond gelaat word, of moet slegs in so 'n mate as weiding gebruik of andersins verwijder word dat die oorblywende gedeelte daarvan voldoende sal wees om 'n deklaag te vorm.
- (i) 'n Geskikte weidingsgewas moet op die betrokke grond gevestig word, waarna dit permanent aan bewerking onttrek moet word.
- (j) 'n Geskikte grondbewaringswerk moet opgerig en daarna in stand gehou word ten einde die oppervlakbeweging van gronddeeltjies deur die werking van wind te beperk.
- (2) Indien die uitvoerende beampte oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om bewerkte grond doeltreffend teen oormatige grondverlies weens erosie deur die werking van wind te beskerm nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampte bepaal, toe te pas.
- Voorkoming van versuiping en verbrakking van grond onder besproeiing**
6. (1) Elke grondgebruiker moet die grond onder besproeiing op sy plaaseenheid deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend teen versuiping en verbrakking beskerm:
- (a) Toevoerkanale, leivore en opgaar- en opvangdamme vir besproeiingswater moet sypeldig gemaak word.
- (b) Die betrokke grond mag nie oormatig of met water waarvan die soutgehalte te hoog is, besproei word nie.
- (c) 'n Geskikte grondbewaringswerk moet opgerig en daarna in stand gehou word ten einde oortollige bo- en ondergrondse water af te voer en veilig daaroor te beskik sodat die versuiping of verbrakking van laerliggende grond voorkom word.
- (d) Misstowwe wat tot verbrakking kan bydra, mag nie toegedien word nie.
- (e) Indien die betrokke grond tekens van verbrakking toon, moet 'n geskikte grondameliorant toegedien word ten einde die produksievermoë van dié grond te verbeter.
- (2) Indien die uitvoerende beampte oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om grond onder besproeiing doeltreffend teen verbrakking of versuiping te beskerm nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampte bepaal, toe te pas.
- (b) Strips of natural vegetation shall be left at right angles to the prevailing wind direction, a suitable wind break shall be constructed or suitable vegetation shall be established to serve as a wind break.
- (c) The land concerned shall be utilised in accordance with a crop rotation system.
- (d) Alternate strips on which a cover crop occurs shall be left undisturbed annually.
- (e) The land concerned shall not be left fallow.
- (f) The cultivation and grazing of the land concerned during periods of high winds shall be avoided.
- (g) The establishing of crops of which the harvesting causes the disturbance of the topsoil shall be avoided.
- (h) Crop residues and other plant material shall be left on the land concerned, or shall be utilised as grazing or otherwise be removed only to such extent that the remaining portion thereof will be sufficient to form a mulch.
- (i) A suitable grazing crop shall be established on the land concerned, whereafter it shall be permanently withdrawn from cultivation.
- (j) A suitable soil conservation work shall be constructed and thereafter be maintained in order to restrict the surface movement of soil particles through the action of wind.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect cultivated land effectively against excessive soil loss as a result of erosion through the action of wind, he may direct such land user in writing to apply such additional measures as the executive officer may determine.
- Prevention of waterlogging and salination of irrigated land**
6. (1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the irrigated land on his farm unit effectively against waterlogging and salination:
- (a) Feeder channels, irrigation furrows and storage and catchment dams for irrigation water shall be made impermeable.
- (b) The land concerned shall not be irrigated excessively or with water with too high a salt content.
- (c) A suitable soil conservation work shall be constructed and thereafter be maintained in order to draw off excess surface and subterranean water and to dispose thereof safely to prevent the waterlogging and salination of lower lying land.
- (d) Fertilizer which could contribute towards salination shall not be applied.
- (e) If the land concerned shows signs of salination, a suitable soil ameliorant shall be applied in order to improve the production potential of that land.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect irrigated land effectively against waterlogging or salination, he may direct such land user in writing to apply such addition measures as the executive officer may determine.

**Benutting en beskerming van vleie, moerasse, watersponse en waterlope**

7. (1) Behoudens die bepalings van die Waterwet, 1956 (Wet 54 van 1956), en subregulasie (2) van hierdie regulasie, mag geen grondgebruiker die plantegroei in 'n vlei, moeras of waterspons of binne die vloedgebied van 'n waterloop of binne 10 meter horisontaal buite sodanige vloedgebied op 'n wyse benut wat die agteruitgang of beskadiging van die natuurlike landbouhulpbronne veroorsaak kan veroorsaak nie.

(2) Elke grondgebruiker moet die plantegroei in 'n waterloop op sy plaaseenheid in so 'n mate daaruit verwijder dat dit nie tydens 'n vloed 'n versperring sal uitmaak wat oormatige grondverlies weens erosie deur die werking van water kan veroorsaak nie.

(3) Behalwe op gesag van 'n skriftelike toestemming deur die uitvoerende beampte mag geen grondgebruiker—

- (a) enige vlei, moeras of waterspons of 'n gedeelte daarvan op sy plaaseenheid dreineer of bewerk nie; of
- (b) enige grond op sy plaaseenheid binne die vloedgebied van 'n waterloop of binne 10 meter horisontaal buite die vloedgebied van 'n waterloop bewerk nie.

(4) Die verbod in subregulasie (3) vervat, is nie van toepassing nie ten opsigte van—

- (a) 'n vlei, moeras of waterspons of 'n gedeelte daarvan wat op die datum van inwerkingtreding van hierdie regulasies reeds gedreineer is of bewerk word, mits dit nie ten koste van die bewaring van die natuurlike landbouhulpbronne geskied nie; en
- (b) grond binne die vloedgebied van 'n waterloop of binne 10 meter horisontaal buite die vloedgebied van 'n waterloop wat op die datum van inwerkingtreding van hierdie regulasies reeds onder bewerking is, mits dit reeds ingevolge regulasie 4 doeltreffend teen oormatige grondverlies weens erosie deur die werking van water beskerm word.

(5) Die bepalings van regulasie 2 (2), (3) en (4) is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om 'n toestemming in subregulasie (3) bedoel.

**Regulerung van die vloeipatroon van afloopwater**

8. (1) Behoudens die bepalings van die Waterwet, 1956 (Wet 54 van 1956), mag geen grondgebruiker op enige wyse hoegenaamd enige afloopwater uit 'n waterloop op sy plaaseenheid na enige ander waterloop wegkeer nie, behalwe op gesag van 'n skriftelike toestemming deur die uitvoerende beampte.

(2) Die bepalings van subregulasie (1) is nie van toepassing nie ten opsigte van afloopwater wat ingevolge die bepalings van 'n waterafloopbeheerplan wat deur die departement goedgekeur is, van een waterloop na 'n ander weggekeer word.

(3) Die bepalings van regulasie 2 (2) en (3) is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om 'n toestemming in subregulasie (1) bedoel.

(4) Geen grondgebruiker mag 'n versperring wat die natuurlike vloeipatroon van afloopwater op sy plaaseenheid versteur, daarstel of die skepping van so 'n versperring toelaat nie, tensy die voorsiening vir die versameling, deurlating en wegvallei van afloopwater deur, om of langs daardie versperring voldoende is om te verseker dat dit nie 'n oorsaak vir oormatige grondverlies weens erosie deur die werking van water of vir die agteruitgang van die natuurlike landbouhulpbronne is nie.

(5) Geen grondgebruiker mag 'n versperring wat die natuurlike vloeipatroon van afloopwater op sy plaaseenheid versteur of versteur het, verwijder of verander nie indien sodanige verwijdering of verandering oormatige grondverlies weens erosie deur die werking van water of die agteruitgang van die natuurlike landbouhulpbronne tot gevolg sal hê.

**Utilisation and protection of vleis, marshes, water sponges and water courses**

7. (1) Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), and subregulation (2) of this regulation, no land user shall utilise the vegetation in a vlei, marsh or water sponge or within the flood area of a water course or within 10 metres horizontally outside such flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources.

(2) Every land user shall remove the vegetation in a water course on his farm unit to such an extent that it will not constitute an obstruction during a flood that could cause excessive soil loss as a result of erosion through the action of water.

(3) Except on authority of a written permission by the executive officer, no land user shall—

- (a) drain or cultivate any vlei, marsh or water sponge or a portion thereof on his farm unit; or
- (b) cultivate any land on his farm unit within the flood area of a water course or within 10 metres horizontally outside the flood area of a water course.

(4) The prohibition contained in subregulation (3) shall not apply in respect of—

- (a) a vlei, marsh or water sponge or a portion thereof that has already been drained or is under cultivation on the date of commencement of these regulations, provided it is not done at the expense of the conservation of the natural agricultural resources; and
- (b) land within the flood area of a water course or within 10 metres horizontally outside the flood area of a water course that is under cultivation on the date of commencement of these regulations, provided it is already protected effectively in terms of regulation 4 against excessive soil loss due to erosion through the action of water.

(5) The provisions of regulation 2 (2), (3) and (4) shall apply *mutatis mutandis* with regard to an application for a permission referred to in subregulation (3).

**Regulating of the flow pattern of run-off water**

8. (1) Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), no land user shall in any manner whatsoever divert any run-off water from a water course on his farm unit to any other water course, except on authority of a written permission by the executive officer.

(2) The provisions of subregulation (1) shall not apply in respect of run-off water that is diverted from one water course to another in terms of the provisions of a water run-off control plan approved by the department.

(3) The provisions of regulation 2 (2) and (3) shall apply *mutatis mutandis* with regard to an application for a permission referred to in subregulation (1).

(4) No land user shall effect an obstruction that will disturb the natural flow pattern of run-off water on his farm unit or permit the creation of such obstruction unless the provision for the collection, passing through and flowing away of run-off water through, around or along that obstruction is sufficient to ensure that it will not be a cause for excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

(5) No land user shall remove or alter an obstruction in the natural flow pattern of run-off water on his farm unit if such removal or alteration will result in excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

**Benutting en beskerming van veld**

9. (1) Elke grondgebruiker moet die veld op sy plaaseenheid deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend teen agteruitgang en vernietiging beskerm:

- (a) Die betrokke veld moet met inagneming van die fisiologiese behoeftes van die plantegroei daarop in afwisselende wei- en rusperiodes benut word.
- (b) Verskillende soorte diere moet op die betrokke veld aangehou word.
- (c) Die getal diere wat op die betrokke veld aangehou word, moet beperk word tot hoogstens die getal grootvee-eenhede wat ingevolge regulasie 11 daarop aangehou mag word.
- (d) 'n Gesikte grondbewaringswerk moet opgerig en daarna in stand gehou word ten einde—
  - (i) die betrokke veld in afwisselende wei- en rusperiodes te benut;
  - (ii) die betrokke veld teen oormatige grondverlies weens erosie deur die werking van water of wind te beskerm; of
  - (iii) sediment uit afloopwater op te vang.
- (e) Indien die betrokke veld tekens van agteruitgang toon, moet—
  - (i) die getal diere wat daarop aangehou word, passlik verminder word;
  - (ii) die gedeeltes wat tekens van agteruitgang toon, aan beweiding onttrek word totdat dit voldoende herstel het; of
  - (iii) 'n gesikte weidingsgewas bykomend by die bestaande plantegroei daarop gevestig word.
- (f) In die geval van veld wat aan erosie deur die werking van wind onderhewig is, moet—
  - (i) 'n gesikte windskerm opgerig of gesikte plantegroei gevestig word om as windskerm te dien; of
  - (ii) die onblote gedeeltes met takke, hooi, strooi, oesreste of enige ander gesikte materiaal bedek word.

(2) Indien die uitvoerende beampete oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om veld doeltreffend teen agteruitgang of vernietiging te beskerm nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampete bepaal, toe te pas.

**Weidingskapasiteit van veld**

10. (1) Die weidingskapasiteit van veld, uitgedruk as 'n bepaalde getal hektaar per grootvee-eenheid, is soos aangedui op 'n topokadastrale kaart wat vir dié doel by die kantoor van die uitvoerende beampete gehou word.

(2) Afskrifte van so 'n topokadastrale kaart of van die toepaslike gedeeltes daarvan is ter insae beskikbaar by—

- (a) die kantoor van die uitvoerende beampete;
- (b) elke voorligtingskantoor;
- (c) die kantoor van elke streekdirekteur; en
- (d) sodanige ander kantoor as wat die uitvoerende beampete bepaal.

(3) Ondanks die bepalings van subregulasie (1), kan die uitvoerende beampete, indien hy oortuig is dat die werklike weidingskapasiteit van die veld van 'n plaaseenheid merkbaar verskil van dié aangedui op die topokadastrale kaart in subregulasie (1) bedoel, 'n ander weidingskapasiteit bepaal wat ten opsigte van die veld van daardie plaaseenheid geld.

**Utilisation and protection of veld**

9. (1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the veld on his farm unit effectively against deterioration and destruction:

- (a) The veld concerned shall be utilised in alternating grazing and rest periods with due regard to the physiological requirements of the vegetation thereon.
- (b) Animals of different kinds shall be kept on the veld concerned.
- (c) The number of animals kept on the veld concerned shall be restricted to not more than the number of large stock units that may be kept thereon in terms of regulation 11.
- (d) A suitable soil conservation work shall be constructed and thereafter be maintained in order to—
  - (i) utilise the veld concerned in alternating grazing and rest periods;
  - (ii) protect the veld concerned against excessive soil loss as a result of erosion through the action of water or wind; or
  - (iii) collect sediment from run-off water.
- (e) If the veld concerned shows signs of deterioration—
  - (i) the number of animals kept thereon shall be suitably reduced;
  - (ii) the portions showing signs of deterioration shall be withdrawn from grazing until they have recovered sufficiently; or
  - (iii) a suitable grazing crop shall be established thereon in addition to the existing vegetation.

(f) In the case of veld that is subject to erosion through the action of wind—

- (i) a suitable wind break shall be constructed or suitable vegetation shall be established to serve as a wind break; or
- (ii) the denuded portions shall be covered with branches, hay, straw, crop residues or any other suitable material.

(2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect veld effectively against deterioration or destruction, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

**Grazing capacity of veld**

10. (1) The grazing capacity of veld, expressed as a specified number of hectares per large stock unit, shall be as indicated on a topocadastral map that is kept at the office of the executive officer for this purpose.

(2) Copies of such a topocadastral map or of the relevant portions thereof shall be available for inspection at—

- (a) the office of the executive officer;
- (b) each extension office;
- (c) the office of each regional director; and
- (d) such other office as the executive officer may determine.

(3) Notwithstanding the provisions of subregulation (1), the executive officer may, if he is satisfied that the actual grazing capacity of the veld of a farm unit differs appreciably from that specified on the topocadastral map referred to in subregulation (1), determine another grazing capacity that shall apply in respect of the veld of that farm unit.

(4) Wanneer 'n bepaling ingevolge subregulasie (3) gedoen word, moet die betrokke grondgebruiker op die wyse in regulasie 17 bedoel daarvan in kennis gestel word.

#### **Getal diere wat op veld aangehou mag word**

11. (1) Elke grondgebruiker moet die getal diere, uitgedruk as grootvee-eenhede, wat op die veld van sy plaaseenheid aangehou word, beperk tot hoogstens die getal wat verkry word deur die oppervlakte van die veld van die betrokke plaaseenheid, uitgedruk in hektaar, te deel deur die toepaslike weidingskapasiteit in regulasie 10 bedoel, ten opsigte van daardie plaaseenheid: Met dien verstande dat sodanige getal by geleenthed oorskry kan word op voorwaarde dat die gemiddelde getal diere wat gedurende 'n tydperk van 12 maande op die veld van die betrokke plaaseenheid aangehou word, nie sodanige getal oorskry nie.

(2) Vir die doeleindes van subregulasie (1) word een dier van 'n soort wat in kolom 1 van Tabel 2 vermeld word, wat van die geslag en in die produksiefase is wat in kolom 2 van voormalde Tabel daarteenoor vermeld word, geag gelykstaande te wees met die getal grootvee-eenhede in kolom 3 van voormalde Tabel daarteenoor vermeld.

#### **Voorkoming en beheer van veldbrande**

12. (1) Behalwe op gesag van 'n skriftelike toestemming deur die uitvoerende beampete mag geen grondgebruiker—

- (a) enige veld op sy plaaseenheid brand nie; en
- (b) enige veld op sy plaaseenheid wat gebrand het, as weiding gebruik nie.

(2) Die bepальings van regulasie 2 (2) en (3) is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om 'n toestemming in subregulasie (1) bedoel: Met dien verstande dat—

- (a) so 'n aansoek minstens 30 dae voor die beoogde datum van brand of beweiding, na gelang van die geval, ingediend moet word; en
- (b) 'n toestemming in subregulasie (1) (a) bedoel—
  - (i) nie uitgereik word nie tensy die uitvoerende beampete oortuig is dat die brand van veld in aanvaarde veldbestuurspraktyk is in die gebied waarin die betrokke plaaseenheid geleë is, of dat buitengewone toestande op die betrokke plaaseenheid heers;
  - (ii) slegs uitgereik word indien die betrokke veld gebrand sal word gedurende tydperke waarvan besonderhede by die betrokke voorligtingskantoor beskikbaar is; en
  - (iii) behoudens die bepальings van die Boswet, 1968 (Wet 72 van 1968), uitgereik word.

#### **Herstel en herwinning van geërodeerde grond**

13. (1) Elke grondgebruiker moet die grond op sy plaaseenheid waarop oormatige grondverlies weens erosie voorkom of voorgekom het, deur middel van soveel van die maatreëls in regulasies 4, 5 en 9 uiteengesit as wat in sy omstandighede nodig is, doeltreffend herstel of herwin.

(2) Indien die uitvoerende beampete oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om grond waarop oormatige grondverlies weens erosie voorkom of voorgekom het doeltreffend te herstel of te herwin nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampete bepaal, toe te pas.

#### **Herstel en herwinning van versteurde of ontblote grond**

14. (1) Indien 'n grondgebruiker enige grond op sy plaaseenheid vir ander doeleindes as prospekteer- of mynbedrywighede versteur of ontbloot, moet—

- (a) sodanige versteuring of ontbloting stelselmatig van 'n bepaalde punt af geskied;

(4) When a determination is made in terms of subregulation (3) the land user concerned shall be notified thereof in the manner referred to in regulation 17.

#### **Number of animals that may be kept on veld**

11. (1) Every land user shall restrict the number of animals, expressed as large stock units, kept on the veld of his farm unit to not more than the number that is obtained by dividing the area of the veld of the farm unit concerned, expressed in hectares, by the applicable grazing capacity referred to in regulation 10, in respect of that farm unit: Provided that such number may on occasion be exceeded on condition that the average number of animals kept on the veld of the farm unit concerned during a period of 12 months shall not exceed such number.

(2) For the purposes of subregulation (1) one animal of a kind specified in column 1 of Table 2, which is of the sex and in the phase of production specified in column 2 of the said Table opposite thereto, shall be deemed to be equal to the number of large stock units specified in column 3 of the said Table opposite thereto.

#### **Prevention and control of veld fires**

12. (1) Except on authority of a written permission by the executive officer, no land user shall—

- (a) burn any veld on his farm unit; and
- (b) utilise as grazing any veld on his farm unit that has burned.

(2) The provisions of regulation 2 (2) and (3) shall apply *mutatis mutandis* with regard to an application for a permission referred to in subregulation (1): Provided that—

- (a) such application shall be submitted at least 30 days prior to the intended date of burning or grazing, as the case may be; and
- (b) a permission referred to in subregulation (1) (a)—
  - (i) shall not be issued unless the executive officer is satisfied that the burning of veld is an accepted veld management practice in the area within which the farm unit concerned is situated, or that exceptional circumstances prevail on the farm unit concerned;
  - (ii) shall be issued only if the veld concerned is to be burned during periods of which particulars are available at the extension office concerned; and
  - (iii) shall be issued subject to the provisions of the Forest Act, 1968 (Act 72 of 1968).

#### **Restoration and reclamation of eroded land**

13. (1) Every land user shall by means of as many of the measures set out in regulations 4, 5 and 9 as are necessary in his situation, effectively restore or reclaim the land on his farm unit on which excessive soil loss due to erosion occurs or has occurred.

(2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to restore or reclaim land on which excessive soil loss due to erosion occurs or has occurred, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

#### **Restoration and reclamation of disturbed or denuded land**

14. (1) If a land user disturbs or denudes any land on his farm unit for purposes other than prospecting or mining activities—

- (a) such disturbance or denuding shall be done systematically from a specified point;

- (b) die oppervlakte grond wat onbeskermd gelaat word voordat die herstel of herwinning daarvan soos in paragraaf (c) beoog, 'n aanvang neem, te gener tyd een hektaar of sodanige groter oppervalkte as wat die uitvoerende beampte op aansoek goedkeur, oorskry nie; en
- (c) sodanige grondgebruiker daardie versteurde of ontblote grond deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend herstel en herwin:
- Bogrond moet verwijder en afsonderlik gehou word met die oog daarop om dit later op die versteurde of ontblote grond terug te plaas.
  - Bogrond moet gebruik word om die kante van 'n holte wat deur die ontginning of verwijdering van materiaal veroorsaak is, te stabiliseer en, waar moontlik, 'n gedeelte van die versteurde of ontblote grond te herwin.
  - Uitgrawings moet so ver van grenscheinings af verwijder wees dat die kante daarvan afgewerk en gestabiliseer kan word sonder om op aangrensende grond inbreuk te maak.
  - Die vloeipatroon van afloopwater, die topografie en die helling moet, afhangende van die volume materiaal wat ontgin of verwijder is, tot so na moontlik aan die oorspronklike toestand herstel word.
  - Geskikte plantegroei moet op die betrokke grond gevestig word ten einde die herstel en herwinning daarvan te bespoedig.
  - Die betrokke grond moet afgekamp en aan beweidig onttrek word tot tyd en wyl plantegroei voldoende herstel het of gevestig is.
  - 'n Geskikte grondbewaringswerk moet opgerig en daarna in stand gehou word ten einde die betrokke grond teen oormatige grondverlies weens erosie deur die werking van water of wind te beskerm of ten einde sediment uit afloopwater op te vang.
- (2) Indien die uitvoerende beampte oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasie (1) deur 'n grondgebruiker toegepas word, nie voldoende is om versteurde of ontblote grond doeltreffend te herstel of te herwin nie, kan hy so 'n grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampte bepaal, toe te pas.

## DEEL II: ONKRUID EN INDRINGERPLANTE

### Verklaarde onkruid en indringerplante

15. (1) Plante van die soorte in kolom 1 van Tabel 3 vermeld, word hierby oor die hele Republiek tot onkruid verklaar.

(2) Plante van die soorte vermeld in kolom 1 van Tabel 4, word hierby tot indringerplante verklaar in die gebiede vermeld in kolom 2 van voormalde Tabel teenoor die name van die onderskeie soorte plante.

### Beheer van onkruid en indringerplante

16. (1) Indien onkruid van 'n soort vermeld in kolom 1 van Tabel 3, op 'n plaaseenheid in 'n gebied vermeld in kolom 2 van voormalde Tabel teenoor die betrokke soort onkruid voorkom, moet die grondgebruiker van die betrokke plaaseenheid daardie onkruid deur middel van soveel van die volgende maatreëls as wat in sy omstandighede nodig is, doeltreffend beheer:

- (a) Die betrokke onkruid moet uitgehaal, afgekap of gesny en deur verbranding of volgens 'n ander geskikte metode vernietig word.

- (b) the area of land that is left unprotected prior to the commencement of the restoration or reclamation thereof as contemplated in paragraph (c), shall not at any time exceed one hectare or such larger area as the executive officer may approve on application; and
- (c) such land user shall by means of as many of the following measures as are necessary in his situation, effectively restore and reclaim that disturbed or denuded land:
- Topsoil shall be removed and kept separate with a view to replacing it later on the disturbed or denuded land.
  - Topsoil shall be used to stabilise the sides of a hollow that has been caused by the exploitation or removal of material and, where possible, to reclaim part of the disturbed or denuded land.
  - Excavations shall be removed so far from boundary fences that the sides thereof can be finished and stabilised without encroaching upon adjoining land.
  - The flow pattern of run-off water, the topography and the slope shall, depending on the volume of material exploited or removed, be restored as closely as possible to the original condition.
  - Suitable vegetation shall be established on the land concerned in order to expedite the restoration and reclamation thereof.
  - The land concerned shall be fenced off and withdrawn from grazing until such time as vegetation has been sufficiently restored or established.
  - A suitable soil conservation work shall be constructed and thereafter be maintained in order to protect the land concerned against excessive soil loss through the action of water or wind or in order to collect sediment from run-off water.

(2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to restore or reclaim disturbed or denuded land effectively, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

## PART II: WEEDS AND INVADER PLANTS

### Declared weeds and invader plants

15. (1) Plants of the kinds specified in column 1 of Table 3 are hereby declared weeds throughout the Republic.

(2) Plants of the kinds specified in column 1 of Table 4 are hereby declared invader plants in the areas specified in column 2 of the said Table opposite the names of the respective kinds of plants.

### Control of weeds and invader plants

16. (1) If weeds of a kind specified in column 1 of Table 3 occur on any farm unit in an area specified in column 2 of the said Table opposite the kind of weed concerned, the land user of the farm unit concerned shall by means of as many of the following measures as are necessary in his situation, control those weeds effectively:

- (a) The weeds concerned shall be uprooted, felled or cut off and shall be destroyed by burning or by another suitable method.

(b) Die betrokke onkruid moet behandel word met 'n onkruiddoder wat vir gebruik in verband daarmee geregistreer is, ooreenkomsdig die gebruiksvorskrifte vir sodanige onkruiddoder.

(c) Enige ander erkende metode van behandeling wat die vernietiging van die betrokke onkruid ten doel het, moet met betrekking daar toe toegepas word.

(d) Die maatreëls in paragrawe (a), (b) en (c) bedoel, moet met betrekking tot die saad, saailinge of hergroei van die betrokke onkruid toegepas word ten einde te voorkom dat dit saad skiet of andersins vegetatief voortplant.

(2) Geen onkruid van 'n soort vermeld in kolom 1 van Tabel 3, mag op—

(a) grond binne 'n stadsgebied; or

(b) 'n plaaseenheid in die gebied vermeld in kolom 3 van voormalde Tabel teenoor die betrokke onkruid,

voorkom nie: Met dien verstande dat indien sodanige onkruid op sodanige grond of plaaseenheid verskyn of voorkom, die grondgebruiker van daardie grond of plaaseenheid daardie onkruid moet uitroeи deur middel van soveel van die maatreëls in subregulasie (1) uiteengesit as wat in sy omstandighede nodig is.

(3) Indien indringerplante van 'n soort vermeld in kolom 1 van Tabel 4, dermate op 'n plaaseenheid in die gebied vermeld in kolom 2 van voormalde Tabel teenoor die betrokke indringerplant voorkom dat dit tot nadeel van die produksievermoë van die natuurlike landbouhulpbronnes is of kan wees, moet die grondgebruiker van die betrokke plaaseenheid daardie indringerplante deur middel van soveel van die maatreëls in subregulasie (1) uiteengesit as wat in sy omstandighede nodig is, doeltreffend beheer.

(4) Indien die uitvoerende beampete oortuig is dat die maatreëls wat in 'n bepaalde geval ingevolge subregulasies (1), (2) of (3) deur 'n grondgebruiker toegepas word, nie voldoende is om onkruid of indringerplante doeltreffend te beheer of uit te roei nie, kan hy sodanige grondgebruiker skriftelik gelas om sodanige bykomende maatreëls as wat die uitvoerende beampete bepaal, toe te pas.

(5) Vir die doeleindes van hierdie regulasie beteken "beheer" die bestryding van onkruid en indringerplante in so'n mate dat die aanwas daarvan nie ten koste van die produksievermoë van die natuurlike landbouhulpbronnes geskied nie en, in die geval van onkruid, dat dit nie in stryd met die bepalings van artikel 5 (1) (b) van die Wet versprei word nie.

### DEEL III: VOORSKRIFTE

#### Wyse van betekening

17. (1) 'n Voorskrif wat in 'n skriftelike kennisgewing vervat is, word aan 'n grondgebruiker beteken deur dit—

(a) per geregistreerde pos aan die grondgebruiker te versend;

(b) aan die grondgebruiker self of aan sy gevolgmagtigde verteenwoordiger af te lewer;

(c) op die grond in die betrokke voorskrif vermeld of by die woon- of besigheidsplek van die grondgebruiker aan iemand af te lewer wat oenskynlik nie jonger as 16 jaar oud is nie en oenskynlik daar woon of in diens is; of

(d) in die geval van 'n grondgebruiker wat 'n regspersoon is, by die geregistreerde kantoor van daardie regspersoon af te lewer.

(2) Wanneer 'n voorskrif ingevolge subregulasie (1) (a) beteken word, moet die uitvoerende beampete—

(a) die voorskrif in 'n koevert plaas wat aan die betrokke grondgebruiker by sy laaste bekende posadres geadresseer is en dit per vooruitbetaalde geregistreerde pos versend; en

(b) The weeds concerned shall be treated with a weed killer that is registered for use in connection therewith, in accordance with the directions for use of such weed killer.

(c) Any other recognised method of treatment that has as its object the destruction of the weeds concerned shall be applied with regard thereto.

(d) The measures referred to in paragraphs (a), (b) and (c) shall be applied with regard to the seed, seedlings or regrowth of the weeds concerned in order to prevent them from running to seed or otherwise propagating vegetatively.

(2) No weeds of a kind specified in column 1 of Table 3 shall occur on—

(a) land within an urban area; or

(b) any farm unit in the area specified in column 3 of the said Table opposite the weeds concerned:

Provided that if such weeds should appear or occur on such land or farm unit, the land user of that land or farm unit shall eradicate those weeds by means of as many of the measures set out in subregulation (1) as are necessary in his situation.

(3) If invader plants of a kind specified in column 1 of Table 4 occur on a farm unit in the area specified in column 2 of the said Table opposite the kind of invader plant concerned to such extent that they are or could be to the detriment of the production potential of the natural agricultural resources, the land user of the farm unit concerned shall by means of as many of the measures set out in subregulation (1) as are necessary in his situation, control those invader plants effectively.

(4) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulations (1), (2) or (3) are not sufficient to control or eradicate weeds or invader plants effectively, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

(5) For the purposes of this regulation "control" shall mean the combating of weeds and invader plants to such an extent that the accretion thereof will not be at the expense of the production potential of the natural agricultural resources and, in the case of weeds, that they are not spread in contravention of the provisions of section 5 (1) (b) of the Act.

### PART III: DIRECTIONS

#### Manner of serving

17. (1) A direction contained in a written notice shall be served on a land user by—

(a) forwarding it by registered post to the land user;

(b) delivering it to the land user personally or to his authorised representative;

(c) delivering it on the land specified in the direction concerned or at the residence or place of business of the land user to some person who is apparently not younger than 16 years of age and apparently resides or is employed there; or

(d) delivering it, in the case of a land user who is a juristic person, to the registered office of that juristic person.

(2) When a direction is served in terms of subregulation (1) (a), the executive officer shall—

(a) place the direction in an envelope addressed to the land user concerned at his last known postal address and forward it by pre-paid registered post; and

(b) ten tyde van die registrasie daarvan aansoek doen om voorsien te word van 'n erkenning deur die geadresseerde van die ontvangs daarvan soos bepaal in regulasie 44 (5) van die Posregulاسies gepubliseer by Goewermentskennisgiving R. 550 van 14 April 1960: Met dien verstande dat—

- (i) 'n ontvangsbewys wat ingevul is soos in regulasie 44 (8) van voormalde regulасies bepaal, vir die doeleindes hiervan voldoende erkenning van ontvangs is; en
- (ii) indien geen sodanige erkenning ontvang word nie, die uitvoerende beampte dié feit op 'n afskrif van die voorskrif moet aanteken.

(3) Wanneer 'n voorskrif ingevolge subregulasie (1) (b), (c) of (d) beteken is, moet die persoon wat dit afgelewer het, onmiddellik na aflewering daarvan 'n aantekening op 'n afskrif van daardie voorskrif maak om die wyse waarop, die persoon aan wie, die plek waar en die datum en benaderde tyd waarop die betrokke voorskrif aldus afgelewer is, aan te dui.

(4) Die aantekeninge in subregulasie (3) bedoel, moet onmiddellik nadat dit gemaak is, onderteken word deur die persoon wat die voorskrif afgelewer het.

#### **Bewys van betekening van voorskrifte**

18. (1) Indien 'n voorskrif ingevolge regulasie 17 (1) (a) beteken is, moet die uitvoerende beampte die volgende stukke as bewys van die betekening daarvan verkry en dit bewaar:

- (a) Die inleweringsbewys van die betrokke geregtreerde brief, wat deur die poskantoor waar sodanige brief geregistreer is, uitgereik is.
- (b) Die erkenning van ontvangs of ontvangsbewys in regulasie 17 (2) (b) bedoel, van die betrokke geregtreerde brief.

(2) Indien 'n voorskrif ingevolge regulasie 17 (1) (b), (c) of (d) beteken is, moet die uitvoerende beampte die afskrif van die betrokke voorskrif waarop die aantekeninge en handtekening onderskeidelik in regulasie 17 (3) en (4) bedoel, verskyn, verkry van die persoon wat daardie voorskrif beteken het, en dit as bewys van die betekening daarvan bewaar.

## **DEEL IV: BEWARINGSKOMITEES**

### **Intreevergaderings**

19. (1) Die intreevergadering van 'n nuutgestelde bewaringskomitee word so spoedig moontlik na die aanstelling van die lede gehou op 'n tyd en plek soos bepaal deur die streekdirekteur van die streek waarin die gebied waarvoor die betrokke bewaringskomitee ingestel is, geleë is.

(2) Die betrokke streekdirekteur moet die lede van sodanige bewaringskomitee minstens 14 dae voor die tyd skriftelik van die datum, tyd en plek van sodanige intreevergadering in kennis stel.

(3) Die betrokke streekdirekteur of 'n beampte deur hom aangewys, sit op die intreevergadering van so 'n bewaringskomitee voor tot tyd en wyl 'n voorsitter ingevolge artikel 15 (5) (b) van die Wet verkies is.

### **Byeenroep van vergaderings**

20. (1) Die gewone vergaderings van 'n bewaringskomitee word so dikwels en op sodanige tye en plekke as wat die betrokke bewaringskomitee van tyd tot tyd bepaal, gehou.

(b) at the time of registration thereof make application to be provided with an acknowledgement by the addressee of the receipt thereof as provided in regulation 44 (5) of the Post Regulations published under Government Notice R. 550 of 14 April 1960: Provided that—

- (i) a receipt form completed as provided in regulation 44 (8) of the said regulations shall be sufficient acknowledgement of receipt for the purposes hereof; and
- (ii) if no such acknowledgement is received, this fact shall be recorded by the executive officer on a copy of the direction.

(3) When a direction has been served in terms of subregulation (1) (b), (c) or (d), the person by whom it was delivered shall immediately after delivery thereof, make an entry on a copy of that direction to indicate the manner in which, the person to whom, the place at which and the date on and approximate time at which the direction concerned was thus delivered.

(4) The entries referred to in subregulation (3) shall immediately after being made, be signed by the person by whom the direction was delivered.

### **Evidence of serving of directions**

18. (1) If a direction has been served in terms of regulation 17 (1) (a), the executive officer shall obtain and preserve the following documents as evidence of the serving thereof:

- (a) The certificate of posting for the registered letter concerned that was issued by the post office at which such letter was registered.
- (b) The acknowledgement of receipt or receipt form referred to in regulation 17 (2) (b), of the registered letter concerned.
- (2) If a direction has been served in terms of regulation 17 (1) (b), (c) or (d), the executive officer shall obtain the copy of the direction concerned on which the entries and signature respectively referred to in regulation 17 (3) and (4) appear, from the person by whom that direction was served, and preserve it as evidence of the serving thereof.

## **PART IV: CONSERVATION COMMITTEES**

### **Inaugural meeting**

19. (1) The inaugural meeting of a newly-established conservation committee shall be held as soon as possible after the appointment of the members, at a time and place determined by the regional director of the region within which the area for which the conservation committee concerned has been established, is situated.

(2) The regional director concerned shall at least 14 days in advance notify the members of such conservation committee in writing of the date, time and place of such inaugural meeting.

(3) The regional director concerned or an officer designated by him shall preside at the inaugural meeting of such conservation committee until such time as a chairman has been elected in terms of section 15 (5) (b) of the Act.

### **Calling of meetings**

20. (1) The ordinary meetings of a conservation committee shall be held as often and at such times and places as the conservation committee concerned may from time to time determine.

(2) Ondanks die bepalings van subregulasie (1) kan die voorsitter van 'n bewaringskomitee na goeddunke 'n buitengewone vergadering van sodanige bewaringskomitee belê op die tyd en plek wat hy bepaal, met die oog op die behandeling van spesiale of dringende aangeleenthede, en hy moet 'n buitengewone vergadering belê—

- (a) op versoek van minstens een derde van die lede van die betrokke bewaringskomitee; of
- (b) wanneer die betrokke streekdirekteur hom skriftelik versoek om dit te doen.

(3) Die sekretaris van 'n bewaringskomitee moet elke lid van sodanige bewaringskomitee en die beampie in beheer van die voorligtingskantoor vir die gebied waarvoor sodanige bewaringskomitee ingestel is, minstens sewe dae voor die tyd in kennis stel van die datum, tyd en plek van elke vergadering.

#### **Kworum vir vergaderings**

21. Twee of meer lede van 'n bewaringskomitee wat by 'n vergadering daarvan aanwesig is, maak 'n kworum vir daardie vergadering uit.

#### **Voorsitter by vergaderings**

22. (1) Die voorsitter van 'n bewaringskomitee moet op alle vergaderings daarvan waarop hy aanwesig is, voorsit.

(2) Indien die voorsitter van 'n bewaringskomitee nie in staat is om 'n vergadering of 'n gedeelte van 'n vergadering by te woon of daarop voor te sit nie, moet die aanwesige lede uit hulle midde iemand verkies om voor te sit vir die tydperk waartydens die voorsitter afwesig is of nie in staat is om voor te sit nie.

(3) Iemand wat ingevolge subregulasie (2) verkies is, kan vir die duur van die tydperk waartydens hy voorsit, al die bevoegdhede van die voorsitter uitoefen en al sy pligte verrig.

#### **Heroorweging van sekere besluite**

23. Enige besluit van 'n bewaringskomitee wat op 'n vergadering geneem word waar 'n minderheid van die lede aanwesig is, moet op die eersvolgende vergadering waar 'n meerderheid van die lede teenwoordig is, heroorweeg word: Met dien verstande dat 'n besluit waaraan reeds uitvoering gegee is, nie as gevolg van sodanige heroorweging herroep word nie.

#### **Bywoning van vergaderings**

24. (1) 'n Bewaringskomitee kan aan enigeen van sy lede verlof tot afwesigheid van enigeen van sy vergaderings of van agtereenvolgende vergaderings vir 'n aaneenlopende tydperk van hoogstens ses maande toestaan.

(2) Wanneer 'n lid van 'n bewaringskomitee verhinder word of na verwagting verhinder sal word om 'n vergadering by te woon waarvan hy in kennis gestel is soos in regulasie 20 (3) beoog, moet hy die voorsitter of die sekretaris van daardie bewaringskomitee so spoedig moontlik in kennis stel van die omstandighede wat hom verhinder of na verwagting sal verhinder om sodanige vergadering by te woon.

(3) Die voorsitter van 'n bewaringskomitee moet die redes vir die afwesigheid van 'n lid daarvan, van 'n bepaalde vergadering aan die betrokke bewaringskomitee voorlê, en die besluit met betrekking tot verlof tot afwesigheid vir die betrokke lid moet in die notule van daardie vergadering aangeteken word.

(4) Wanneer 'n bewaringskomitee tydens 'n vergadering 'n aangeleenthed oorweeg wat 'n lid persoonlik raak, moet die betrokke lid hom aan die vergadering onttrek terwyl daardie aangeleenthed oorweeg word.

(2) Notwithstanding the provisions of subregulation (1), the chairman of a conservation committee may at his discretion call a special meeting of such conservation committee at such time and place as he may determine, with a view to dealing with special or urgent matters, and he shall call a special meeting—

- (a) at the request of at least one third of the members of the conservation committee concerned; or
- (b) when thus requested to do so in writing by the regional director concerned.

(3) The secretary of a conservation committee shall at least seven days in advance notify each member of such conservation committee and the officer in charge of the extension office for the area for which such conservation committee has been established of the date, time and place of each meeting thereof.

#### **Quorum for meetings**

21. Two or more members of a conservation committee who are present at a meeting thereof shall constitute a quorum for that meeting.

#### **Chairman at meetings**

22. (1) The chairman of a conservation committee shall preside at all meetings thereof at which he is present.

(2) If the chairman of a conservation committee is unable to attend a meeting or part of a meeting or to preside thereat, the members present shall elect amongst themselves a person to preside for the period during which the chairman is absent or unable to preside.

(3) A person who has been elected in terms of subregulation (2) may for the duration of the period during which he presides, exercise all the powers and perform all the functions of the chairman.

#### **Reconsideration of certain resolutions**

23. Any resolution of a conservation committee that is taken at a meeting at which a minority of the members are present shall be reconsidered during the first ensuing meeting at which a majority of the members are present: Provided that a resolution that has already been implemented shall not be revoked as a result of such reconsideration.

#### **Attendance of meetings**

24. (1) A conservation committee may grant any of its members leave of absence from any of its meetings or from consecutive meetings for a continuous period not exceeding six months.

(2) When a member of a conservation committee is or expects to be prevented from attending a meeting of which he has been notified as contemplated in regulation 20 (3), he shall as soon as possible notify the chairman or the secretary of that conservation committee of the circumstances that are preventing him or that he expects to or will prevent him from attending such meeting.

(3) The chairman of a conservation committee shall submit the reasons for the absence of a member from a particular meeting to the conservation committee concerned, and the decision regarding leave of absence for the member concerned shall be recorded in the minutes of that meeting.

(4) When a conservation committee considers a matter during a meeting that affects a member personally, the member concerned shall withdraw from the meeting while the matter concerned is being considered.

(5) Die streekdirekteur van die streek waarin die gebied geleë is waarvoor 'n bewaringskomitee ingestel is, en 'n beampte deur hom aangewys, kan enige vergadering van sodanige bewaringskomitee bywoon en aan die besprekings deelneem, maar is nie daarop geregtig om te stem nie.

#### **Notule van vergaderings**

25. (1) Die sekretaris van 'n bewaringskomitee moet notule van elke vergadering hou.

(2) Die notule aldus gehou, moet op die eersvolgende vergadering van die betrokke bewaringskomitee behandel word en, indien in orde verklaar, bekratig word deur die handtekening van die persoon wat op daardie vergadering voorsit.

(3) Die sekretaris van 'n bewaringskomitee moet 'n afskrif van die notule van elke vergadering binne 30 dae na die datum waarop daardie vergadering gehou is, aan die beampte in beheer van die voorligtingskantoor vir die gebied waarvoor daardie bewaringskomitee ingestel is, voorseen.

#### **Besikking oor stukke**

26. (1) Die sekretaris van 'n bewaringskomitee moet alle stukke wat deur daardie bewaringskomitee in die loop van die bestuur van sy sake ontvang word, en afskrifte van alle stukke wat deur daardie bewaringskomitee geskep word, met inbegrip van notules wat bekratig is, in 'n geskikte lisseerstelsel hou.

(2) Indien die sekretaris van 'n bewaringskomitee sy amp ontruim, moet hy—

- (a) al die stukke in subregulasie (1) bedoel, aan sy opvolger of, indien sy opvolger nog nie aangestel is nie, aan die voorsitter van die betrokke bewaringskomitee oorhandig binne 30 dae na die datum waarop hy sy amp ontruim; en
- (b) al die stukke in subregulasie (1) bedoel, wat onafgehandel is, onder die aandag van sy opvolger of die voorsitter van die betrokke bewaringskomitee, na gelang van die geval, bring wanneer hy die betrokke stukke aldus oorhandig.

(3) As die ampstermy van die lede van 'n bewaringskomitee verstryk het voordat persone vir 'n daaropvolgende termyn as lede aangestel is, moet die sekretaris van die betrokke bewaringskomitee die stukke in subregulasie (1) bedoel, in sy bewaring hou tot tyd en wyl hy—

- (a) dit ingevolge subregulasie (2) aan sy opvolger kan oorhandig; of
- (b) deur die betrokke streekdirekteur gelas is om dit aan 'n beampte deur sodanige streekdirekteur aangewys, te oorhandig.

(4) Die bepalings van subregulasie (2) (b) is *mutatis mutandis* van toepassing wanneer die stukke in subregulasie (1) bedoel, ingevolge subregulasie (3) (b) aan 'n beampte oorhandig word.

#### **DEEL V: BAKENS EN MERKE**

##### **Afbakening van gebiede waarop voorskrifte van toepassing is**

27. (1) Elke hoekpunt van 'n nie-omheinde gedeelte van 'n plaaseenheid ten opsigte waarvan 'n vereiste in 'n voorskrif gestel is, moet deur middel van 'n baken aangedui word.

(2) So 'n baken bestaan uit—

- (a) 'n ysterpaal;
- (b) 'n behandelde houtpaal;
- (c) 'n paal van natuurlike hardehout wat aan die dun ent minstens 50 mm in diameter is;
- (d) 'n paal van 'n ander duursame materiaal van geskikte diameter;

(5) The regional director of the region within which the area for which a conservation committee has been established is situated and an officer designated by him may attend any meeting of such conservation committee and participate in the discussions, but shall not be entitled to vote.

#### **Minutes of meetings**

25. (1) The secretary of a conservation committee shall keep minutes of every meeting.

(2) The minutes thus kept shall be dealt with during the first ensuing meeting of the conservation committee concerned and, if declared to be in order, shall be confirmed by the signature of the person presiding at that meeting.

(3) The secretary of a conservation committee shall furnish a copy of the minutes of each meeting to the officer in charge of the extension office for the area for which that conservation committee was established within 30 days of the date on which that meeting was held.

#### **Disposal of documents**

26. (1) The secretary of a conservation committee shall keep all documents received by that conservation committee in the course of the management of its affairs and copies of all documents created by that conservation committee, including minutes that have been confirmed, in a suitable filing system.

(2) If the secretary of a conservation committee vacates his office, he shall—

- (a) hand all the documents referred to in subregulation (1) over to his successor or, if his successor has not yet been appointed, to the chairman of the conservation committee concerned within 30 days of the date on which he vacates his office; and
- (b) bring all the documents referred to in subregulation (1) that have not been attended to, to the attention of his successor or the chairman of the conservation committee concerned, as the case may be, when he thus hands over the documents concerned.

(3) When the term of office of the members of a conservation committee expires before persons have been appointed members for an ensuing term, the secretary of the conservation committee concerned shall keep the documents referred to in subregulation (1) in his custody until such time as he—

- (a) is able to hand them over to his successor in terms of subregulation (2); or
- (b) has been directed by the regional director concerned to hand them over to an officer designated by such regional director.

(4) The provisions of subregulation (2) (b) shall apply *mutatis mutandis* when the documents referred to in subregulation (1) are handed over to an officer in terms of subregulation (3) (b).

#### **PART V: BEACONS AND MARKS**

##### **Demarcation of areas to which directions apply**

27. (1) Each corner point of an unfenced portion of a farm unit in respect of which a requirement is imposed in a direction shall be indicated by means of a beacon.

(2) Such a beacon shall consist of—

- (a) an iron standard;
- (b) a treated wooden post;
- (c) a post of natural hardwood with a diameter of at least 50 mm at the narrow end;
- (d) a post of another durable material of suitable diameter;

- (e) 'n paal wat deel van 'n bestaande, behoorlik opgerigte heining uitmaak; of
- (f) 'n boom, 'n rots wat minstens 1 000 mm bo die grondoppervlakte uitsteek, of 'n permanente struktuur.

(3) 'n Paal in subregulasie (2) (a), (b), (c) en (d) bedoel, moet minstens 1 370 mm lank wees en stewig in die grond ingeslaan of ingeplant word sodat ongeveer 900 mm daarvan bokant die grondoppervlak uitsteek: Met dien verstande dat—

- (a) in die geval van 'n hoekpunt wat op sagte of sanderige grond val, 'n langer paal as sodanige baken gebruik moet word om die stewigheid daarvan te verseker; en
- (b) in die geval van 'n hoekpunt wat op harde of klaprike grond val waar die betrokke paal nie diep genoeg ingeslaan of ingeplant kan word nie, 'n betonvoetstuk om daardie paal geplaas moet word om die stewigheid daarvan te verseker.

(4) Ongeveer 150 mm van die boonste gedeelte van 'n paal in subregulasie (2) (e) bedoel, moet met 'n duursame verf wit of rooi geverf word.

(5) 'n Wit of rooi merk van ongeveer 150 mm by 150 mm moet ongeveer 900 mm bokant die grondoppervlak met 'n duursame verf geverf word op 'n boom, rots of permanente struktuur in subregulasie (2) (f) bedoel.

#### **Aanduiding van posisie van grondbewaringswerke**

28. (1) 'n Baken wat as permanente meetpunt of hoogtemerk in die onmiddellike omgewing van die voorgestelde boupositie van 'n grondbewaringswerk dien, moet 'n ysterpen wees wat—

- (a) ongeveer 12 mm in diameter en 400 mm lank is;
- (b) stewig in die grond ingeslaan is sodat ongeveer 50 mm daarvan bokant die grondoppervlak uitsteek; en
- (c) op 'n posisie geplaas is waar dit buite bereik van vloedwater is en nie sal toeslik nie.

(2) Die grond rondom 'n ysterpen in subregulasie (1) bedoel, moet tot 'n diepte van ongeveer 250 mm en oor 'n oppervlakte van ongeveer 300 mm by 300 mm uitgegrawe word, en die betrokke gat moet daarna met beton gevul word sodat ongeveer 12 mm van die betrokke ysterpen bokant die beton uitsteek.

(3) Die bogrondse oppervlak van die beton in subregulasie (2) bedoel, moet weg van die betrokke ysterpen af afgeskuins word en die volgende besonderhede moet op die afgeskuinste oppervlak geskryf word terwyl die beton nog nat is:

- (a) Die nommer van die betrokke meetpunt of hoogtemerk;
- (b) 'n rigtingslyn met pylpunt wat na die volgende permanente meetpunt of hoogtemerk wys;
- (c) 'n rigtingslyn sonder pylpunt wat na die naaste tydelike meetpunt in subregulasie (6) bedoel, wys; en
- (d) die letters L/A.

(4) 'n Permanente aanduibaken moet ongeveer 2 meter weg van elke permanente meetpunt of hoogtemerk in subregulasie (1) bedoel, geplaas word.

(5) 'n Permanente aanduibaken in subregulasie (4) bedoel, moet 'n ysterpaal wees—

- (a) wat ongeveer 1 370 mm lank is;
- (b) met vier afwisselende wit en rooi bane wat elk ongeveer 150 mm wyd is, met 'n duursame verf om die boonste gedeelte geverf;

- (e) a post forming part of an existing, properly erected fence; or

(f) a tree, a rock which protrudes at least 1 000 mm above ground level or a permanent structure.

(3) A standard or post referred to in subregulation (2) (a), (b), (c) and (d) shall be at least 1 370 mm long and be driven or planted solidly into the ground so that approximately 900 mm thereof protrudes above ground level: Provided that—

- (a) in the case of a corner point which falls on soft or sandy ground, a longer standard or post shall be used as such beacon to ensure the sturdiness thereof; and
- (b) in the case of a corner point which falls on hard or rocky ground where the standard or post concerned cannot be driven or planted deep enough, a concrete base shall be placed around that standard or post to ensure the sturdiness thereof.

(4) Approximately 150 mm of the top portion of a post referred to in subregulation (2) (e) shall be painted white or red with a durable paint.

(5) A white or red mark of approximately 150 mm by 150 mm shall be painted with a durable paint approximately 900 mm above ground level on a tree, rock or permanent structure referred to in subregulation (2) (f).

#### **Indication of position of soil conservation works**

28. (1) A beacon that serves as a permanent survey point or bench mark in the immediate vicinity of the proposed building site of a soil conservation work shall be an iron peg that—

- (a) is approximately 12 mm in diameter and 400 mm long;
- (b) is driven solidly into the ground so that approximately 50 mm thereof protrudes above ground level; and
- (c) is placed in a position where it is out of reach of flood water and will not silt up.

(2) The soil around an iron peg referred to in subregulation (1) shall be dug out to a depth of approximately 250 mm and over an area of approximately 300 mm by 300 mm, and the hole concerned shall thereafter be filled with concrete to such extent that approximately 12 mm of the iron peg concerned protrudes above the concrete.

(3) The protruding surface of the concrete referred to in subregulation (2) shall be bevelled away from the iron peg concerned, and the following particulars shall be imprinted on the bevelled surface while the concrete is still wet:

- (a) The number of the survey point or bench mark concerned;
- (b) a directional line with arrowhead pointing to the next permanent survey point or bench mark;
- (c) a directional line without arrowhead pointing to the nearest temporary survey point referred to in subregulation (6); and
- (d) the letters L/A.

(4) A permanent witness beacon shall be placed approximately 2 metres away from each permanent survey point or bench mark referred to in subregulation (1).

(5) A permanent witness beacon referred to in subregulation (4) shall be an iron standard—

- (a) that is approximately 1 370 mm long;
- (b) with four alternating white and red bands, each approximately 150 mm wide, painted around the upper portion with a durable paint; and

- (c) wat stewig in die grond ingelsaan is sodat ongeveer 900 mm daarvan bokant die grondoppervlak uitsteek:

Met dien verstande dat die bepalings van regulasie 27 (3) (a) en (b) *mutatis mutandis* van toepassing is met betrekking tot sodanige permanente aanduibaken wat op sage of sanderige grond of harde of klipperige grond, na gelang van die geval, opgerig word.

(6) 'n Baken wat as tydelike meetpunt of hoogtemerk vir die voorgestelde boupositie van 'n grondbewaringswerk dien, moet 'n ysterpen wees—

- (a) wat in die geval van 'n kontoerwalstelsel ongeveer 5 mm in diameter en 300 mm lank is;
- (b) wat andersins ongeveer 12 mm in diameter en 400 mm lank is;
- (c) wat stewig in die grond ingeslaan is sodat ongeveer 25 mm daarvan bokant die grondoppervlak uitsteek; en
- (d) waaraan 'n geskikte aluminiumplaatjie geheg is waarop die nommer van die betrokke meetpunt of hoogtemerk en die letters L/A verskyn.

(7) Indien dit nodig geag word, kan 'n tydelike aanduibaken wat voldoen aan die vereistes in subregulasie (5) uiteengesit, ongeveer 2 meter weg van enige tydelike meetpunt of hoogtemerk in subregulasie (6) bedoel, aangebring word.

(8) 'n Baken wat ingevolge hierdie regulasie as 'n meetpunt of hoogtemerk gebruik word, moet op so 'n plek ten opsigte van die grondbewaringswerk waarvoor dit gebruik word, geplaas word dat dit nie tydens die konstruksie van die betrokke grondbewaringswerk beskadig, vernietig, verwyder of verskuif sal word nie.

## DEEL VI: APPÈLLE

### *Indiening van appèlle*

29. (1) Iemand wat ingevolge artikel 21 van die Wet teen 'n beslissing of optrede van die uitvoerende beampete of 'n ander beampete wil appelleer, moet sy appèl binne 90 dae na die datum van die betrokke beslissing of optrede by die Direkteur-generaal aanteken.

(2) So 'n appèl moet in die vorm van 'n skriftelike verklaring wees wat onder eed bevestig is en moet—

- (a) die beslissing of optrede waarteen appèl aangeteken word, vermeld; en
- (b) die gronde waarop die appèl gebaseer is, vermeld.

(3) So 'n appèl moet van 'n bedrag van R100 vergesel gaan.

(4) Indien 'n appèl deur iemand aangeteken word wat nie die grondgebruiker is van die grond waarop die betrokke beslissing of optrede betrekking het nie, moet die appèl van 'n verklaring vergesel gaan waarin daardie persoon sy belang in so 'n beslissing of optrede verklaar.

(5) Die bedrag in subregulasie (3) bedoel, moet per tjek, posorder of poswissel wat ten gunste van die Direkteur-generaal: Landbou uitgemaak is, betaal word: Met dien verstande dat indien die betrokke appèl per hand aangelever word, sodanige bedrag in kontant betaal kan word.

### *Aanhoor en ondervraging van appellante*

30. (1) 'n Versoek indien enige ingevolge artikel 21 (4) van die Wet deur 'n appellant om voor 'n beampete wat aangewys is om oor die betrokke appèl verslag te doen, te verskyn ten einde aangehoor en ondervra te word, moet sodanige appèl vergesel.

- (c) that is driven solidly into the ground so that approximately 900 mm thereof protrudes above ground level:

Provided that the provisions of regulation 27 (3) (a) and (b) shall apply *mutatis mutandis* with regard to such permanent witness beacon erected on soft or sandy ground or hard or rocky ground, as the case may be.

(6) A beacon that serves as a temporary survey point or bench mark for the proposed building site of a soil conservation work shall be an iron peg—

- (a) that, in the case of a contour bank system, is approximately 5 mm in diameter and 300 mm long;
- (b) that is otherwise approximately 12 mm in diameter and 400 mm long;
- (c) that is driven solidly into the ground so that approximately 25 mm thereof protrudes above ground level; and
- (d) to which a suitable aluminium tag is affixed on which the number of the survey point or bench mark concerned and the letters L/A appear.

(7) If it is deemed necessary, a temporary witness beacon that complies with the requirements set out in subregulation (5) may be provided approximately 2 metres away from any temporary survey point or bench mark referred to in subregulation (6).

(8) A beacon that is used as a survey point or bench mark in terms of this regulation shall be placed in such a position with regard to the soil conservation work for which it is used that it will not be damaged, destroyed, removed or shifted during the construction of the soil conservation work concerned.

## PART VI: APPEALS

### *Submission of appeals*

29. (1) A person who wishes to appeal in terms of section 21 of the Act against a decision or action by the executive officer or any other officer shall lodge his appeal with the Director-General within 90 days of the date of the decision or action concerned.

(2) Such an appeal shall be in the form of a written statement that has been confirmed under oath and shall specify—

- (a) the decision or action against which the appeal is being lodged; and
- (b) the grounds on which the appeal is based.

(3) Such an appeal shall be accompanied by an amount of R100.

(4) If an appeal is lodged by a person who is not the land user of the land to which the decision or action concerned relates, the appeal shall be accompanied by a statement in which that person discloses his interest in that decision or action.

(5) The amount referred to in subregulation (3) shall be paid by cheque, postal order or money order made out in favour of the Director-General: Agriculture: Provided that if the appeal concerned is delivered by hand, such amount may be paid in cash.

### *Hearing and questioning of appellants*

30. (1) A request, if any, in terms of section 21 (4) of the Act by an appellant to appear before an officer designated to report on an appeal in order to be heard and questioned shall accompany the appeal concerned.

(2) 'n Appellant moet skriftelik in kennis gestel word van die datum waarop, die tyd wanneer en die plek waar 'n ondersoek in artikel 21 (3) van die Wet bedoel, gehou sal word.

#### **Adres vir aantekening van appelle**

31. 'n Appèl wat ingevolge artikel 21 van die Wet aanteken word, moet—

- (a) wanneer per pos gestuur, geadresseer word aan die Direkteur-generaal: Landbou, Privaatsak X250, Pretoria, 0001; en
- (b) wanneer per hand afgelewer, afgelewer word aan die Direkteur-generaal: Landbou, Dirk Uysgebou, Hamiltonstraat, Pretoria.

#### **DEEL VII: ALGEMEEN**

#### **Adres van uitvoerende beampie**

32. Enige aansoek, kennisgewing of dokument, asook enigets anders in verband daarmee, wat ingevolge die Wet of hierdie regulasies by die uitvoerende beampie ingedien moet word, moet—

- (a) wanneer per pos gestuur, geadresseer wees aan die Direkteur, Afdeling Bodembeskerming, Privaatsak X120, Pretoria, 0001; en
- (b) wanneer per hand afgelewer, afgelewer word aan die Direkteur, Afdeling Bodembeskerming, Landbougebou, Beatrixstraat, Pretoria.

#### **Inwerkingtreding**

33. Hierdie regulasies tree op 1 Junie 1984 in werking.

(2) An appellant shall be notified in writing of the date on which, the time at which and the place where an inquiry referred to in section 21 (3) of the Act is to be held.

#### **Address for lodging of appeals**

31. An appeal lodged in terms of section 21 of the Act shall—

- (a) when forwarded by post, be addressed to the Director-General: Agriculture, Private Bag X250, Pretoria, 0001; and
- (b) when delivered by hand, be delivered to the Director-General: Agriculture, Dirk Uys Building, Hamilton Street, Pretoria.

#### **PART VII: GENERAL**

#### **Address of executive officer**

32. Any application, notice or document, as well as anything else pertaining thereto, which is required to be submitted to the executive officer in terms of the Act or these regulations shall—

- (a) when forwarded by post, be addressed to the Director, Division of Soil Protection, Private Bag X120, Pretoria, 0001; and
- (b) when delivered by hand, be delivered to the Director, Division of Soil Protection, Agriculture Building, Beatrix Street, Pretoria.

#### **Commencement**

33. These regulations shall come into operation on 1 June 1984.

**TABEL/TABLE 1**

**GEBIEDE WAARIN DIE BEWERKING VAN SEKERE GRONDE MET HELLINGS BEPERK IS  
AREAS WITHIN WHICH THE CULTIVATION OF CERTAIN SOILS WITH SLOPES ARE RESTRICTED**

[REG. 31]

Gebied waar beperking van toepassing is Area to which restriction applies	Grond waarop beperking van toepassing is Soil to which restriction applies		
	Grondvorm Soil form	Grondserie Soil series	Fisiiese eienskappe Physical properties
1.	2	3	4
1. Die landdrosdistrik Eshowe/The Magisterial District of Eshowe	Cartref.....  Estcourt..... Fernwood..... Glenrosa..... Katspruit..... Kroonstad.....  Longlands..... Mispah..... Sterkspruit.....	Cartref, Grovedale, Kusasa en/and Waterridge  Uitvlugt..... Fernwood en/and Sandveld... Glenrosa en/and Williamson Killarney..... Avoca, Katarra, Mkambati en/and Slangkop Waldene..... Mispah..... Hartbees.....	(i) Effektiewe gronddiepte minder as 500 mm/Effective soil depth less than 500 mm; en/and (ii) klei-inhoud van A-horizon minder as 15 persent/clay content of A-horizon less than 15 per cent. do. do. do. do. do. do. do. do.
2. Die landdrosdistrikke Alexandria, Albany, Bathurst, Komga en Oos-Londen/The Magisterial Districts of Alexandria, Albany, Bathurst, and East London	Cartref.....  Glenrosa.....  Hutton..... Longlands..... Mispah.....  Swartland .....	Amabele, Arrochor, en/and Rutherglen  Williamson.....  Lowlands, Maitengwe, Mangan en/and Roodepoort Orkney, Waaisand en/and Waldene Mispah en/and Muden.....  Malakata, Reveille, Rosehill en/and Uitzicht	Klei-inhoud van die A-horizon minder as 20 persent/Clay content of the A-horizon less than 20 per cent.  Effektiewe gronddiepte minder as 300 mm/Effective soil depth less than 300 mm.

## TABEL/TABLE 2

GROOTVEE-EENHEIDEKWALENT VAN WEIDENDE DIERE  
LARGE STOCK UNIT EQUIVALENTS OF GRAZING ANIMALS

[REG. 11 (2)]

Soort dier Kind of animal	Geslag en produktiefase Sex and phase of production	Getal grootvee-eenhede wat die ekwivalent van een dier is/Number of large stock units equal to one animal
1	2	3
Beeste/Cattle.....	Kalf, ongespeen/Calf, unweaned .....	0,5
	Jong dier, ongewissel/Young animal, unshed.....	0,75
	Vroulike dier of os, 2-tand en ouer/Female animal or ox, 2-tooth and older.....	1,10
Wolskape/Woolled sheep.....	Bul, 2-tand en ouer/Bull, 2-tooth and older .....	1,50
	Lam, ongespeen/Lamb, unweaned .....	0,05
	Jong skaap, ongewissel/Young sheep, unshed.....	0,12
	Skaap, 2-tand en ouer/Sheep, 2-tooth and older .....	0,14
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,19
	Lam, ongespeen/Lamb, unweaned .....	0,08
	Jong skaap, ongewissel/Young sheep, unshed.....	0,15
	Skaap, 2-tand en ouer/Sheep, 2-tooth and older .....	0,17
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,25
	Lam, ongespeen/Lamb, unweaned .....	0,05
	Jong skaap ongewissel/Young sheep, unshed.....	0,13
	Skaap, 2-tand en ouer/Sheep, 2-tooth and older .....	0,14
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,20
	Lam, ongespeen/Lamb, unweaned .....	0,05
	Jong skaap, ongewissel/Young sheep, unshed.....	0,13
	Skaap, 2-tand en ouer/Sheep, 2-tooth and older .....	0,14
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,23
	Lam, ongespeen/Lamb, unweaned .....	0,05
	Jong skaap, ongewissel/Young sheep, unshed.....	0,13
	Skaap, 2-tand en ouer/Sheep, 2-tooth and older .....	0,14
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,20
	Lam, ongespeen/Lamb, unweaned .....	0,08
	Jong bok, ongewissel/Young goat, unshed.....	0,15
	Bok, 2-tand en ouer/Coat, 2-tooth and older .....	0,17
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,22
	Lam, ongespeen/Lamb, unweaned .....	0,04
	Jong bok, ongewissel/Young goat, unshed.....	0,09
	Bok, 2-tand en ouer/Goat, 2-tooth and older .....	0,11
	Ram, 2-tand en ouer/Ram, 2-tooth and older .....	0,15
	Vul, ongespeen/Foal, unweaned .....	0,15
	Jong dier, ongewissel/Young animal, unshed.....	0,30
	Dier met 2 permanente snytande en ouer/Animal with 2 permanent incisors and older .....	0,40
	Vul, ongespeen/Foal, unweaned .....	0,25
	Jong dier, ongewissel/Young animal, unshed.....	0,50
	Dier met 2 permanente snytande en ouer/Animal with 2 permanent incisors and older .....	0,65
	Vul, ongespeen/Foal, unweaned .....	0,30
	Jong dier, ongewissel/Young animal, unshed.....	0,60
	Dier met 2 permanente snytande en ouer/Animal with 2 permanent incisors and older .....	1,00
	Hings of reün met 2 permanente snytande en ouer/Stallion or gelding with 2 permanent incisors and older .....	1,30
	Vuls, ongespeen/Foal, unweaned .....	0,50
	Jong dier, ongewissel/Young animal, unshed.....	1,00
	Merrie met 2 permanente snytande en ouer/Mare with 2 permanent incisors and older .....	1,50
	Hings of reün met 2 permanente snytande en ouer/Stallion or gelding with 2 permanent incisors and older .....	1,60
	Kuiken/Chick.....	0,12
	Jong voël/Young bird.....	0,26
	Volwasse voël/Mature bird .....	0,37
	Kalf, ongespeen/Calf, unweaned .....	1,00
	Gespeen en ouer/Weaned and older .....	4,00
	Kalf, ongespeen/Calf, unweaned .....	0,75
	Gespeen en ouer/Weaned and older .....	1,50
	Kalf, ongespeen/Calf, unweaned .....	0,50
	Vroulike dier, gespeen en ouer/Female animal, weaned and older.....	1,00
	Manlike dier, gespeen en ouer/Male animal, weaned and older .....	1,30
	Kalf, ongespeen/Calf, unweaned .....	0,50
	Vroulike dier, gespeen en ouer/Female animal, weaned and older.....	1,00
	Manlike dier, gespeen en ouer/Male animal, weaned and older .....	1,20
	Vul, ongespeen/Foal, unweaned .....	0,50
	Gespeen en ouer/Weaned and older .....	0,70
	Kalf, ongespeen/Calf, unweaned .....	0,20
	Vroulike dier, gespeen en ouer/Female animal, weaned and older.....	0,40
	Manlike dier, gespeen en ouer/Male animal, weaned and older .....	0,50

Soort dier Kind of animal	Geslag en produksiefase Sex and phase of production	Getal grootvee-eenhede wat die ekwivalent van een dier is/Number of large stock units equal to one animal
1	2	3
Waterbok/Waterbuck.....	Lam, ongespeen/Lamb, unweaned..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Kalf, ongespeen/Calf, unweaned..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Kalf, ongespeen/Calf, unweaned..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Lam, ongespeen/Lamb, unweaned..... Gespeen en ouer/Weaned and older..... Varkie, ongespeen/Piglet, unweaned..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Lam, ongespeen/Lamb, unweaned..... Vroulike dier, gespeen en ouer/Female animal, weaned and older..... Manlike dier, gespeen en ouer/Male animal, weaned and older..... Lam, ongespeen/Lamb, unweaned..... Gespeen en ouer/Weaned and older.....	0,20 0,40 0,50 0,40 0,50 0,15 0,30 0,34 0,15 0,30 0,33 0,10 0,20 0,07 0,20 0,25 0,07 0,14 0,16 0,04 0,10
Blouwildebees/Blue wildebeest.....		
Swartwildebees/Black wildebeest .....		
Basterhartbees/Tsessebe .....		
Blesbok/Blesbuck.....		
Vlakvark/Warthog .....		
Rooibok/Impala .....		
Springbok .....		

**TABEL/TABLE 3**  
**VERKLAARDE ONKRUID/DECLARED WEEDS**

[REG. 15(1), 16(1), 16(2)]

Soort plant/Kind of plant	Gebied waarin onkruid op plaaseenhede beheer moet word/Area within which weed has to be controlled on farm units	Gebied waarin plaaseenhede vry van onkruid moet wees Areas within which farm units have to be free of weeds
Botaniiese naam/Botanical name	Gewone naam/Common name	
1	2	3
<i>Albizia lophantha</i> (Willd.) Benth. ....	Australiese Albizia, stinkboon/ Australian Albizia, stink bean	Die Republiek/The Republic .....
<i>Alhagi camelorum</i> Fisch. ....	Kameeldoringbos/Camel thorn.....	Die Republiek/The Republic .....
<i>Caesalpinia decapetala</i> (Roth) Alston	Kraaldoring/Mauritius thorn.....	Die Republiek/The Republic .....
<i>Cannabis sativa</i> L. ....	Dagga/Dagga, marijuana, hashish, Indian hemp	Die Republiek/The Republic .....
<i>Cereus peruvianus</i> (L.) Mill. ....	Nagblom, bobbejaanpaal/Queen of the Night, Peruvian apple cactus	Die Republiek/The Republic .....
<i>Cestrum aurantiacum</i> Lindl. ....	Inkbessie/Yellow cestrum .....	Die Republiek/The Republic .....
<i>Cestrum laevigatum</i> Schlechtd. ....	Inkbessie/Ink berry .....	Die Republiek/The Republic .....
<i>Cestrum parqui</i> L'Herit .....	Inkbessie/Chilian cestrum .....	Die Republiek/The Republic .....
<i>Chromolaena odorata</i> (L.) King & Robinson	Paraffienbos/Trifid weed, paraffin weed	Die Republiek/The Republic .....
<i>Cirsium vulgare</i> (Savi) Ten. ....	Skotse dissel, speerdissel/Scotch thistle, spear thistle	Die Republiek/The Republic .....
<i>Cuscuta campestris</i> Yunck. ....	Gewone dodder/Common dodder	Die Republiek/The Republic .....
<i>Datura ferox</i> L. ....	Groot stinkblaar/Large thorn apple	Die Republiek/The Republic .....
<i>Datura stramonium</i> L. ....	Gewone stinkblaar/Common thorn apple	Die Republiek/The Republic .....
<i>Elodea</i> spp. en ander plante van die familie/Hydrocharitaceae/and other plants of the family Hydrocharita- ceae	Waterpes/Water weed .....	Die Republiek/The Republic .....
<i>Eichhornia</i> spp. en ander plante van die familie Pontederiaceae/and other plants of the family Pontederiaceae	Waterhiasint, Nyllielie/Water hyacinth, Nile lily	Die Republiek/The Republic .....
<i>Hakea gibbosa</i> (Smith) Cav. ....	Rotshakea, harige hakea, harige naaldbos/Rock hakea, hairy needle bush	Kaaprovincie/Cape Province....
<i>Hakea sericea</i> Schrad. ....	Syerige hakea, naaldbos/Silky ha- kea, needle bush	Kaaprovincie/Cape Province....
<i>Hakea suaveolens</i> R.Br. ....	Soet hakea/Sweet hakea.....	Kaaprovincie/Cape Province....
<i>Harrisia martinii</i> (Lab.) Britton .....	Toukaktus/Moon cactus.....	Die Republiek/The Republic .....
<i>Hypericum perforatum</i> L. ....	Johanneskruid, St John's wort/St John's wort, tipton weed	—

Soort plant/Kind of plant		Gebied waarin onkruid op plaaseenhede beheer moet word/Area within which weed has to be controlled on farm units	Gebied waarin plaaseenhede vry van onkruid moet wees Areas within which farm units have to be free of weeds	
Botaniese naam/Botanical name	Gewone naam/Common name	1	2	3
<i>Lantana camara</i> L. en enige entiteit wat deels of geheel ontsaan het uit die <i>Lantana camara</i> kompleks deur verbastering of seleksie op natuurlike of kunsmatige wyse/and any entity which have partly or wholly been derived from the <i>Lantana camara</i> complex by means of hybridisation or selection under natural or artificial conditions	Lantana, gomdagga/Lantana, tick berry	Die Republiek/The Republic .....	—	—
<i>Lemna</i> spp. en ander plante van die familie Lemnaceae/and other plants of the family Lemnaceae	Endekroos/Duck weed .....	—	—	—
<i>Myriophyllum</i> spp. en ander plante van die familie Haloragidaceae/and other plants of the family Haloragidaceae	Waterduisendblaar/Parrot's feather .....	—	—	—
<i>Opuntia aurantiaca</i> Lindl. ....	Litjieskaktus/Jointed cactus .....	Die Republiek/The Republic .....	—	—
<i>Opuntia dillenii</i> (Ker-Gawl.) Haw.....	Pypsteelturksvy/Pipestem prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Opuntia exaltata</i> Berger.....	Langdoringkaktus/Long spine cactus .....	Die Republiek/The Republic .....	—	—
<i>Opuntia ficus-indica</i> (L.) Mill., uitgesonderd alle doringlose cultivars en seleksies/excluding all spineless cultivars and selections	Boereturksvy, grootdoringturksvy/Mission prickly pear, sweet prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Opuntia imbricata</i> (Haw.) DC. .....	Imbrikaatkaktus, kabelturksvy/Imbricate cactus, imbricate prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Opuntia lindheimeri</i> Engelm. .....	Klein rondeblaarturksvy/Small roundleaved prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Opuntia rosea</i> DC.....	Roseakaktus/Rosea cactus .....	Die Republiek/The Republic .....	—	—
<i>Opuntia spinulifera</i> Salm-Dyck.....	Blouturksvy, groot rondeblaar turksvy/Saucerpan cactus, large roundleaved prickly pear .....	—	—	—
<i>Opuntia stricta</i> (Haw.) Haw.....	Engelse turksvy, suurturksvy/Pest pear of Australia, sour prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Opuntia vulgaris</i> Mill. .....	Suurturksvy, luisiesturksvy, Engelse turksvy/English prickly pear, sour prickly pear .....	Die Republiek/The Republic .....	—	—
<i>Orobanche minor</i> Sutton.....	Klawerbesemraap, bremraap/Lesser broomrape, clover broomrape .....	Die Republiek/The Republic .....	—	—
<i>Pereskia aculeata</i> Mill. .....	Barbadosstekelbessie/Barbados gooseberry, lemon vine .....	Die Republiek/The Republic .....	Kaapprovinsie/Cape Province, Transvaal en die Oranje-Vrystaat/and the Orange Free State	Kaapprovinsie/Cape Province, Transvaal en die Oranje-Vrystaat/and the Orange Free State
<i>Pereskia grandifolia</i> Haw.....	Grootblaar barbadosstekelbessie/Large leaved barbados gooseberry .....	Die Republiek/The Republic .....	Kaapprovinsie/Cape Province, Transvaal en die Oranje-Vrystaat/and the Orange Free State	Kaapprovinsie/Cape Province, Transvaal en die Oranje-Vrystaat/and the Orange Free State
<i>Pistia stratiotes</i> L. ....	Waterslaai/Water lettuce .....	Die Republiek/The Republic .....	—	—
<i>Rubus cuneifolius</i> Pursh.....	Amerikaanse braam, sandbraam/American bramble, sand bramble .....	Die Republiek/The Republic .....	—	—
<i>Salvinia</i> spp. en ander plante van die familie Salviniaceae/and other plants of the family Salviniaceae	Watervaring/Water fern .....	—	—	—
<i>Sesbania punicea</i> (Cav.) Benth. ....	Rooi-sesbania Brasiliaanse glorieertjie/Red sesbania, rattlepod coffee weed, Brazilian glory pea .....	Die Republiek/The Republic .....	—	—
<i>Solanum elaeagnifolium</i> Cav.	Silverblaarbitterappel, satansbos/Silver leaf bitter apple .....	Die Republiek/The Republic .....	—	—
<i>Solanum mauritianum</i> Scop.	Luisboom/Bug tree .....	Die Republiek/The Republic .....	Kaapprovinsie/Cape Province en die Oranje-Vrystaat/and the Orange Free State	Kaapprovinsie/Cape Province en die Oranje-Vrystaat/and the Orange Free State
<i>Solanum sisymbriifolium</i> Lam. .....	Wildetamatie, doringtamatie/Wild tomato, dense-thorned bitter apple .....	Die Republiek/The Republic .....	—	—
<i>Stipa tenuissima</i> Trin. .....	Witpolgras/White tussock .....	Kaapprovinsie/Cape Province....	Natal, Transvaal en die Oranje-Vrystaat/Natal, Transvaal and the Orange Free State	Natal, Transvaal en die Oranje-Vrystaat/Natal, Transvaal and the Orange Free State
<i>Stipa trichotoma</i> Nees .....	Nassella polgras/Nassella tussock .....	Kaapprovinsie/Cape Province....	Natal, Transvaal en die Oranje-Vrystaat/Natal, Transvaal and the Orange Free State	Natal, Transvaal en die Oranje-Vrystaat/Natal, Transvaal and the Orange Free State
<i>Xanthium spinosum</i> L. .....	Boetebos/Spiny cockle bur .....	—	—	—
<i>Xanthium strumarium</i> L. ....	Kankerroos/Large cockle bur .....	—	—	—

**TABEL/TABLE 4**  
**VERKLAARDE INDRINGERPLANTE/DECLARED INVADER PLANTS**

[REG. 15 (2), 16 (3)]

Botaniese naam/Botanical name	Soort plant/Kind of plant	Gewone naam/Common name	Gebied waarin plant tot in-dringerplant verklaar is/ Area within which plant is declared as invader plant
			1
<i>Acacia caffra</i> (Thunb.) Willd.	Gewone haakdoring, kaffer-wag-'n-bietjie/ Common hookthorn, kaffir thorn		Transvaal.
<i>Acacia cyclops</i> A. Cunn. ex G. Don	Rooikrans/Rooikrans, red eye		Die Republiek/The Republic.
<i>Acacia dealbata</i> Link	Silwerwattel/Silver wattle		Die Republiek/The Republic.
<i>Acacia erubescens</i> Welw. ex Oliv.	Blouhaak/Blue thorn		Kaapprovincie/Cape Province en/and Transvaal.
<i>Acacia fleckii</i> Schinz	Baldedoring, geelhaak/Plate thorn, geelhaak		Kaapprovincie/Cape Province.
<i>Acacia hebeclada</i> DC. Subsp. <i>hebeclada</i>	Trassiedoring, trassiebos, muisdoring/Mouse-bush, candle thorn		Kaapprovincie/Cape Province en/and Transvaal.
<i>Acacia karroo</i> Hayne	Soetdoring, pendoring/Sweet thorn		Die Republiek/The Republic.
<i>Acacia longifolia</i> (Andr.) Willd.	Gouewattel, langblaarwattel/Golden wattle, Long-leaved wattle		Die Republiek/The Republic.
<i>Acacia mearnsii</i> De Wild	Swartwattel/Black wattle		Die Republiek, uitgesonderd grond waarop dit kommersieel verbou word/The Republic, excluding land on which it is cultivated commercially.
<i>Acacia melanoxylon</i> R. Br.	Swarthout/Australian blackwood		Die Republiek, uitgesonderd grond waarop dit kommersieel verbou word/The Republic, excluding land on which it is cultivated commercially.
<i>Acacia mellifera</i> (Vahl) Benth. subsp. <i>deltinens</i> (Burch.) Brenan	Swarthaak/Black thorn		Kaapprovincie/Cape Province en/and Transvaal.
<i>Acacia nigrescens</i> Oliv.	Knoppiesdoring/Knob thorn		Transvaal.
<i>Acacia nilotica</i> (L.) Willd. ex Del. subsp. <i>kraussiana</i> (Benth.) Brenan	Lekkerkuikpeul, snuifpeul, stinkpeul/Scented thorn, Redheart		Natal en/and Transvaal.
<i>Acacia reficiens</i> Wawra subsp. <i>reficiens</i>	Vals-haak-en-steek/False umbrella thorn		Kaapprovincie/Cape Province.
<i>Acacia robusta</i> Burch. subsp. <i>robusta</i>	Enkeldoring, brosdoring/Enkeldoring, Splendid thorn		Transvaal.
<i>Acacia saligna</i> (Labill.) Wendl.	Goudwilger, Port Jackson/Port Jackson willow		Die Republiek/The Republic.
<i>Acacia senegal</i> (L.) Willd. var. <i>rostrata</i> Brenan	Drieblaakdoring, drievingerdoring, gomdoring/Threehook thorn, three-thorned acacia		Kaapprovincie/Cape Province en/and Natal.
<i>Acacia tenuispina</i>	Verdoorn Kokkedêr, fyndoring		Transvaal.
<i>Acacia tortilis</i> (Forsk.) Hayne subsp. <i>heterocantha</i> (Burch.) Brenan	Haak-en-steek/Umbrella thorn		Kaapprovincie/Cape Province, Natal en/and Transvaal.
<i>Colophospermum mopane</i> (Kirk ex Benth.) Kirk ex J. Léonard	Mopane/Mopane		Transvaal.
<i>Combretum apiculatum</i> Sond. subsp. <i>apiculatum</i>	Rooibos/Red bush willow		Transvaal.
<i>Commiphora pyracanthoides</i> Engl. subsp. <i>pyracanthoides</i>	Gewone kanniedood, kurkbas/Cork tree, common corkwood		Natal en/and Transvaal.
<i>Dichrostachys cinerea</i> (L.) Wight & Arn. subsp. <i>africana</i> Brennan & Brumm.	Sekelbos/Sickle bush, Chinese lantern tree, bastard acacia		Kaapprovincie/Cape Province en/and Transvaal.
<i>Grewia bicolor</i> Juss.	Basterrosyntjie (bos)/Bastard raisin, false raisin		Kaapprovincie/Cape Province.
<i>Grewia flava</i> DC.	Wildersyntjie (bos)/Wild raisin, wild currant...		Kaapprovincie/Cape Province, Natal en/and Transvaal.
<i>Grewia flavescens</i> Juss.	Skurwersyntjies (bos)/Rough leaved raisin		Kaapprovincie/Cape Province en/and Natal.
<i>Leptospermum laevigatum</i> F. Muell.	Australiese mirt/Australian myrtle		Natal en/and Transvaal.
<i>Maytenus senegalensis</i> (Lam.) Exell	Rooipendoring/Red spikethorn		Natal.
<i>Ochna pulchra</i> Hook	Lekkerbreek, barnardsgif/Peeling plane, wild pear, wild plum		Transvaal.
<i>Pinus pinaster</i> Ait.	Trosden, Sparden/Cluster pine		Die Republiek, uitgesonderd grond waarop dit kommerverbou word/The Republic, excluding land on which it is cultivated commercially.
<i>Prosopis</i> spp.	Muskietboom, Suidwesdoring/Mesquite		Kaapprovincie en die Oranje Vrystaat/Cape Province and the Orange Free State.
<i>Rhigozum trichotomum</i> Burch.	Wildegranaat, driedoring/Wild Pomegranate		Kaapprovincie/Cape Province.
<i>Rhus lancea</i> L.f.	Karee/Karree		Transvaal.
<i>Tarchonanthus camphoratus</i> L.	Kanferbos, vaalbos/Camphor bush, sagewood ..		Kaapprovincie/Cape Province en/and Natal.
<i>Terminalia sericea</i> Burch. Province, ex DC. ..	(Sand)vaalboom, sandgeelhout/Silver cluster-leaf, Transvaal silverleaf, Silver Terminalia .....		Kaapprovincie/Cape.
			Natal en/and Transvaal.

No. R. 1047	25 Mei 1984	No. R. 1047	25 May 1984
	WET OP DIE BEWARING VAN LANDBOUHULP-BRONNE, 1983 (WET 43 VAN 1983)		CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)
	GRONDBEWARINGSKEMA.—INSTELLING		SOIL CONSERVATION SCHEME.—ESTABLISHMENT
Ek, Gert Jermias Kotzé, Adjunk-minister van Landbou, handelende namens die Minister van Landbou stel hierby kragtens artikel 8, gelees met artikel 9, van die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), die Grondbewaringskema in die Bylae in.		I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture hereby establish by virtue of section 8 read with section 9 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the soil conservation scheme in the Schedule.	
G. J. KOTZÉ, Adjunk-minister van Landbou.	BYLAE	G. J. KOTZÉ, Deputy Minister of Agriculture.	SCHEDULE
<b>Woordomskrywing</b>		<b>Definitions</b>	
1. In hierdie skema het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—		1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—	
“afleibaan” 'n kunsmatige vloeipad wat op grond opegerig is ten einde afloopwater weg te voer sonder om oormatige grondverlies te veroorsaak;		“drainage work” means a soil conservation work classified in terms of section 6 (2) as a drainage work;	
“beskermingswerk” 'n grondbewaringswerk wat ingevolge artikel 6 (1) as 'n beskermingswerk geklassifiseer is;		“drought relief work” means a soil conservation work classified in terms of section 6 (4) as a drought relief work;	
“die Wet” die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), en die regulasies daarkragtens uitgevaardig;		“excessive soil loss” means the loss of soil through erosion that in the opinion of the executive officer exceeds the norm which he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;	
“dreineringswerk” 'n grondbewaringswerk wat ingevolge artikel 6 (2) as 'n dreineringswerk geklassifiseer is;		“extension office” means an office of the department established with a view to the rendering of agricultural extension services;	
“droogtebystandwerk” 'n grondbewaringswerk wat ingevolge artikel 6 (4) as 'n droogtebystandwerk geklassifiseer is;		“farm plan” means a farm plan referred to in section 11;	
“oormatige grondverlies” die verlies aan grond deur erosie wat na die oordeel van die uitvoerende beampte die norm oorskry wat hy in 'n gegewe situasie met inagneming van die toepaslike natuurlike faktore en boerdery-prakteke as gangbaar beskou;		“farm unit” means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;	
“plaaseenheid” een of meer stukke grond wat elk afsonderlik in 'n aktekantoor geregistreer is en as 'n enkele eenheid geboer word;		“protection work” means a soil conservation work classified in terms of section 6 (1) as a protection work;	
“plaasplan” 'n plaasplan in artikel 11 bedoel; en		“the Act” means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder;	
“veld” grond wat nie bewerk word of bewerk is nie en waarop inheemse plantegroei, of ander plantegroei wat na die oordeel van die uitvoerende beampte as weiding vir diere benut word of kan word, voorkom;		“veld” means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs;	
“voortligtingskantoor”, 'n kantoor van die departement wat ingestel is met die oog op die lewering van landboukundige voorligtingsdienste; en		“veld utilisation work” means a soil conservation work classified in terms of section 6 (3) as a veld utilisation work; and	
“weiveldbenuttingswerk” 'n grondbewaringswerk wat ingevolge artikel 6 (3) as 'n weiveldbenuttingswerk geklassifiseer is.		“waterway” means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.	
<b>Naam van skema</b>		<b>Name of scheme</b>	
2. Hierdie skema heet die Grondbewaringskema.		2. This scheme shall be known as the Soil Conservation Scheme.	
<b>Doelstellings van die skema</b>		<b>Objects of scheme</b>	
3. Die doelstellings van hierdie skema is om die oprigting van sekere grondbewaringswerke te bevorder met die oog daarop om die produksievermoë van grond te handhaaf en oormatige grondverlies weens erosie te bestry of te voor bekom, en om die betaling van subsidies uit geld wat vir die doeleindes van hierdie skema deur die Parlement bewillig is, te reël.		3. The objects of this scheme shall be to promote the construction of certain soil conservation works with a view to maintaining the production potential of land and to combating or preventing excessive soil loss through erosion, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.	
<b>Toepassing van skema</b>		<b>Application of scheme</b>	
4. Hierdie skema is van toepassing op alle grond uitsonderd grond in artikel 2 (1) van die Wet vermeld.		4. This scheme shall apply to all land except land specified in section 2 (1) of the Act.	

### **Handelingen ten opsigte waarvan subsidies betaal kan word**

5. Subsidies kan ingevolge hierdie skema betaal word ten opsigte van die oprigting van grondbewaringswerke wat as beskermingswerke, dreineringswerke, weiveldbenuttingswerke of droogtebystandwerke geklassifiseer is.

### **Klassifisering van grondbewaringswerke**

6. (1) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n beskermingswerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit—

- (a) 'n stuwal is wat ten doel het om 'n waterloop te stabiliseer;
- (b) 'n dongaversperring of wal is wat ten doel het om 'n donga te stabiliseer of te laat toeslik;
- (c) 'n invalstruktuur, geut of keerwal is wat ten doel het om 'n dongakop te stabiliseer;
- (d) 'n skans is wat ten doel het om die wegvreting van 'n dongawal te voorkom;
- (e) 'n wal, stormwatervoor, omgekeerde kontoerwal of 'n spreival is wat ten doel het om ontblote of verspoelde grond te herwin;
- (f) 'n stormwatervoor, kontoerwal of afleibaan is wat ten doel het om bewerkte grond teen oormatige grondverlies te beskerm;
- (g) 'n werk is wat ten doel het om waaisand te herwin deur dit met gesikte materiaal te bedek of 'n dekgewas daarop te vestig; of
- (h) 'n heining om 'n gebied is waar oormatige grondverlies weens erosie deur water of wind voorkom of wat kwesbaar daarvoor is, wat ten doel het om daardie gebied af te kamp ten einde dit aan bewerking of beweidiging te onttrek met die oog op die herwinning daarvan.

(2) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n dreineringswerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit 'n oop sugsloot of ondergrondse dreineringsgang is wat ten doel het om deur middel van die dreinering van en veilige beskikking oor oortollige bo- of ondergrondse water die verzuiping of verbrakking van grond te voorkom.

(3) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n weiveldbenuttingswerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit—

- (a) 'n kampeining is wat ten doel het om die veld van 'n plaaseenheid in morfologiese eenhede te skei of om sodanige morfologiese eenhede te verdeel sodat sodanige veld afwisselend bewei en gerus kan word volgens die fisiologiese behoeftes van die plantegroei daarop; of
- (b) 'n veesuipingstelsel is wat ten doel het om drinkwater vir diere beskikbaar te stel wanneer 'n bepaalde morfologiese eenheid of verdeling daarvan bewei word.

(4) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n droogtebystandwerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit—

- (a) opbergingsfasilitete vir voer is; of
- (b) 'n voerkraal of voerkamp toegerus met voerkrippe en 'n veesuipingstelsel is, wat ten doel het om voerasiliteite op 'n plaaseenheid te skep vir diere wat gedurende 'n ernstige droogte van die veld van daardie plaaseenheid onttrek moet word.

### **Grondslag vir die bepaling van subsidies**

7. (1) Die subsidies wat ingevolge hierdie skema ten opsigte van die oprigting van grondbewaringswerke betaal kan word, word bepaal ooreenkomsdig die toepaslike tariëwe soos aangeteken in 'n tarieflys wat deur die Minister met die instemming van die Minister van Finansies goedgekeur is en vir dié doel by die kantoor van die uitvoerende beampete gehou word.

### **Acts in respect of which subsidies may be paid.**

5. Subsidies may be paid in terms of this scheme in respect of the construction of soil conservation works classified as protection works, drainage works, veld utilisation works or drought relief works.

### **Classification of soil conservation works**

6. (1) A soil conservation work may for the purposes of this scheme be classified as a protection work if the executive officer is satisfied that it is—

- (a) a weir that has as its object to stabilise a water course;
- (b) a donga barrier or embankment that has as its object to stabilise a donga or to cause it to silt up;
- (c) a drop-inlet, chute or training bank that has as its object to stabilise a donga head;
- (d) a barrier that has as its object to prevent the scouring of a donga embankment;
- (e) an embankment, storm-water furrow, inverted contour bank or a spreader bank that has as its object to reclaim denuded or eroded land;
- (f) a storm-water furrow, contour bank or waterway that has as its object to protect cultivated land against excessive soil loss;
- (g) a work that has as its object to reclaim drift sand by covering it with suitable material or establishing a cover crop thereon; or
- (h) a fence around an area where excessive soil loss due to erosion through water or wind occurs or which is vulnerable thereto, that has as its object to fence off that area in order to withdrawn it from cultivation or grazing with a view to the reclamation thereof.

(2) A soil conservation work may for the purposes of this scheme be classified as a drainage work if the executive officer is satisfied that it is an open drainage furrow or underground drainage passage that has as its object to prevent, by means of the drainage and safe disposal of excess surface or underground water, the waterlogging or salination of land.

(3) A soil conservation work may for the purposes of this scheme be classified as a veld utilisation work if the executive officer is satisfied that it is—

- (a) a camp fence that has as its object to separate the veld of a farm unit into morphological units or to divide such morphological units in order that such veld may be alternately grazed and rested according to the physiological requirements of the vegetation thereon; or
- (b) a stock watering system that has as its object to provide drinking water for animals when a particular morphological unit or a division thereof is grazed.

(4) A soil conservation work may for the purposes of this scheme be classified as a drought relief work if the executive officer is satisfied that it is—

- (a) a storage facility for fodder; or
- (b) a feedlot or feed paddock equipped with feeding troughs and a stock watering system, that has as its object to create feeding facilities on a farm unit for animals that are to be withdrawn from the veld of that farm unit during a severe drought.

### **Basis for the determination of subsidies**

7. (1) The subsidies that may be paid in terms of this scheme in respect of the construction of soil conservation works shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.

(2) Sodanige tarieflys word geag deel van hierdie skema uit te maak.

(3) Afskrifte van die tarieflys in subartikel (1) bedoel, is ter insae beskikbaar by—

- (a) die kantoor van die uitvoerende beampte;
- (b) die kantoor van elke streekdirekteur;
- (c) elke voorligtingskantoor; en
- (d) sodanige ander kantoor as wat die uitvoerende beampte bepaal.

#### **Vereistes vir betaling van subsidies**

8. 'n Subsidie kan kragtens hierdie skema ten opsigte van die oprigting van 'n grondbewaringswerk aan 'n grondgebruiker betaal word indien—

- (a) daardie grondgebruiker die eienaar van die plaaseenheid is waarop sodanige grondbewaringswerk opgerig is;
- (b) die plaaseenheid waarop sodanige grondbewaringswerk opgerig is—
  - (i) geleë is in die gebied in artikel 4 bedoel; en
  - (ii) ingevolge artikel 10 vir deelname aan hierdie skema ingeskryf is of geag word aldus ingeskryf te wees;
- (c) sodanige grondbewaringswerk ingevolge artikel 6 as 'n beskermingswerk, 'n dreineringswerk, 'n weiveldbenuttingswerk of 'n droogtebystandwerk geklassifieer is;
- (d) die oprigting van sodanige grondbewaringswerk as 'n voorgestelde werk aangedui is in die lys van grondbewaringswerke wat deel van die plaasplan vir die betrokke plaaseenheid uitmaak;
- (e) 'n toestemming vir die oprigting van sodanige grondbewaringswerk ingevolge artikel 12 uitgereik is of geag word aldus uitgereik te gewees het;
- (f) 'n kennisgewing van die voltooiing van sodanige grondbewaringswerk ingevolge artikel 13 verstrek is of geag word aldus verstrek te gewees het;
- (g) die plek waar sodanige grondbewaringswerk opgerig is, ooreenstem met die benaderde posisie daarvan soos aangedui op die kaart wat deel van die plaasplan vir die betrokke plaaseenheid uitmaak;
- (h) die afmetings en spesifikasies van sodanige grondbewaringswerk ooreenstem met die planne en spesifikasies waarvan die betrokke toestemming in artikel 12 bedoel, vergesel gegaan het of wat ingevolge daardie artikel aanvaar is;
- (i) 'n verklaring of verslag oor sodanige grondbewaringswerk ingevolge artikel 15 afgelê of opgestel is of geag word aldus afgelê of opgestel te gewees het;
- (j) sodanige verklaring of verslag ingevolge artikel 16 deur die uitvoerende beampte aanvaar is, en geld wat vir die doeleindes van hierdie skema bewillig is, beskikbaar is; en
- (k) al die ander bepalings van hierdie skema met betrekking tot sodanige grondbewaringswerk en die plaaseenheid waarop dit opgerig is, nagekom is.

#### **Aansoek om deelname aan skema**

9. (1) 'n Aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor verkrybaar is.

(2) So 'n aansoekvorm moet—

- (a) behoudens die bepalings van subartikel (4), deur die eienaar van die betrokke plaaseenheid ingevul word; en
- (b) nadat dit aldus ingevul is, by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, ingedien word.

(2) Such tariff list shall be deemed to form part of this scheme.

(3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at—

- (a) the office of the executive officer;
- (b) the office of each regional director;
- (c) each extension office; and
- (d) such other office as the executive officer may determine.

#### **Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the construction of a soil conservation work if—

- (a) that land user is the owner of the farm unit on which such soil conservation work has been constructed;
- (b) the farm unit on which such soil conservation work has been constructed—
  - (i) is situated within the area referred to in section 4; and
  - (ii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
- (c) such soil conservation work has been classified in terms of section 6 as a protection work, a drainage work, a veld utilisation work or a drought relief work;
- (d) the construction of such soil conservation work has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
- (e) a consent for the construction of such soil conservation work has been issued in terms of section 12 or is deemed to have been thus issued;
- (f) a notice of the completion of such soil conservation work has been furnished in terms of section 13 or is deemed to have been thus furnished;
- (g) the place at which such soil conservation work has been constructed corresponds with the approximate position thereof as indicated on the map forming part of the farm plan for the farm unit concerned;
- (h) the dimensions and specifications of such soil conservation work correspond with the plans and specifications that accompanied the relevant consent referred to in section 12 or have been accepted in terms of that section;
- (i) a statement or report on such soil conservation work has been made or compiled in terms of section 15 or is deemed to have been thus made or compiled;
- (j) such statement or report has been accepted by the executive officer in terms of section 16, and moneys appropriated for the purposes of this scheme are available; and
- (k) all the other provisions of this scheme with regard to such soil conservation work and the farm unit on which it has been constructed have been complied with.

#### **Applications for participation in scheme**

9. (1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office.

(2) Such an application form shall—

- (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned; and
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated.

(3) 'n Aansoekvorm in subartikel (2) bedoel, moet tensy die betrokke stukke voorheen ingedien is saam met 'n aansoek om die betaling van subsidies of toekennings ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), of 'n aansoek om die inskrywing van die betrokke plaaseenheid met die oog op deelname aan 'n ander skema, vergesel gaan van—

- (a) dokumentêre bewys van die identiteit van die betrokke aansoeker;
- (b) 'n gewaarmerkte afskrif van die titelbewys van die grond waaruit die betrokke plaaseenheid bestaan;
- (c) indien van toepassing, 'n gewaarmerkte afskrif van—
  - (i) die koopooreenkoms ten opsigte van die grond waaruit die betrokke plaaseenheid bestaan, indien daardie grond nog nie op naam van sodanige aansoeker geregistreer is nie: Met dien verstande dat geen subsidie in sodanige geval betaalbaar is voordat 'n gewaarmerkte afskrif van die titelbewys waarby die betrokke grond op naam van daardie aansoeker geregistreer is, ingedien is nie; of
  - (ii) dokumentêre bewys van die vruggebruik waarvan die grond waaruit die betrokke plaaseenheid bestaan, onderworpe is, indien sodanige aansoeker die vruggebruiker van daardie plaaseenheid is; en
- (d) sodanige ander toepaslike stukke as wat ingevolge subartikel (4) vereis word.

(4) Indien die eienaar van 'n plaaseenheid ten opsigte waarvan 'n aansoekvorm in subartikel (1) bedoel, ingeval is—

- (a) minderjarig is, moet die aansoekvorm deur die ouer of wettige voog van sodanige minderjarige onderteken word;
- (b) 'n getroude vrou is, moet die aansoekvorm deur haar eggenoot mede-onderteken word as bewys dat sy deur hom bygestaan word;
- (c) 'n boedel is, moet die aansoekvorm deur die eksekuteur of kurator van sodanige boedel onderteken word: Met dien verstande dat sodanige aansoekvorm van 'n gewaarmerkte afskrif van die aanstellingsbrief van die betrokke eksekuteur of kurator, vergesel moet gaan;
- (d) 'n regspersoon is, moet die aansoekvorm deur iemand onderteken word wat behoorlik daartoe gemagtig is: Met dien verstande dat—
  - (i) die hoedanigheid van die betrokke persoon op sodanige aansoekvorm vermeld moet word; en
  - (ii) sodanige aansoekvorm van 'n gewaarmerkte uittreksel uit die notule wat die besluit bevat waarby daardie magtiging gegee is, vergesel moet gaan;
- (e) iemand anders gemagtig het om namens hom aansoek te doen, moet die aansoekvorm deur die betrokke gemagtigde persoon onderteken word: Met dien verstande dat sodanige aansoekvorm van die betrokke volmag vergesel moet gaan;
- (f) 'n vennootskap is of indien sodanige plaaseenheid deur meer as een persoon besit word, moet die aansoekvorm deur al die betrokke vennote of mede-eienaars onderteken word, tensy een van die vennote of mede-eienaars 'n volmag in paragraaf (e) bedoel, het of
- (g) 'n trust is, moet die aansoekvorm deur die trustee van sodanige trust onderteken word: Met dien verstande dat sodanige aansoekvorm van gewaarmerkte afskrifte van die stukke waarkragtens die betrokke trust geskep en die betrokke trustee aangestel is, vergesel moet gaan.

(3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by—

- (a) documentary proof of the identity of the applicant concerned;
  - (b) a certified copy of the title deed of the land comprising the farm unit concerned;
  - (c) if applicable, a certified copy of—
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; and
  - (d) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed—
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto:
- Provided that—
- (i) the capacity of the person concerned shall be specified on such application form; and
  - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
- (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
- (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
- (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.

(5) 'n Aansoek om die betaling van subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die oprigting van 'n grondbewaringswerk op 'n plaaseenheid, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (1) bedoel, te wees.

#### *Inskrywing van plaaseenhede*

10. (1) Indien die uitvoerende beampte 'n aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema goedkeur, moet hy die betrokke aansoeker skriftelik daarvan in kennis stel: Met dien verstande dat 'n aansoek nie aldus goedgekeur word nie tensy 'n plaasplan vir die betrokke plaaseenheid saam met so 'n kennisgewing aan die betrokke aansoeker verskaf word.

(2) 'n Plaaseenheid word geag vir deelname aan hierdie skema ingeskryf te wees indien 'n aansoek deur die huidige eienaar van daardie plaaseenheid om die betaling van subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die oprigting van grondbewaringswerke voor die datum van inwerkingtreding van hierdie skema kragtens voormalde Wet goedgekeur is en sodanige goedkeuring steeds van krag is.

(3) Die inskrywing van 'n plaaseenheid vir deelname aan hierdie skema verval indien—

(a) die eienaar van die betrokke plaaseenheid—

- (i) die uitvoerende beampte skriftelik in kennis gestel het van sy voorneme om die plaaseenheid aan deelname aan hierdie skema te onttrek; en
- (ii) die subsidies, indien enige, wat ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), aan hom betaal is ten opsigte van die oprigting van grondbewaringswerke op die plaaseenheid, of sodanige gedeelte van daardie subsidies as wat die uitvoerende beampte bepaal, aan die uitvoerende beampte terugbetaal het; of

(b) die persoon aan wie 'n kennisgewing ingevolge subartikel (1) of 'n goedkeuring in subartikel (2) bedoel, uitgereik is, nie meer die eienaar van die betrokke plaaseenheid is nie.

#### *Plaasplanne*

11. (1) 'n Plaasplan in artikel 10 (1) van hierdie skema bedoel, word ingevolge artikel 10 van die Wet aan 'n grondgebruiker verskaf vir gebruik deur hom in verband met die benutting en bewaring van die natuurlike landbouhulpbronne.

(2) So 'n plaasplan bestaan uit—

(a) 'n kaart van die betrokke plaaseenheid waarop die benaderde posisies van alle bestaande en voorgestelde grondbewaringswerke en van alle paaie, spoorlyne, waterlope, standhoudende fonteine, boorgate, geboue, ander opvallende landmerke en sodanige ander besonderhede as wat vir die doeleindes van die Wet of 'n skema nodig geag word, aangevoer word;

(b) 'n lys van die grondbewaringswerke wat—

(i) vir oprigting op die betrokke plaaseenheid aanbeveel word, en ten opsigte waarvan subsidies kragtens hierdie skema betaal kan word; en

(ii) reeds op die betrokke plaaseenheid opgerig is, ongeag of subsidies ten opsigte daarvan voorheen ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaal is;

(5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the construction of a soil conservation work on a farm unit that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

#### *Entry of farm units*

10. (1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan for the farm unit concerned will be provided to the applicant concerned together with such notice.

(2) A farm unit shall be deemed to have been entered for participation in this scheme if an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the construction of soil conservation works thereon was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force.

(3) The entry of a farm unit for participation in this scheme shall lapse if—

(a) the owner of the farm unit concerned—

(i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and

(ii) has repaid to the executive officer the subsidies, if any, that were paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the construction of soil conservation works on the farm unit, or such portion of those subsidies as the executive officer may determine; or

(b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (2) was issued, is no longer the owner of the farm unit concerned.

#### *Farm plans*

11. (1) A farm plan referred to in section 10 (1) of this scheme shall be provided to a land user in terms of section 10 of the Act for use by him in connection with the utilisation and conservation of the natural agricultural resources.

(2) Such a farm plan shall consist of—

(a) a map of the farm unit concerned on which the approximate positions of all existing and proposed soil conservation works, as well as of all roads, railway lines, watercourses, permanent fountains, boreholes, buildings, other prominent land marks and such other particulars as are deemed necessary for the purposes of the Act or a scheme are indicated;

(b) a list of the soil conservation works that—

(i) are recommended for construction on the farm unit concerned, and in respect of which subsidies could be paid in terms of this scheme; and

(ii) have already been constructed on the farm unit concerned, irrespective of whether subsidies were previously paid in respect thereof in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969);

- (c) 'n bestuursprogram met betrekking tot die benutting en bewaring van die natuurlike landbouhulpbronne op die betrokke plaaseenheid, vir sover dit betrekking het op—
- (i) die bestuur van die veld en landerye van daardie plaaseenheid;
  - (ii) die maksimum getal van elke soort, tipe of ras dier wat op daardie plaaseenheid aangehou behoort te word;
  - (iii) die grootte en samesetting van die kuddes wat op daardie plaaseenheid aangehou behoort te word; en
  - (iv) sodanige ander aangeleenthede as wat in 'n bepaalde geval doenlik geag word; en
- (d) sodanige verdere stukke as wat in 'n bepaalde geval nodig geag word.
- (3) 'n Stuk wat—
- (a) uit 'n kaart in subartikel (2) (a) bedoel en 'n lys in subartikel (2) (b) bedoel, bestaan;
  - (b) voor die datum van inwerkingtreding van hierdie skema aan die huidige eienaar van 'n plaaseenheid verskaf is; en
  - (c) op sodanige datum van inwerkingtreding steeds van krag is, word geag 'n plaasplan in subartikel (1) bedoel, te wees:

Met dien verstande dat so 'n plaasplan deur 'n bestuursprogram in subartikel (2) (c) bedoel, aangevul moet word by die eerste geleentheid waarop sodanige kaart of lys ingevolge subartikel (4) gewysig, aangevul of vervang word.

(4) Die uitvoerende beampete kan te eniger tyd, hetby uit die beweging of op versoek van die eienaar van 'n plaaseenheid, die plaasplan vir daardie plaaseenheid wysig, aanyul, vervang of, behoudens die bepalings van subartikel (5), intrek.

(5) Indien enige hulp ingevolge 'n skema aan die eienaar van 'n plaaseenheid verleen is of 'n subsidie of toekenning ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), aan hom betaal of gedoen is, word die plaasplan vir daardie plaaseenheid nie ingevolge subartikel (4) ingetrek nie, tensy—

- (a) 'n ander plaasplan daarvoor uitgereik word; of
- (b) die inskrywing van daardie plaaseenheid met die oog op deelname aan hierdie skema ingevolge artikel 10 (3) verval het.

#### Toestemming om grondbewaringswerke op te rig

12. (1) Die oprigting van 'n voorgestelde grondbewaringswerk vermeld in 'n lys in artikel 11 (2) (b) bedoel, mag nie 'n aanvang neem voordat die uitvoerende beampete skriftelik toestemming daartoe verleen het nie.

(2) 'n Aansoek om 'n toestemming in subartikel (1) bedoel, moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor verkrybaar is.

(3) So 'n aansoekvorm moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenheid ingevul word;
- (b) nadat dit aldus ingevul is, ingedien word by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is; en
- (c) vergesel gaan van 'n verklaring op 'n vorm wat vir dié doel by 'n voorligtingskantoor verkrybaar is, waarin besonderhede van die aantal diere wat op die betrokke plaaseenheid aangehou word, verstrek word.

(c) a management programme with regard to the utilisation and conservation of the natural agricultural resources on the farm unit concerned, in so far as it relates to—

- (i) the management of the veld and lands of that farm unit;
- (ii) the maximum number of each kind, type or breed of animal that should be kept on that farm unit;
- (iii) the size and composition of the herds that should be kept on that farm unit; and
- (iv) such other matters as may be deemed expedient in a particular case; and

(d) such further documents as may be deemed necessary in a particular case.

#### (3) A document that—

- (a) consists of a map referred to in subsection (2) (a) and a list referred to in subsection (2) (b);
- (b) has been provided to the current owner of a farm unit prior to the date of commencement of this scheme; and
- (c) is still in force on such date of commencement,

shall be deemed to be a farm plan referred to in subsection (1): Provided that such a farm plan shall be supplemented with a management programme referred to in subsection (2) (c) on the first occasion that such map or list is amended, supplemented or substituted in terms of subsection (4).

(4) The executive officer may at any time, either of his own accord or at the request of the owner of a farm unit, amend, supplement, substitute or, subject to the provisions of subsection (5), withdraw the farm plan for that farm unit.

(5) If any assistance has been rendered to the owner of a farm unit under a scheme or any subsidy or grant has been paid or made to him in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), the farm plan for that farm unit shall not be withdrawn in terms of subsection (4) unless—

- (a) another farm plan is issued for it; or
- (b) the entry of that farm unit with a view to participation in this scheme has lapsed in terms of section 10 (3).

#### Consent to construct soil conservation works

12. (1) The construction of a proposed soil conservation work specified in a list referred to in section 11 (2) (b) shall not commence before the executive officer has consented thereto in writing.

(2) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office.

(3) Such an application form shall—

- (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (c) be accompanied by a statement on a form obtainable for this purpose from an extension office, in which particulars are furnished of the number of animals kept on the farm unit concerned.

(4) 'n Aansoek om 'n toestemming om 'n voorgestelde grondbewaringswerk op te rig ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, en wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (2) bedoel, te wees.

(5) Indien die uitvoerende beampte 'n aansoek in subartikel (2) bedoel, goedkeur, moet hy 'n skriftelike toestemming om met die oprigting van die betrokke voorgestelde grondbewaringswerk te begin, aan die betrokke aansoeker uitreik.

(6) So 'n toestemming moet—

- (a) die voorgestelde grondbewaringswerk waarop dit betrekking het, vermeld;
- (b) die vervaldatum daarvan vermeld;
- (c) in die geval van 'n voorgestelde grondbewaringswerk wat opgerig gaan word met materiaal wat aangekoop moet word, die materiaal vermeld ten opsigte waarvan fakture verkry en vir insae deur die uitvoerende beampte bewaar moet word; en
- (d) vergesel gaan van die planne en spesifikasies waarsvolgens die betrokke voorgestelde grondbewaringswerk opgerig moet word.

(7) Ondanks die bepalings van subartikel (6) (d) kan 'n eienaar, wanneer hy 'n aansoek in subartikel (2) bedoel, indien, sy eie planne en spesifikasies vir 'n voorgestelde grondbewaringswerk voorlê, en indien die uitvoerende beampte sodanige planne en spesifikasies aanvaar, word dit geag dié te wees waarsvolgens die betrokke voorgestelde grondbewaringswerk opgerig moet word.

(8) 'n Toestemming in subartikel (1) bedoel, word nie uitgereik nie tensy die uitvoerende beampte oortuig is dat die getal diere wat op die veld van die betrokke plaaseenheid aangehou word, nie die maksimum getal diere soos aan die hand van die voorgeskrewe weidingskapasiteit vir daardie plaaseenheid bepaal, oorskry nie.

(9) 'n Toestemming om 'n voorgestelde grondbewaringswerk op te rig ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema uitgereik is, word, indien dit op sodanige datum nog van krag is, geag 'n toestemming in subartikel (1) bedoel, te wees.

**Kennisgewings van voltooiing van oprigting**

13. (1) Die uitvoerende beampte moet in kennis gestel word van die voltooiing van elke grondbewaringswerk wat kragtens 'n toestemming in artikel 12 bedoel, opgerig is.

(2) So 'n kennisgiving moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die plaaseenheid waarop so 'n grondbewaringswerk opgerig is, verstrek word;
- (b) aan die beampte in beheer van die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, oorgedra word; en
- (c) voor of op die vervaldatum wat in die betrokke toestemming vermeld is, aldus oorgedra word.

(3) Indien 'n kennisgiving van die voltooiing van 'n grondbewaringswerk nie voor of op die vervaldatum in subartikel (2) (c) bedoel, verstrek is nie, kan die uitvoerende beampte—

- (a) weier om enige subsidie ten opsigte van die oprigting van daardie grondbewaringswerk te betaal; of
- (b) die betaling van die subsidie ten opsigte van die oprigting van daardie grondbewaringswerk uitstel vir sodanige tydperk as wat hy bepaal.

(4) An application for a consent for the construction of a proposed soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (2).

(5) If the executive officer approves an application referred to in subsection (2), he shall issue a written consent to the applicant concerned to commence with the construction of the proposed soil conservation work concerned.

(6) Such a consent shall—

- (a) specify the proposed soil conservation work to which it relates;
- (b) specify the expiry date thereof;
- (c) in the case of a proposed soil conservation work that will be constructed with material that has to be purchased, specify the material in respect of which invoices have to be obtained and preserved for perusal by the executive officer; and
- (d) be accompanied by the plans and specifications in accordance with which the proposed soil conservation work concerned must be constructed.

(7) Notwithstanding the provisions of subsection (6) (d), an owner may lodge his own plans and specifications for a proposed soil conservation work when submitting an application referred to in subsection (2), and, if the executive officer accepts such plans and specifications, they shall be deemed to be those in accordance with which the proposed soil conservation work concerned must be constructed.

(8) A consent referred to in subsection (1) shall not be issued unless the executive officer is satisfied that the number of animals kept on the veld of the farm unit concerned does not exceed the maximum number of animals as determined on the basis of the prescribed grazing capacity for that farm unit.

(9) A consent to construct a proposed soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

**Notices of completion of construction**

13. (1) The executive officer shall be notified of the completion of each soil conservation work constructed in terms of a consent referred to in section 12.

(2) Such a notice shall—

- (a) subject to the provisions of section 9 (4), be furnished by the owner of the farm unit on which such a soil conservation work was constructed;
- (b) be conveyed to the officer in charge of the extension office for the area within which the farm unit concerned is situated; and
- (c) be thus conveyed on or before the expiry date specified in the consent concerned.

(3) If a notice of the completion of a soil conservation work is not furnished on or before the expiry date referred to in subsection (2) (c), the executive officer may—

- (a) refuse to pay any subsidy in respect of the construction of that soil conservation work; or
- (b) postpone the payment of the subsidy in respect of the construction of that soil conservation work for such period as he may determine.

(4) 'n Kennisgewing van die voltooiing van die oprigting van 'n grondbewaringswerk ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema verstrek is, word, indien sodanige subsidies nog nie op daardie datum betaal is nie, geag 'n kennisgewing in subartikel (1) bedoel, te wees.

#### **Verlenging van geldigheidsduur van toestemmings**

14. (1) Indien 'n voorgestelde grondbewaringswerk waarskynlik nie betyds voltooi sal wees om te verseker dat 'n kennisgewing in artikel 13 (1) bedoel, voor of op die vervaldatum in artikel 13 (2) (c) bedoel, verstrek kan word nie, kan die uitvoerende beampete daardie vervaldatum op aansoek uitstel.

(2) Die bepalings van artikel 12 met betrekking tot 'n aansoek om 'n toestemming om 'n voorgestelde grondbewaringswerk op te rig, is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om die uitstel van die vervaldatum in sodanige toestemming vermeld: Met dien verstande dat sodanige aansoek die betrokke voorligtingskantoor nie later nie as die vervaldatum in die betrokke toestemming vermeld, moet bereik.

(3) Wanneer die uitvoerende beampete 'n aansoek om die uitstel van die vervaldatum vermeld in 'n toestemming in artikel 12 bedoel, goedkeur, moet hy 'n nuwe toestemming vir die oprigting van die betrokke voorgestelde grondbewaringswerk uitreik.

#### **Verklaring en verslae oor oprigting van grondbewaringswerke**

15. (1) Die uitvoerende beampete moet—

- (a) die persoon wat 'n kennisgewing in artikel 13 bedoel, verstrek het, versoek om 'n verklaring betreffende die oprigting van die betrokke grondbewaringswerk af te lê; of
- (b) sodanige grondbewaringswerk ondersoek, en 'n verslag oor die oprigting daarvan opstel.

(2) 'n Verklaring in subartikel (1) (a) bedoel, moet op 'n vorm afgelê word wat vir dié doel by 'n voorligtingskantoor verkrybaar is, en moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenheid afgelê word;
- (b) aldus afgelê word in die teenwoordigheid van 'n beampete van die departement wat werkzaam is by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is;
- (c) die presiese afmetings en spesifikasies van die betrokke grondbewaringswerk vermeld; en
- (d) 'n bevestiging bevat dat—

- (i) die betrokke grondbewaringswerk volledig opgerig is ooreenkomsdig die plante en spesifikasies wat ingevolge artikel 12 ten opsigte daarvan voorsien of aanvaar is en, indien van toepassing, dat sodanige grondbewaringswerk bevredigend funksioneer;
- (ii) die vermelde afmetings en spesifikasies van die betrokke grondbewaringswerk juis is;
- (iii) die betrokke grondbewaringswerk met nuwe materiaal opgerig is, behalwe waar anders aangedui; en
- (iv) die verklaarer bewus is dat enige subsidies wat op grond van die betrokke verklaring aan hom betaal is onmiddellik deur hom terugbetaalbaar sal wees indien dit later blyk dat enige besonderhede in sodanige verklaring onjuis is.

(3) 'n Verslag in subartikel (1) (b) bedoel, moet—

- (a) op 'n vorm vir dié doel deur die uitvoerende beampete bepaal, opgestel word;

(4) A notice of the completion of the construction of a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was furnished prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a notice referred to in subsection (1).

#### **Extension of validity of consents**

14. (1) If a proposed soil conservation work will probably not be completed in time to ensure that a notice referred to in section 13 (1) can be furnished on or before the expiry date referred to in section 13 (2) (c), the executive officer may on application postpone that expiry date.

(2) The provisions of section 12 with regard to an application for a consent to construct a proposed soil conservation work shall apply *mutatis mutandis* with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.

(3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 12, he shall issue a fresh consent for the construction of the proposed soil conservation work concerned.

#### **Statements and reports on construction of soil conservation works**

15. (1) The executive officer shall—

- (a) request the person who has furnished a notice referred to in section 13 to make a statement relating to the construction of the soil conservation work concerned; or
- (b) inspect such soil conservation work and compile a report on the construction thereof.

(2) A statement referred to in subsection (1) (a) shall be made on a form obtainable for this purpose from an extension office and shall—

- (a) subject to the provisions of section 9 (4), be made by the owner the farm unit concerned;
- (b) be thus made in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated;
- (c) state the exact dimensions and specifications of the soil conservation work concerned; and
- (d) contain a confirmation that—

- (i) the soil conservation work concerned has been fully constructed in accordance with the plans and specifications provided or accepted in terms of section 12 in respect thereof and, if applicable, that such soil conservation work functions satisfactorily;
- (ii) the stated dimensions and specifications of the soil conservation work concerned are correct;
- (iii) the soil conservation work concerned was constructed with new material except where otherwise indicated; and

- (iv) the deponent is aware that any subsidies paid to him on the basis of the statement concerned shall immediately be payable by him if it later appears that any particulars in such statement are incorrect.

(3) A report referred to in subsection (1) (b) shall—

- (a) be compiled on a form determined by the executive officer for this purpose;

- (b) die presiese afmetings en spesifikasies van die betrokke grondbewaringswerk vermeld; en
- (c) sodanige ander besonderhede bevat as wat op die betrokke vorm vereis word.

(4) 'n Verklaring of verslag oor die oprigting van 'n grondbewaringswerk ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema afgelê of opgestel is, word, indien sodanige subsidies nog nie op daardie datum betaal is nie, geag onderskeidelik 'n verklaring in subartikel (2) bedoel of 'n verslag in subartikel (3) bedoel, te wees.

(5) Die uitvoerende beampte kan te enige tyd 'n grondbewaringswerk ten opsigte waarvan 'n verklaring in subparagraph (2) bedoel, afgelê is, ondersoek, hetso voordat of nadat 'n subsidie ten opsigte van die oprigting daarvan betaal is, en moet daarna 'n verslag in subparagraph (3) bedoel, daaroor opstel.

(6) Elke verklaring in subartikel (2) bedoel en elke verslag in subartikel (3) bedoel, moet deur die uitvoerende beampte nagesien en aan die toepaslike stukke in artikels 9, 10, 11, 12 en 13 bedoel en die toepaslike bepalings van hierdie skema vergelyk word ten einde te bepaal of 'n subsidie ten opsigte van die oprigting van die betrokke grondbewaringswerk betaalbaar is.

(7) Indien dit uit 'n ondersoek in subartikel (1) (b) of (5) bedoel of uit die nasien van 'n verklaring of verslag ingevolge subartikel (6) blyk dat 'n grondbewaringswerk 'n tekortkoming het omdat dit nie ooreenkomsdig die toepaslike planne en spesifikasies in artikel 12 bedoel, opgerig is nie of dat die oprigting van sodanige grondbewaringswerk om 'n ander rede nie vir die betaling van 'n subsidie kwalifiseer nie—

- (a) moet die uitvoerende beampte die persoon wat die kennisgewing van voltooiing van daardie grondbewaringswerk ingevolge artikel 13 verstrek het, skriftelik van sodanige tekortkoming of rede in kennis stel;
- (b) is geen subsidie ten opsigte van die oprigting van daardie grondbewaringswerk betaalbaar voordat sodanige tekortkoming reggestel of sodanige rede uitgeskakel is nie; en
- (c) kan 'n nuwe kennisgewing ingevolge artikel 13 verstrek word nadat sodanige tekortkoming reggestel of sodanige rede uitgeskakel is.

#### Betaling van subsidies

16. (1) Indien die uitvoerende beampte 'n verklaring of verslag aanvaar wat ingevolge artikel 15 (6) nagesien is, moet hy die bedrag bereken wat as subsidie ten opsigte van die oprigting van die betrokke grondbewaringswerk betaalbaar is.

(2) 'n Bedrag in subartikel (1) bedoel, word bereken ooreenkomsdig die toepaslike tariewe wat in die tarieflys in artikel 7 bedoel, aangeteken is en wat—

- (a) in die geval van 'n grondbewaringswerk ten opsigte waarvan 'n verklaring in artikel 15 (2) bedoel, afgelê is, van krag was op die datum waarop sodanige verklaring afgelê is; en
- (b) in die geval van 'n ander grondbewaringswerk, van krag was op die datum waarop 'n kennisgewing van voltooiing ingevolge artikel 13 verstrek is.

(3) Die subsidie aldus bereken, word behoudens die bepalings van subartikels (4) en (5) en met inagneming van die beskikbaarheid van geld vir die doeleindes van hierdie skema bewillig, so spoedig doenlik betaal aan die eienaar van die plaaseenheid waarop die betrokke grondbewaringswerk opgerig is.

(4) Die eienaar van 'n plaaseenheid kan die uitvoerende beampte skriftelik versoek om enige subsidies wat hom toekom, aan iemand in sodanige versoek vermeld, te betaal.

- (b) state the exact dimensions and specifications of the soil conservation work concerned; and
- (c) contain such other particulars as are required on the form concerned.

(4) A Statement or report on the construction of a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made or compiled prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (2) or a report referred to in subsection (3) respectively.

(5) The executive officer may at any time inspect a soil conservation work in respect of which a statement referred to in subsection (2) has been made, may at any time either before or after a subsidy has been paid in respect of the construction thereof, and shall then compile a report referred to in subsection (3) thereon.

(6) Each statement referred to in subsection (2) and each report referred to in subsection (3) shall be checked by the executive officer and compared against the applicable documents referred to in sections 9, 10, 11, 12 and 13 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the construction of the soil conservation work concerned.

(7) If it appears from an inspection referred to in subsection (1) (b) or (5), or from the checking of a statement or report in terms of subsection (6), that a soil conservation work has a shortcoming because it has not been constructed in accordance with the applicable plans and specifications referred to in section 12, or that the construction of such soil conservation work does not qualify for the payment of a subsidy for any other reason—

- (a) the executive officer shall notify the person who furnished the notice of completion of that soil conservation work in terms of section 13, in writing of such shortcoming or reason;
- (b) no subsidy shall be payable in respect of the construction of that soil conservation work before such shortcoming has been rectified or such reason eliminated; and
- (c) a fresh notice may be furnished in terms of section 13 after such shortcoming has been rectified or such reason eliminated.

#### Payment of subsidies

16. (1) If the executive officer accepts a statement or report that has been checked in terms of section 15 (6), he shall calculate the amount payable as subsidy in respect of the construction of the soil conservation work concerned.

(2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs that are recorded in the tariff list referred to in section 7 and that—

- (a) in the case of a soil conservation work in respect of which a statement referred to in section 15 (2) has been made, were in force on the date on which such statement was made; and
- (b) in the case of another soil conservation work, were in force on the date on which a notice of completion was furnished in terms of section 13.

(3) The subsidy thus calculated shall, subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purposes of this scheme, be paid to the owner of the farm unit on which the soil conservation work concerned was constructed as soon as is practicable.

(4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.

(5) Indien die uitvoerende beampte in kennis gestel is dat bystand by wyse van 'n lening ingevolge artikel 10 van die Wet op Landboukrediet, 1966 (Wet 28 van 1966), aan 'n grondgebruiker verleen is vir die oprigting van 'n grondbewaringswerk, word die subsidie wat ten opsigte van sodanige oprigting betaalbaar is, gebruik ter betaling of gedeeltelike betaling van die bedrag (met inbegrip van rente daarop) wat weens die verlening van sodanige bystand aan die Staat verskuldig is.

#### Foutiewe betalings

17. (1) Indien die uitvoerende beampte na aanleiding van 'n ondersoek ingevolge artikel 15 (5) van hierdie skema of artikel 18 van die Wet in verband met 'n grondbewaringswerk ten opsigte waarvan 'n subsidie ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaal is, oortuig is dat—

- (a) geen subsidie ten opsigte van die oprigting van daardie grondbewaringswerk betaal moes gewees het nie; of
- (b) die afmetings en spesifikasies van daardie grondbewaringswerk soos vermeld in 'n verklaring in artikel 15 (2) bedoel, onjuis is en dat die bedrag wat as sodanige subsidie betaal is, die bedrag oorskry het wat regtens as subsidie ten opsigte van die oprigting daarvan betaalbaar was,

moet die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die betrokke bedrag of die bedrag te veel betaal, na gelang van die geval, tesame met rente daarop bereken op die grondslag in subartikel (2) uitengesit, aan die uitvoerende beampte terug te betaal.

(2) Rente wat ingevolge subartikel (1) betaalbaar is, word bereken—

- (a) teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing is op die datum waarop die uitvoerende beampte die terugbetaaling van die betrokke bedrag skriftelik gelas het; en
- (b) vanaf die datum waarop die betrokke subsidie betaal is tot die laaste dag van die maand wat die maand van terugbetaaling van sodanige verskuldigde bedrag voorafgaan.

(3) Indien dit te eniger tyd aan die lig kom dat 'n ander fout as 'n fout in subartikel (1) bedoel, gemaak is in die berekening van 'n subsidie wat kragtens hierdie skema betaal is, moet die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die bedrag wat verkeerdelik aan hom betaal is, aan die uitvoerende beampte terug te betaal.

(4) 'n Bedrag wat ingevolge subartikel (3) terugbetaalbaar is, moet aan die uitvoerde beampte betaal word binne 60 dae na die datum waarop hy die terugbetaaling daarvan skriftelik gelas het.

(5) Indien die eienaar van 'n plaaseenheid versuum om die bedrag wat ingevolge subartikel (3) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (4) bedoel, is rente op die verskuldigde bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing is op die datum waarop die uitvoerende beampte die betrokke terugbetaaling skriftelik gelas het.

#### Voorwaardes waarop subsidies betaal word

18. (1) Die betaling van 'n subsidie ingevolge hierdie skema ten opsigte van die oprigting van 'n grondbewaringswerk geskied op die volgende voorwaardes:

- (a) Die betrokke grondbewaringswerk moet ooreenkomsdig die bepalings van artikel 12 (1) (a) van die Wet in stand gehou word.

(5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the construction of a soil conservation work, the subsidy payable in respect of such construction shall be used as payment or part payment of the amount (including any interest thereon) due to the State on account of such assistance.

#### Erroneous payments

17. (1) If the executive officer, as a result of an inspection in terms of section 15 (5) of this scheme or section 18 of the Act, in connection with a soil conservation work in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is satisfied that—

- (a) no subsidy should have been paid in respect of the construction of that soil conservation work; or
- (b) the dimensions and specifications of that soil conservation work as specified in a statement referred to in section 15 (2) are incorrect and that the amount paid as such subsidy exceeded the amount that was lawfully payable as subsidy in respect of the construction thereof,

the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount concerned or the amount paid in excess, as the case may be, together with interest thereon calculated on the basis set out in subsection (2).

(2) Interest payable in terms of subsection (1) shall be calculated—

- (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
- (b) from the date on which the subsidy concerned was paid until the last day of the month preceding the month of repayment of such due amount.

(3) If at any time it appears that an error other than an error referred to in subsection (1) was made in the calculation of a subsidy paid in terms of this scheme, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.

(4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.

(5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment concerned in writing.

#### Conditions on which subsidies are paid

18. (1) The payment of a subsidy in terms of this scheme in respect of the construction of a soil conservation work is made on the following conditions:

- (a) The soil conservation work concerned shall be maintained in accordance with the provisions of section 12 (1) (a) of the Act.

- (b) Die boerderypraktyke wat gevvolg word op die plaaseenheid waarop die betrokke grondbewaringswerk opgerig is, moet voldoen aan die bepalings van die bestuursprogram wat deel van die plaasplan vir daardie plaaseenheid uitmaak.
- (c) Die getal diere wat aangehou word op die veld van die plaaseenheid waarop die betrokke grondbewaringswerk opgerig is, mag nie die getal oorskry wat ingevolge die Wet daarop aangehou mag word nie.

(2) Indien die eienaar van 'n plaaseenheid weier of versuim om te voldoen aan enige van die voorwaarde in subartikel (1) uiteengesit, moet die uitvoerende beampete die betrokke eienaar gelas om die subsidies wat kragtens hierdie skema ten opsigte van die oprigting van grondbewaringswerke aan hom betaal is, aan die uitvoerende beampete terug te betaal.

(3) 'n Bedrag wat ingevolge subartikel (2) terugbetaalbaar is, moet aan die uitvoerende beampete betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skrifteik gelas het.

(4) Indien die eienaar van 'n plaaseenheid versuim om die bedrag wat ingevolge subartikel (2) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (3) bedoel, is rente op die verskuldigde bedrag betaalbaar teen die koers bepaal ingevolge artikel 26 (1) van die Skatkis- en Audit-wet, 1975 (Wet 66 van 1975), en wat van toepassing was op die datum waarop die uitvoerende beampete die betrokke terugbetaling skriftelik gelas het.

#### Inwerkingtreding

19. Hierdie skema tree op 1 Junie 1984 in werking.

No. R. 1046

25 Mei 1984

#### WET OP DIE BEWARING VAN LANDBOUHULP-BRONNE, 1983 (WET 43 VAN 1983)

##### VLOEDHULPSKEMA.—INSTELLING

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou, handelende namens die Minister van Landbou, stel hierby kragtens artikel 8, gelees met artikel 9, van die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), die Vloedhulpskema in die Bylae in.

G. J. KOTZÉ, Adjunk-minister van Landbou.

##### BYLAE

###### Woordomskrywing

1. In hierdie skema het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“afleibaan” 'n kunsmatige vloeipad wat op grond opgerig is ten einde afloopwater weg te voer sonder om oormatige grondverlies te veroorsaak;

“beskermingswerk” 'n grondbewaringswerk wat ingevolge artikel 6 (1) as 'n beskermingswerk geklassifiseer is;

“die Wet” die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), en die regulasies daar-kragtens uitgevaardig;

“dreineringswerk” 'n grondbewaringswerk wat ingevolge artikel 6 (2) as 'n dreineringswerk geklassifiseer is;

“droogtebystandwerk” 'n grondbewaringswerk wat ingevolge artikel 6 (4) as 'n droogtebystandwerk geklassifiseer is;

“grensheining” 'n heining op die grens tussen twee plaaseenhede;

“grondbewaringskema” die Grondbewaringskema ingestel kragtens artikel 8 van die Wet;

(b) The farming practices pursued on the farm unit on which the soil conservation work concerned has been constructed shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.

(c) The number of animals kept on the veld of the farm unit on which the soil conservation work concerned has been constructed shall not exceed the number that may be kept thereon in terms of the Act.

(2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the construction of soil conservation works.

(3) An amount repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.

(4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), that was applicable on the date on which the executive officer directed the repayment concerned in writing.

###### Commencement

19. This scheme shall come into operation on 1 June 1984.

No. R. 1046

25 May 1984

#### CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

##### FLOOD RELIEF SCHEME.—ESTABLISHMENT

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Flood Relief Scheme in the Schedule.

G. J. KOTZÉ, Deputy Minister of Agriculture.

##### SCHEDULE

###### Definitions

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

“boundary fence” means a fence on the boundary between two farm units;

“date of inception”, with regard to an area specified in column 1 of the Table, means the date specified in column 3 of the said Table opposite the area concerned;

“drainage work” means a soil conservation work which is classified in terms of section 6 (2) as a drainage work;

“drought relief work” means a soil conservation work which is classified in terms of section 6 (4) as a drought relief work;

“excessive soil loss” means the loss of soil through erosion which in the opinion of the executive officer exceeds the norm that he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

“extension office” means an office of the department established with a view to the rendering of agricultural extension services;

“farm plan” means a farm plan as defined in section 1 of the Soil Conservation Scheme;

“instellingsdatum”, met betrekking tot ‘n gebied vermeld in kolom 1 van die Tabel, die datum vermeld in kolom 3 van voormalde Tabel teenoor die betrokke gebied;

“oormatige grondverlies” die verlies aan grond deur erosie wat na die oordeel van die uitvoerende beampte die norm oorskry wat hy in ‘n gegewe situasie met inagneming van die toepaslike natuurlike faktore en boerdery-praktyke as gangbaar beskou;

“plaaseenheid” een of meer stukke grond wat elk afsonderlik in ‘n aktekantoor geregistreer is en as ‘n enkele eenheid geboer word;

“plaasplan” ‘n plaasplan in artikel 1 van die Grondbewaringskema omskryf;

“veld” grond wat nie bewerk word of bewerk is nie en waarop inheemse plantegroei, of ander plantegroei wat na die oordeel van die uitvoerende beampte as weiding vir diere benut word of kan word, voorkom;

“vloedskade”, met betrekking tot ‘n grondbewaringswerk, skade aan so ‘n grondbewaringswerk wat deur ‘n vloed veroorsaak is;

“voortligtingenkantoor” ‘n kantoor van die departement wat ingestel is met die oog op die lewering van landboukundige voorligtingsdienste; en

“weiveldbenuttingswerk” ‘n grondbewaringswerk wat ingevolge artikel 6 (3) as ‘n weiveldbenuttingswerk geklassifiseer is.

#### **Naam van skema**

2. Hierdie skema heet die Vloedhulpskema.

#### **Doelstellings van skema**

3. Die doelstellings van hierdie skema is om die herstel van vloedskade aan sekere grondbewaringswerke te bevorder met die oog daarop om die produksievermoë van grond te handhaaf en oormatige grondverlies weens erosie te bestry of te voorkom, en om die betaling van subsidies uit geld wat vir die doeleindes van hierdie skema deur die Parlement bewillig is, te reël.

#### **Toepassing van skema**

4. Hierdie skema is van toepassing op alle grond in ‘n gebied vermeld in kolom 1 van die Tabel, uitgesonderd grond in artikel 2 (1) van die Wet vermeld, waarop vloedskade aan grondbewaringswerke op die datum of datums vermeld in kolom 2 van voormalde Tabel teenoor die betrokke gebied voorgekom het, en is aldus van toepassing vir ‘n tydperk van 30 maande vanaf die instellingsdatum daarteenoor in kolom 3 van voormalde Tabel vermeld.

#### **Handelinge ten opsigte waarvan subsidies betaal kan word**

5. Subsidies kan ingevolge hierdie skema betaal word ten opsigte van die herstel van vloedskade in die gebied in artikel 4 bedoel, aan grondbewaringswerke wat as beskermingswerke, dreineringswerke, weiveldbenuttingswerke of droogbystandwerke geklassifiseer is.

#### **Klassifisering van grondbewaringswerke**

6. (1) ‘n Grondbewaringswerk kan vir die doeleindes van hierdie skema as ‘n beskermingswerk geklassifiseer word indien die uitvoerende beampte oortuig is dat dit—

- (a) ‘n stuwal is wat ten doel het om ‘n waterloop te stabiliseer;
- (b) ‘n dongaversperring of wal is wat ten doel het om ‘n donga te stabiliseer of te laat toeslik;
- (c) ‘n invalstruktur, geut of keerwal is wat ten doel het om ‘n dongakop te stabiliseer;
- (d) ‘n skans is wat ten doel het om die wegvreting van ‘n dongawal te voorkom;

“farm unit” means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

“flood damage”, in relation to a soil conservation work, means damage to such soil conservation work that was caused by a flood;

“protection work” means a soil conservation work which is classified in terms of section 6 (1) as a protection work;

“Soil Conservation Scheme” means the Soil Conservation Scheme established by virtue of section 8 of the Act;

“the Act” means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder;

“veld” means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs;

“veld utilisation work” means a soil conservation work which is classified in terms of section 6 (3) as a veld utilisation work; and

“waterway” means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

#### **Name of scheme**

2. This scheme shall be known as the Flood Relief Scheme.

#### **Objects of scheme**

3. The objects of this scheme shall be to promote the repair of flood damage to certain soil conservation works with a view to maintaining the production potential of land and to combating or preventing excessive soil loss through erosion, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

#### **Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land specified in section 2 (1) of the Act, on which flood damage to soil conservation works occurred on the date or dates specified in column 2 of the said Table opposite the area concerned and shall thus apply for a period of 30 months as from the date of inception specified in column 3 of the said Table opposite thereto.

#### **Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the repair of flood damage in the area referred to in section 4, to soil conservation works classified as protection works, drainage works, veld utilisation works or drought relief works.

#### **Classification of soil conservation works**

6. (1) A soil conservation work may for the purposes of this scheme be classified as a protection work if the executive officer is satisfied that it is—

- (a) a weir that has as its object to stabilise a watercourse;
- (b) a donga barrier or embankment that has as its object to stabilise a donga or to cause it to silt up;
- (c) a drop-inlet, chute or training bank that has as its object to stabilise a donga head;
- (d) a barrier that has as its object to prevent the scouring of a donga embankment;

- (e) 'n wal, stormwatervoor, omgekeerde kontoerwal of spreiwal is wat ten doel het om ontblote of verspoelde grond te herwin;
- (f) 'n stormwatervoor, kontoerwal of afleibaan is wat ten doel het om bewerkte grond teen oormatige grondverlies te beskerm;
- (g) 'n werk is wat ten doel het om waaisand te herwin deur dit met geskikte materiaal te bedek of 'n dekgewas daarop te vestig;
- (h) 'n heining om 'n gebied is waar oormatige grondverlies weens erosie deur water of wind voorkom of wat kwesbaar daarvoor is, en wat ten doel het om daardie gebied af te kamp ten einde dit aan bewerking of beweidiging te onttrek met die oog op die herwinning daarvan.

(2) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n dreineringswerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit 'n oop sugsloot of ondergrondse dreineringsgang is wat ten doel het om deur middel van die dreinering van en veilige beskikking oor oortollige bo- of ondergrondse water die versuiping van verbrakking van grond te voorkom.

(3) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n weiveldbenuttingswerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit—

- (a) 'n kampheining is wat ten doel het om die veld van 'n plaaseenheid in morfologiese eenhede te skei of om sodanige morfologiese eenhede te verdeel sodat sodanige veld afwisselend bewei en gerus kan word volgens die fisiologiese behoeftes van die plantegroei daarop;
- (b) 'n veesuipingstelsel is wat ten doel het om drinkwater vir diere beskikbaar te stel wanneer 'n bepaalde morfologiese eenheid of verdeling daarvan bewei word; of
- (c) 'n grensheining is wat ten doel het om aangrensende plaaseenhede van mekaar te skei.

(4) 'n Grondbewaringswerk kan vir die doeleindes van hierdie skema as 'n droogtebystandwerk geklassifiseer word indien die uitvoerende beampete oortuig is dat dit—

- (a) opbergingfasalteite vir voer is; of
- (b) 'n voerkraal of voerkamp toegerus met voerkrippe en 'n veesuipingstelsel is wat ten doel het om voerfasalteite op 'n plaaseenheid te skep vir diere wat gedurende 'n ernstige droogte van die veld van daardie plaaseenheid onttrek moet word.

#### **Grondslag vir die bepaling van subsidies**

7. (1) Die subsidies wat ingevolge hierdie skema ten opsigte van die herstel van vloedskade aan grondbewaringswerke betaal kan word, word bepaal ooreenkomsdig die toepaslike tariewe soos aangeteken in 'n tarieflys wat deur die Minister met die instemming van die Minister van Finansies goedgekeur is en vir dié doel by die kantoor van die uitvoerende beampete gehou word.

(2) Sodanige tarieflys word geag deel van hierdie skema uit te maak.

(3) Afskrifte van die tarieflys in subartikel (1) bedoel, is ter insae beskikbaar by—

- (a) die kantoor van die uitvoerende beampete;
- (b) die kantoor van elke streekdirekteur;
- (c) elke voorligtingeskantoor; en
- (d) sodanige ander kantoor as wat die uitvoerende beampete bepaal.

- (e) an embankment, storm-water furrow, inverted contour bank or a spreader contour bank that has as its object to reclaim denuded or eroded land;
- (f) a storm-water furrow, contour bank or waterway that has as its object to protect cultivated land against excessive soil loss;
- (g) a work that has as its object to reclaim drift sand by covering it with suitable material or establishing a cover crop thereon; or
- (h) a fence around an area where excessive soil loss due to erosion through water or wind occurs or that is vulnerable thereto, and that has as its object to fence off that area in order to withdraw it from cultivation or grazing with a view to the reclamation thereof.

(2) A soil conservation work may for the purposes of this scheme be classified as a drainage work if the executive officer is satisfied that it is an open drainage furrow or underground drainage passage that has as its object to prevent, by means of the drainage and safe disposal of excess surface or underground water, the waterlogging or salination of land.

(3) A soil conservation work may for the purposes of this scheme be classified as a veld utilisation work if the executive officer is satisfied that it is—

- (a) a camp fence that has as its object to separate the veld of a farm unit into morphological units or to divide such morphological units in order that such veld may be alternately grazed and rested according to the physiological requirements of the vegetation thereon;
- (b) a stock watering system that has as its object to provide drinking water for animals when a particular morphological unit or a division thereof is grazed; or
- (c) a boundary fence that has as its object to separate adjoining farm units.

(4) A soil conservation work may for the purposes of this scheme be classified as a drought relief work if the executive officer is satisfied that it is—

- (a) a storage facility for fodder; or
- (b) a feedlot or feed paddock equipped with feeding troughs and a stock watering system that has as its object to create feeding facilities on a farm unit for animals that are to be withdrawn from the veld of that farm unit during a severe drought.

#### **Basis for the determination of subsidies**

7. (1) The subsidies that may be paid in terms of this scheme in respect of the repair of flood damage to soil conservation works shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.

(2) Such tariff list shall be deemed to form part of this scheme.

(3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at—

- (a) the office of the executive officer;
- (b) the office of each regional director;
- (c) each extension office; and
- (d) such other office as the executive officer may determine.

**Vereistes vir betaling van subsidies**

8. 'n Subsidie kan ingevolge hierdie skema ten opsigte van die herstel van vloedskade aan 'n grondbewaringswerk aan 'n grondgebruiker betaal word indien—
- daardie grondgebruiker die eienaar van die plaaseenheid is waarop vloedskade aan sodanige grondbewaringswerk herstel is;
  - die plaaseenheid waarop vloedskade aan sodanige grondbewaringswerk herstel is—
    - geleë is in 'n gebied in artikel 4 bedoel;
    - ingevolge artikel 10 vir deelname aan hierdie skema ingeskryf is of geag word aldus ingeskryf te wees;
  - sodanige grondbewaringswerk ingevolge artikel 6 as 'n beskermingswerk, 'n dreineringswerk, 'n weiveldbenuttingswerk of 'n droogtebystandwerk geklassifiseer is;
  - die herstel van vloedskade aan sodanige grondbewaringswerk as 'n voorgestelde werk aangedui is in die lys van grondbewaringswerke wat deel van die plaasplan vir die betrokke plaaseenheid uitmaak;
  - 'n toestemming vir die herstel van sodanige grondbewaringswerk ingevolge artikel 11 uitgereik is of geag word aldus uitgereik te gewees het;
  - 'n kennisgewing van die voltooiing van sodanige herstelwerk ingevolge artikel 12 verstrek is of geag word aldus verstrek te gewees het;
  - die plek waar sodanige grondbewaringswerk herstel is, ooreenstem met die benaderde posisie daarvan soos aangedui op die kaart wat deel van die plaasplan vir die betrokke plaaseenheid uitmaak;
  - die afmetings en spesifikasies van sodanige herstelwerk ooreenstem met die planne en spesifikasies wat die betrokke toestemming in artikel 11 bedoel, vergesel gegaan het of wat ingevolge daardie artikel aanvaar is;
  - 'n verklaring of verslag oor sodanige herstelwerk ingevolge artikel 14 afgelê of opgestel is of geag word aldus afgelê of opgestel te gewees het;
  - sodanige verklaring of verslag ingevolge artikel 15 deur die uitvoerende beampete aanvaar is en geld wat vir die doeleindes van hierdie skema bewillig is, beskikbaar is; en
  - al die ander bepalings van hierdie skema met betrekking tot sodanige herstelwerk en die plaaseenheid waarop dit onderneem is, nagekom is.

**Aansoeke om deelname aan skema**

9. (1) 'n Aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrygbaar is.
- (2) So 'n aansoekvorm moet—
- behoudens dié bepalings van subartikel (4), deur die eienaar van die betrokke plaaseenheid ingevul word;
  - nadat dit aldus ingeval is, by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, ingedien word; en
  - aldus ingedien word binne ses maande na die toepaslike instellingsdatum.
- (3) 'n Aansoekvorm in subartikel (2) bedoel, moet, tensy die betrokke stukke voorheen ingedien is saam met 'n aansoek om die betaling van subsidies of toekennings ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), of 'n aansoek om die inskrywing van die betrokke plaaseenheid met die oog op deelname aan 'n ander skema, vergesel gaan van—
- dokumentêre bewys van die identiteit van die betrokke aansoeker;

**Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the repair of flood damage to a soil conservation work if—
- that land user is the owner of the farm unit on which flood damage to such soil conservation work has been repaired;
  - the farm unit on which flood damage to such soil conservation work has been repaired—
    - is situated within an area referred to in section 4; and
    - has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
  - such soil conservation work has been classified in terms of section 6 as a protection work, a drainage work, a veld utilisation work or a drought relief work;
  - the repair of flood damage to such soil conservation work has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
  - a consent for the repair of such soil conservation work has been issued in terms of section 11 or is deemed to have been thus issued;
  - a notice of the completion of such repair has been furnished in terms of section 12 or is deemed to have been thus furnished;
  - the place at which such soil conservation work has been repaired, corresponds with the approximate position thereof as indicated on the map forming part of the farm plan for the farm unit concerned;
  - the dimensions and specifications of such repair correspond with the plans and specifications that accompanied the relevant consent referred to in section 11 or have been accepted in terms of that section;
  - a statement or report on such repair has been made or compiled in terms of section 14 or is deemed to have been thus made or compiled;
  - such statement or report has been accepted by the executive officer in terms of section 15, and moneys appropriated for the purposes of this scheme are available; and
  - all the other provisions of this scheme with regard to such reparation and the farm unit on which it has been undertaken have been complied with.

**Applications for participation in scheme**

9. (1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (2) Such an application form shall—
- subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned;
  - after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - be thus lodged within six months of the applicable date of inception.
- (3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by—
- documentary proof of the identity of the applicant concerned;

- (b) 'n gewaarmerkte afskrif van die titelbewys van die grond waaruit die betrokke plaaseenheid bestaan;
- (c) indien van toepassing, 'n gewaarmerkte afskrif van—  
 (i) die koopooreenkoms ten opsigte van die grond waaruit die betrokke plaaseenheid bestaan, indien daardie grond nog nie op naam van sodanige aansoeker geregistreer is nie: Met dien verstande dat geen subsidie in so 'n geval betaalbaar is voordat 'n gewaarmerkte afskrif van die titelbewys waarby die betrokke grond op naam van daardie aansoeker geregistreer is, ingediend is nie; of  
 (ii) dokumentêre bewys van die vruggebruik waarvan die grond waaruit die betrokke plaaseenheid bestaan, onderworpe is, indien sodanige aansoeker die vruggebruiker van daardie plaaseenheid is;
- (d) 'n lys waarin die grondbewaringswerke op daardie plaaseenheid wat deur die betrokke vloed beskadig is en die omvang van die vloedskade aan elkeen van daardie grondbewaringswerke vermeld word;
- (e) 'n sketskaart van daardie plaaseenheid, of die kaart wat deel van die plaasplan vir daardie plaaseenheid uitmaak, waarop die posisies van die vloedbeskadigde grondbewaringswerke in rooi aangedui word; en
- (f) sodanige ander toepaslike stukke as wat ingevolge subartikel (4) vereis word.
- (4) Indien die eienaar van 'n plaaseenheid ten opsigte waarvan 'n aansoekvorm in subartikel (1) bedoel, ingeval is—  
 (a) minderjarig is, moet die aansoekvorm deur die ouer of wettige voog van sodanige minderjarige onderteken word;  
 (b) 'n getroude vrou is, moet die aansoekvorm deur haar eggenoot mede-ondersteek word as bewys dat sy deur hom bygestaan word;  
 (c) 'n boedel is, moet die aansoekvorm deur die eksekuteur of kurator van sodanige boedel onderteken word: Met dien verstande dat sodanige aansoekvorm van 'n gewaarmerkte afskrif van die aanstellingsbrief van die betrokke eksekuteur of kurator vergesel moet gaan;
- (d) 'n regspersoon is, moet die aansoekvorm deur iemand onderteken word wat behoorlik daartoe gemagtig is: Met dien verstande dat—  
 (i) die hoedanigheid van die betrokke persoon op sodanige aansoekvorm vermeld moet word; en  
 (ii) sodanige aansoekvorm van 'n gewaarmerkte uittreksel uit die notule wat die besluit bevat waarby daardie magtiging gegee is, vergesel moet gaan;
- (e) iemand anders gemagtig het om namens hom aansoek te doen, moet die aansoekvorm deur die betrokke gemagtigde persoon onderteken word: Met dien verstande dat sodanige aansoekvorm van die betrokke volmag vergesel moet gaan;
- (f) 'n vennootskap is of indien sodanige plaaseenheid deur meer as een persoon besit word, moet die aansoekvorm deur al die betrokke vennote of mede-eienaars onderteken word, tensy een van die vennote of mede-eienaars 'n volmag in paragraaf (e) bedoel, het; of
- (g) 'n trust is, moet die aansoekvorm deur die trustee van sodanige trust onderteken word: Met dien verstande dat sodanige aansoekvorm van gewaarmerkte afskrifte van die stukke waarkragtens die betrokke trust geskep en die betrokke trustee aangestel is, vergesel moet gaan.
- (b) a certified copy of the title deed of the land comprising the farm unit concerned;
- (c) if applicable, a certified copy of—  
 (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or  
 (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit;
- (d) a list in which the soil conservation works on that farm unit that were damaged by the flood concerned, and the extent of the flood damage to each of those soil conservation works are specified;
- (e) a sketch map of that farm unit, or the map forming part of the farm plan for that farm unit, on which the positions of the flood damaged soil conservation works are indicated in red; and
- (f) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed—  
 (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
- (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
- (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
- (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that—  
 (i) the capacity of the person concerned shall be specified on such application form; and  
 (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
- (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
- (f) is a partnership or if such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
- (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.

(5) 'n Aansoek om die betaling van subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die herstel van vloedskade aan 'n grondbewaringswerk op 'n plaaseenheid, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (1) bedoel, te wees.

#### **Inskrywing van plaaseenhede**

10. (1) Indien die uitvoerende beampte 'n aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema goedkeur, moet hy die betrokke aansoeker skriftelik daarvan in kennis stel: Met dien verstande dat 'n aansoek nie aldus goedgekeur word nie tensy 'n plaasplan vir die betrokke plaaseenheid voorheen aan die betrokke aansoeker verskaf is of saam met sodanige kennisgewing aan hom verskaf word.

(2) Elke kennisgewing in subartikel (1) bedoel, moet van 'n lys van werke vergesel gaan waarin die vloedskade aan grondbewaringswerke op die betrokke plaaseenheid wat herstel behoort te word en ten opsigte waarvan subsidies ingevolge hierdie skema betaal kan word, vermeld word.

(3) 'n Lys van werke in subartikel (2) bedoel, word geag 'n aanvulling te wees van die lys van grondbewaringswerke wat deel van die plaasplan vir 'n plaaseenheid uitmaak.

(4) 'n Plaaseenheid word geag vir deelname aan hierdie skema ingeskryf te wees indien—

- (a) 'n aansoek deur die huidige eienaar van die plaaseenheid om die betaling van subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die herstel van vloedskade aan grondbewaringswerke daarop, voor die datum van inwerkingtreding van hierdie skema ingevolge voormalde Wet goedkeur is en sodanige goedkeuring nog van krag is; en
- (b) 'n stuk wat geag word 'n lys van werke in subartikel (2) bedoel, te wees, voor die datum van inwerkingtreding van hierdie skema aan sodanige eienaars verskaf is en sodanige lys van werke nog van krag is.

(5) Die inskrywing van 'n plaaseenheid vir deelname aan hierdie skema verval indien—

- (a) die eienaar van die betrokke plaaseenheid—
  - (i) die uitvoerende beampte skriftelik in kennis gestel het van sy voorname om die plaaseenheid aan deelname aan hierdie skema te onttrek; en
  - (ii) die subsidies, indien enige, wat ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), aan hom betaal is ten opsigte van die herstel van vloedskade aan grondbewaringswerke op die plaaseenheid, of sodanige gedeelte van hierdie subsidies as wat die uitvoerende beampte bepaal, aan die uitvoerende beampte terugbetaal het; of
- (b) die persoon aan wie 'n kennisgewing ingevolge subartikel (1) of 'n goedkeuring in subartikel (4) (a) bedoel, uitgereik is, nie meer die eienaar van die betrokke plaaseenheid is nie.

#### **Toestemming om vloedskade te herstel**

11. (1) Behoudens die bepalings van subartikel (2), mag die herstel van vloedskade aan grondbewaringswerke ten opsigte waarvan subsidies ingevolge hierdie skema verlang word, nie 'n aanvang neem voordat die uitvoerende beampte skriftelik toestemming daar toe verleen het nie.

(2) Die herstel van vloedskade aan 'n weiveldbenuttingswerk wat noodsaaklik is vir die voortsetting van boerderybedrywigheid op 'n plaaseenheid, kan 'n aanvang neem voordat 'n toestemming in subartikel (1) bedoel, uitgereik is indien 'n aansoek in subartikel (3) bedoel, ooreenkomsdig die bepalings van subartikel (4) ten opsigte daarvan ingedien is.

(5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the repair of flood damage to a soil conservation work on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

#### **Entry of farm units**

10. (1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan for the farm unit concerned has previously been provided to the applicant concerned or will be provided to him together with such notice.

(2) Each notice referred to in subsection (1) shall be accompanied by a list of works in which the flood damage to soil conservation works on the farm unit concerned that should be repaired and in respect of which subsidies may be paid in terms of this scheme is specified.

(3) A list of works referred to in subsection (2) shall be deemed to be an addition to the list of soil conservation works forming part of the farm plan for a farm unit.

(4) A farm unit shall be deemed to have been entered for participation in this scheme if—

- (a) an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the repair of flood damage to soil conservation works was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force; and
- (b) a document deemed to be a list of works referred to in subsection (2) was provided to such owner prior to the date of commencement of this scheme and such list of works is still in force.

(5) The entry of a farm unit for participation in this scheme shall lapse if—

- (a) the owner of the farm unit concerned—
  - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
  - (ii) has repaid to the executive officer the subsidies, if any, paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the repair of flood damage to soil conservation works on the farm unit, or such portion of those subsidies as the executive officer may determine; or
- (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (4) (a) was issued is no longer the owner of the farm unit concerned.

#### **Consent to repair flood damage**

11. (1) Subject to the provisions of subsection (2), the repair of flood damage to a soil conservation work in respect of which subsidies are required in terms of this scheme shall not commence before the executive officer has consented thereto in writing.

(2) The repair of flood damage to a veld utilisation work that is essential for the continuation of farming activities on a farm unit may commence before a consent referred to in subsection (1) has been issued if an application referred to in subsection (3) was submitted in respect thereof in accordance with the provisions of subsection (4).

(3) 'n Aansoek om 'n toestemming in subartikel (1) bedoel, moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrygbaar is.

(4) Sodanige aansoekvorm moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenheid ingevul word;
- (b) nadat dit aldus ingevul is, ingedien word by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is; en
- (c) aldus ingedien word binne 12 maande na die toepaslike instellingsdatum.

(5) 'n Aansoek om 'n toestemming om vloedskade te herstel aan 'n grondbewaringswerk ten opsigte waarvan subsidies ingevalvolg artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (3) bedoel, te wees.

(6) Indien die uitvoerende beampete 'n aansoek in subartikel (3) bedoel, goedkeur, moet hy 'n skriftelike toestemming om vloedskade aan die betrokke grondbewaringswerk te herstel, aan die betrokke aansoeker uitreik.

(7) Sodanige toestemming moet—

- (a) die grondbewaringswerk waarop dit betrekking het, vermeld;
- (b) die vervaldatum daarvan vermeld: Met dien verstande dat sodanige vervaldatum nie later as 30 maande na die toepaslike instellingsdatum mag wees nie;
- (c) in die geval van 'n grondbewaringswerk wat herstel gaan word met materiaal wat aangekoop moet word, die materiaal vermeld ten opsigte waarvan fakture verkry en vir insae deur die uitvoerende beampete bewaar moet word; en
- (d) vergesel gaan van die planne en spesifikasies waarvolgens die vloedskade aan die betrokke grondbewaringswerk herstel moet word.

(8) Ondanks die bepalings van subartikel 7 (d), kan 'n eienaar, wanneer hy 'n aansoek in subartikel (3) bedoel, indien, sy eie planne en spesifikasies vir die herstel van vloedskade aan 'n grondbewaringswerk voorlê, en indien die uitvoerende beampete sodanige planne en spesifikasies aanvaar, word dit geag dié te wees waarvolgens die vloedskade aan die betrokke grondbewaringswerk herstel moet word.

(9) 'n Toestemming om vloedskade aan 'n grondbewaringswerk te herstel ten opsigte waarvan subsidies ingevalvolg artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema uitgereik is, word, indien dit op sodanige datum nog van krag is, geag 'n toestemming in subartikel (1) bedoel, te wees.

#### *Kennisgewings van voltooiing van herstelwerk*

12. (1) Die uitvoerende beampete moet in kennis gestel word van die voltooiing van herstelwerk ten opsigte waarvan 'n toestemming in artikel 11 bedoel, uitgereik is.

(2) So 'n kennisgewing moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die plaaseenheid waarop sodanige vloedskade herstel is, verstrek word;
- (b) aan die beampete in beheer van die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, oorgedra word; en
- (c) voor of op die vervaldatum wat in die betrokke toestemming vermeld is, aldus oorgedra word.

(3) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

(4) Such an application form shall—

- (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (c) be thus lodged within 12 months of the applicable date of inception.

(5) An application for a consent for the repair of flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (3).

(6) If the executive officer approves an application referred to in subsection (3), he shall issue a written consent to the applicant concerned to repair the flood damage to the soil conservation work concerned.

(7) Such a consent shall—

- (a) specify the soil conservation work to which it relates;
- (b) specify the expiry date thereof: Provided that such expiry date shall not be later than 30 months after the applicable date of inception;
- (c) in the case of a soil conservation work that will be repaired with material that has to be purchased, specify the material in respect of which invoices have to be obtained and preserved for perusal by the executive officer; and
- (d) be accompanied by the plans and specifications in accordance with which the flood damage to the soil conservation work concerned must be repaired.

(8) Notwithstanding the provisions of subsection (7) (d), an owner may lodge his own plans and specifications for the repair of flood damage to a soil conservation work when he submits an application referred to in subsection (3), and if the executive officer accepts such plans and specifications, they shall be deemed to be those in accordance with which the flood damage to the soil conservation work concerned must be repaired.

(9) A consent to repair flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

#### *Notices of completion of repair work*

12. (1) The executive officer shall be notified of the completion of repair work in respect of which a consent referred to in section 11 was issued.

(2) Such a notice shall—

- (a) subject to the provisions of section 9 (4), be furnished by the owner of the farm unit on which such flood damage was repaired;
- (b) be conveyed to the officer in charge of the extension office for the area within which the farm unit concerned is situated; and
- (c) be thus conveyed on or before the expiry date specified in the consent concerned.

(3) Indien 'n kennisgewing van die voltooiing van die herstelwerk aan 'n vloedbeskadigde grondbewaringswerk nie voor of op die vervaldatum in subartikel (2) (c) bedoel, verstrek is nie, kan die uitvoerende beampte—

- (a) weier om enige subsidie ten opsigte van die betrokke herstelwerk te betaal; of
- (b) die betaling van die subsidie ten opsigte van die betrokke herstelwerk uitstel vir sodanige tydperk as wat hy bepaal: Met dien verstande dat geen subsidie betaalbaar is nie indien sodanige kennisgewing later as 30 maande na die toepaslike instellingsdatum verstrek is.
- (4) 'n Kennisgewing van die voltooiing van die herstelwerk aan 'n vloedbeskadigde grondbewaringswerk ten opsigte waarvan subsidies ingevolge artikel 6 van Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema verstrek is, word, indien sodanige subsidies nog nie op daardie datum betaal is nie, geag 'n kennisgewing in subartikel (1) bedoel, te wees.

#### **Verlenging van geldigheidsduur van toestemmings**

13. (1) Indien die herstelwerk aan 'n vloedbeskadigde grondbewaringswerk waarskynlik nie betyds voltooï sal wees om te verseker dat 'n kennisgewing in artikel 12 (1) bedoel, voor of op die vervaldatum in artikel 12 (2) (c) bedoel, verstrek kan word nie, kan die uitvoerende beampte daardie vervaldatum op aansoek uitstel.

(2) Die bepalings van artikel 11 met betrekking tot 'n aansoek om 'n toestemming om vloedskade aan 'n grondbewaringswerk te herstel, is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om die uitstel van die vervaldatum in sodanige toestemming vermeld: Met dien verstande dat sodanige aansoek die betrokke voorligtingskantoor nie later nie as die vervaldatum in die betrokke toestemming vermeld, moet bereik.

(3) Wanneer die uitvoerende beampte 'n aansoek om die uitstel van die vervaldatum vermeld in 'n toestemming in artikel 11 bedoel, goedkeur, moet hy 'n nuwe toestemming vir die herstel van die vloedskade uitreik: Met dien verstande dat die vervaldatum in sodanige nuwe toestemming vermeld, nie later as 30 maande na die toepaslike instellingsdatum mag wees nie.

#### **Verklarings en verslae oor herstel van vloedskade**

14. (1) Die uitvoerende beampte moet—

- (a) die persoon wat 'n kennisgewing in artikel 12 bedoel, verstrek het, versoek om 'n verklaring betreffende die herstel van die betrokke vloedbeskadigde grondbewaringswerk af te lê; of
  - (b) die herstel van die vloedskade aan die betrokke grondbewaringswerk ondersoek en 'n verslag daaroor opstel.
- (2) 'n Verklaring in subartikel (1) (a) bedoel, moet op 'n vorm afgelê word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrygbaar is en moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenhede afgelê word;
- (b) aldus afgelê word in die teenwoordigheid van 'n beampte van die departement wat werkzaam is by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenhed geleë is;
- (c) die presiese afmetings en spesifikasies van die betrokke herstelwerk vermeld; en
- (d) 'n bevestiging bevat dat—
  - (i) die betrokke grondbewaringswerk volledig herstel is ooreenkomsdig die planne en spesifikasies wat ingevolge artikel 11 ten opsigte daarvan voorsien of aanvaar is en, indien van toepassing, dat sodanige grondbewaringswerk bevredigend funksioneer;

(3) If a notice of the completion of the repair work to a flood damaged soil conservation work is not furnished on or before the expiry date referred to in subsection (2) (c), the executive officer may—

- (a) refuse to pay any subsidy in respect of the repair work concerned; or
- (b) postpone the payment of the subsidy in respect of the repair work concerned for such period as he may determine: Provided that no subsidy shall be payable if such notice is furnished later than 30 months after the applicable date of inception.

(4) A notice of the completion of the repair work to a flood damaged soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was furnished prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a notice referred to in subsection (1).

#### **Extension of validity of consents**

13. (1) If the repair of a flood damaged soil conservation work will probably not be completed in time to ensure that a notice referred to in section 12 (1) can be furnished on or before the expiry date referred to in section 12 (2) (c), the executive officer may on application postpone that expiry date.

(2) The provisions of section 11 with regard to an application for a consent to repair flood damage to a soil conservation work shall apply *mutatis mutandis* with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.

(3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 11, he shall issue a fresh consent for the repair of the flood damage: Provided that the expiry date specified in such fresh consent shall not be later than 30 months after the applicable date of inception.

#### **Statements and reports on repair of flood damage**

14. (1) The executive officer shall—

- (a) request the person who has furnished a notice referred to in section 12, to submit a statement on the repairs to the flood damaged soil conservation work concerned; or
- (b) inspect the repair of the flood damage to such soil conservation work and compile a report thereon.

(2) A statement referred to in subsection (1) (a) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4 and shall—

- (a) subject to the provisions of section 9 (4), be made by the owner of the farm unit concerned;
- (b) be thus made in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated;
- (c) state the exact dimensions and specifications of the repair work concerned; and
- (d) contain a confirmation that—
  - (i) the soil conservation work concerned has been fully repaired in accordance with the plans and specifications that were provided or accepted in terms of section 11 in respect thereof and, if applicable, that such soil conservation work functions satisfactorily;

- (ii) die vermelde afmetings en spesifikasies van die betrokke herstelwerk juis is;
- (iii) die betrokke vloedskade met nuwe materiaal herstel is, behalwe waar anders aangedui; en
- (iv) die verklaarder bewus is dat enige subsidies wat op grond van die betrokke verklaring aan hom betaal is, onmiddellik deur hom terugbetaalbaar sal wees indien dit later blyk dat enige besonderhede in sodanige verklaring onjuis is.
- (3) 'n Verslag in subartikel (1) (b) bedoel, moet—
- op 'n vorm vir dié doel deur die uitvoerende beampete bepaal, opgestel word;
  - die presiese afmetings en spesifikasies van die betrokke herstelwerk vermeld; en
  - sodanige ander besonderhede bevat as wat op die betrokke vorm vereis word.
- (4) 'n Verklaring of verslag oor die herstel van vloedskade aan 'n grondbewaringswerk ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema afgelê of opgestel is, word, indien sodanige subsidies nog nie op daardie datum betaal is nie, geag onderskeidelik 'n verklaring in subartikel (2) bedoel, of 'n verslag in subartikel (3) bedoel, te wees.
- (5) Die uitvoerende beampete kan te eniger tyd die herstelwerk aan 'n grondbewaringswerk ten opsigte waarvan 'n verklaring in subartikel (2) bedoel, afgelê is, ondersoek, hetsy voordat of nadat 'n subsidie ten opsigte daarvan betaal is, en hy moet dan 'n verslag in subartikel (3) bedoel, daaroor opstel.
- (6) Elke verklaring in subartikel (2) bedoel in elke verslag in subartikel (3) bedoel, moet deur die uitvoerende beampete nagesien en aan die toepaslike stukke in artikels 9, 10, 11 en 12 bedoel, en die toepaslike bepalings van hierdie skema getoets word ten einde te bepaal of 'n subsidie ten opsigte van die herstel van vloedskade aan die betrokke grondbewaringswerk betaalbaar is.
- (7) Indien dit uit 'n ondersoek in subartikel (1) (b) of (5) bedoel of uit die nasien van 'n verklaring of verslag ingevolge subartikel (6) blyk dat die herstelwerk ten opsigte van vloedskade aan 'n grondbewaringswerk 'n tekortkoming het omdat dit nie ooreenkomsdig die toepaslike planne en spesifikasies in artikel 11 bedoel, gedoen is nie of dat die herstel van sodanige vloedskade om 'n ander rede nie vir die betaling van 'n subsidie kwalificeer nie—
- moet die uitvoerende beampete die persoon wat die kennisgewing van voltooiing van daardie herstelwerk ingevolge artikel 12 verstrek het, skriftelik van sodanige tekortkoming of rede in kennis stel;
  - is geen subsidie ten opsigte van die herstel van daardie grondbewaringswerk betaalbaar voordat sodanige tekortkoming reggestel of sodanige rede uitgeskakel is nie; en
  - kan 'n nuwe kennisgewing ingevolge artikel 12 verstrek word nadat sodanige tekortkoming reggestel of sodanige rede uitgeskakel is.
- Betaling van subsidies**
15. (1) Indien die uitvoerende beampete 'n verklaring of verslag aanvaar wat ingevolge artikel 14 (6) nagesien is, moet hy die bedrag bereken wat as subsidie ten opsigte van die herstel van vloedskade aan die betrokke grondbewaringswerk betaalbaar is.
- (2) 'n Bedrag in subartikel (1) bedoel, word bereken ooreenkomsdig die toepaslike tariewe wat in die tarieflys in artikel 7 bedoel, aangeteken is, en—
- in die geval van die herstel van vloedskade ten opsigte waarvan 'n verklaring in artikel 14 (2) bedoel, afgelê is, van krag was op die datum waarop sodanige verklaring afgelê is; en
- (ii) the stated dimensions and specifications of the repair work concerned are correct;
- (iii) the flood damage concerned was repaired with new material except where otherwise indicated; and
- (iv) the deponent is aware that any subsidies paid to him on the basis of the statement concerned, shall immediately be repayable by him if it later appears that any particulars in such statement are incorrect.
- (3) A report referred to in subsection (1) (b) shall—
- be compiled on a form determined by the executive officer for this purpose;
  - state the exact dimensions and specifications of the repair work concerned; and
  - contain such other particulars as are required on the form concerned.
- (4) A statement or report on the repair of flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made or compiled prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (2) or a report referred to in subsection (3) respectively.
- (5) The executive officer may at any time inspect the repair work to a soil conservation work in respect of which a statement referred to in subsection (2) has been made, either before or after a subsidy has been paid in respect thereof, and he shall then compile a report referred to in subsection (3) thereon.
- (6) Each statement referred to in subsection (2) and each report referred to in subsection (3) shall be checked by the executive officer and tested against the applicable documents referred to in sections 9, 10, 11 and 12 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the repair of flood damage to the soil conservation work concerned.
- (7) If it appears from an inspection referred to in subsection (1) (b) or (5) or from the checking of a statement or report in terms of subsection (6) that the repair work in respect of flood damage to a soil conservation work has a shortcoming because it has not been done in accordance with the applicable plans and specifications referred to in section 11, or that the repair of such flood damage does not qualify for the payment of a subsidy for any other reason—
- the executive officer shall notify the person who furnished the notice of completion of that repair work in terms of section 12, in writing of such shortcoming or reason;
  - no subsidy shall be payable in respect of the repair to that soil conservation work before such shortcoming has been rectified or such reason eliminated; and
  - a fresh notice may be furnished in terms of section 12 after such shortcoming has been rectified or such reason eliminated.
- Payment of subsidies**
15. (1) If the executive officer accepts a statement or report that has been checked in terms of section 14 (6), he shall calculate the amount payable as a subsidy in respect of the repair of flood damage to the soil conservation work concerned.
- (2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs that are recorded in the tariff list referred to in section 7, and—
- in the case of the repair of flood damage in respect of which a statement referred to in section 14 (2) has been made, were in force on the date on which such statement was made; and

(b) in die geval van die herstel van ander vloedskade, van krag was op die datum waarop 'n kennisgiving van voltooiing ingevolge artikel 12 verstrek is.

(3) Die subsidie aldus bereken, word behoudens die bepaling van subartikels (4) en (5) en met inagneming van die beskikbaarheid van geld vir die doeleindes van hierdie skema bewillig, so spoedig doenlik betaal aan die eienaar van die plaaseenheid waarop die betrokke vloedbeskadigde grondbewaringswerk herstel is.

(4) Die eienaar van 'n plaaseenheid kan die uitvoerende beampte skriftelik versoek om enige subsidies wat hom toekom, aan iemand in sodanige versoek vermeld, te betaal.

(5) Indien die uitvoerende beampte in kennis gestel is dat bystand by wyse van 'n lening ingevolge artikel 10 van die Wet op Landboukrediet, 1966 (Wet 28 van 1966), aan 'n grondgebruiker verleen is vir die herstel van vloedskade aan 'n grondbewaringswerk, word die subsidie wat ten opsigte van sodanige herstelwerk betaalbaar is, gebruik ter betaling of gedeeltelike betaling van die bedrag (met inbegrip van rente daarop) wat as gevolg van sodanige bystand aan die Staat verskuldig is.

#### Foutiewe betalings

16. (1) Indien die uitvoerende beampte na aanleiding van 'n onderzoek ingevolge artikel 14 (5) van hierdie skema of artikel 18 van die Wet, in verband met die herstel van 'n vloedbeskadigde grondbewaringswerk ten opsigte waarvan 'n subsidie ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaal is, oortuig is dat—

- (a) geen subsidie ten opsigte van die herstel van daardie grondbewaringswerk betaal moes gewees het nie; of
- (b) die afmetings en spesifikasies van die betrokke herstelwerk soos vermeld in 'n verklaring in artikel 14 (2) bedoel, onjuis is en dat die bedrag wat as sodanige subsidie betaal is, die bedrag oorskry het wat regtens as subsidie ten opsigte van sodanige herstelwerk betaalbaar was,

moet die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die betrokke bedrag of die bedrag te veel betaal, na gelang van die geval, tesame met rente daarop bereken op die grondslag in subartikel (2) uiteengesit, aan die uitvoerende beampte terug te betaal.

(2) Rente wat ingevolge subartikel (1) betaalbaar is, word bereken—

- (a) teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop die uitvoerende beampte die terugbetaling van die betrokke bedrag skriftelik gelas het; en
- (b) vanaf die datum waarop die betrokke subsidie betaal is tot die laaste dag van die maand wat die maand van terugbetaling van sodanige verskuldigde bedrag voorafgaan.

(3) Indien dit te enigertyd aan die lig kom dat 'n ander fout as 'n fout in subartikel (1) bedoel, gemaak is in die berekening van 'n subsidie wat ingevolge hierdie skema betaal is, moet die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die bedrag wat verkeerdelik aan hom betaal is, aan die uitvoerende beampte terug te betaal.

(4) 'n Bedrag wat ingevolge subartikel (3) terugbetaalbaar is, moet aan die uitvoerende beampte betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skriftelik gelas het.

(b) in the case of other flood damage, were in force on the date on which a notice of completion was furnished in terms of section 12.

(3) The subsidy thus calculated shall, subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purpose of this scheme, be paid to the owner of the farm unit on which the flood damaged soil conservation work concerned was repaired as soon as is practicable.

(4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.

(5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the repair of flood damage to a soil conservation work, the subsidy payable in respect of such repair shall be used as payment or part payment of the amount (including any interest thereon) due to the State on account of such assistance.

#### Erroneous payments

16. (1) If the executive officer, as a result of an inspection in terms of section 14 (5) of this scheme or section 18 of the Act, in connection with the repair of a flood damaged soil conservation work in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is convinced that—

- (a) no subsidy should have been paid in respect of the repair of that soil conservation work; or
- (b) the dimensions and specification of the repair concerned as specified in a statement referred to in section 14 (2) are incorrect and that the amount paid as such subsidy exceeded the amount that was lawfully payable as subsidy in respect of such repair,

the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount concerned or the amount paid in excess, as the case may be, together with interest thereon calculated on the basis set out in subsection (2).

(2) Interest payable in terms of subsection (1) shall be calculated—

- (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and

- (b) from the date on which subsidy concerned was paid, until the last day of the month preceding the month of repayment of such amount due.

(3) If at any time it appears that an error other than an error referred to in subsection (1) was made in the calculation of a subsidy paid in terms of this scheme, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.

(4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.

(5) Indien die eienaar van 'n plaaseenheid versuim om die bedrag wat ingevolge subartikel (3) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (4) bedoel, is rente op die verskuldigde bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop die uitvoerende beampte die betrokke terugbetaling skriftelik gelas het.

#### Voorwaardes waarop subsidies betaal word

17. (1) Die betaling van 'n subsidie ingevolge hierdie skema ten opsigte van die herstel van vloedskade aan 'n grondbewaringswerk geskied op die volgende voorwaardes:

- (a) Die betrokke grondbewaringswerk moet ooreenkomsdig die bepalings van artikel 12 (1) (a) van die Wet in stand gehou word.
- (b) Die boerderypraktyke wat gevvolg word op die plaaseenheid waarop die betrokke grondbewaringswerk herstel is, moet voldoen aan die bepalings van die bestuursprogram wat deel van die plaasplan vir daardie plaaseenheid uitmaak.
- (c) Die getal diere wat aangehou word op die veld van die plaaseenheid waarop die betrokke grondbewaringswerk herstel is, mag nie die getal oorskry wat ingevolge die Wet daaroor aangehou mag word nie.

(2) Indien die eienaar van 'n plaaseenheid weier of versuim om te voldoen aan enige van die voorwaardes in subartikel (1) uiteengesit, moet die uitvoerende beampte die betrokke eienaar gelas om die subsidies wat ingevolge hierdie skema ten opsigte van die herstel van grondbewaringswerke aan hom betaal is, aan die uitvoerende beampte terug te betaal.

(3) 'n Bedrag wat ingevolge subartikel (2) terugbetaalbaar is, moet aan die uitvoerende beampte betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skriftelik gelas het.

(4) Indien die eienaar van 'n plaaseenheid versuim om die bedrag wat ingevolge subartikel (2) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (3) bedoel, is rente op die verskuldigde bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop die uitvoerende beampte die betrokke terugbetaling skriftelik gelas het.

#### Inwerkingtreding

18. Hierdie skema tree op 1 Junie 1984 in werking.

TABEL

#### GBIEDE WAARIN SKEMA VAN TOEPASSING IS

Gebied waarin skema van toepassing is	Datum of datums waarop vloed-skade aan grondbewaringswerke voorgekom het	Instellingsdatum
1	2	3
1. Die landdrosdistrikte George, Hankey, Humansdorp, Joubertina, Port Elizabeth, Uitenhage en Uniondale	25–28 Julie 1983	16 Februarie 1984.
2. Die landdrosdistrikte Barberton, Dundee, Eshowe, Hlabisa, Inanda, Lower Tugela, Lower Umfolozi, Mtunzini, Newcastle, Paulpietersburg, Piet Retief, Ubombo, Utrecht en Vryheid	28 Januarie 1984 tot 1 Februarie 1984 en 17 Februarie 1984	6 Maart 1984.

(5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

#### Conditions on which subsidies are paid

17. (1) The payment of a subsidy in terms of this scheme in respect of the repair of flood damage to a soil conservation work is made on the following conditions:

- (a) The soil conservation work concerned shall be maintained in accordance with the provisions of section 12 (1) (a) of the Act.
- (b) The farming practices pursued on the farm unit on which the soil conservation work concerned has been repaired shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.
- (c) The number of animals kept on the veld of the farm unit on which the soil conservation work concerned has been repaired shall not exceed the number that may be kept thereon in terms of the Act.

(2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the repair of soil conservation works.

(3) An amount repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.

(4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

#### Commencement

18. This scheme shall come into operation on 1 June 1984.

TABLE

#### AREAS IN WHICH SCHEME IS APPLICABLE

Area in which scheme is applicable	Date or dates on which flood damage to soil conservation works occurred	Date of inception
1	2	3
1. The Magisterial Districts of George, Hankey, Humansdorp, Joubertina, Port Elizabeth, Uitenhage and Uniondale	25–29 July 1983	16 February 1984.
2. The Magisterial Districts of Barberton, Dundee, Eshowe, Hlabisa, Inanda, Lower Tugela, Lower Umfolozi, Mtunzini, Newcastle, Paulpietersburg, Piet Retief, Ubombo, Utrecht and Vryheid	28 January 1984 to 1 February 1984 and 17 February 1984	6 March 1984.

**No. R. 1045****25 Mei 1984****WET OP BEWARING VAN LANDBOEHULPBRONNE,  
1983 (WET 43 VAN 1983)****BOSBEHEERSKEMA.—INSTELLING**

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou, handelende namens die Minister van Landbou, stel hierby kragtens artikel 8, gelees met artikel 9, van die Wet op die Bewaring van Landbouhulpbrone, 1983 (Wet 43 van 1983), die Bosbeheerskema in die Bylae in.

G. J. KOTZÉ, Adjunk-minister van Landbou.

**BYLAE****Woordomskrywing**

1. In hierdie skema het enige woord of uitdrukking waarvan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“die Wet” die Wet op die Bewaring van Landbouhulpbrone, 1983 (Wet 43 van 1983), en die regulasies daarkragtens uitgevaardig;

“Grondbewaringskema” die Grondbewaringskema ingestel kragtens artikel 8 van die Wet;

“ligte besmetting”, met betrekking tot indringerplante, 'n besmetting wat ingevolge artikel 6 (3) as 'n ligte besmetting geklassifiseer is;

“matige besmetting”, met betrekking tot indringerplante, 'n besmetting wat ingevolge artikel 6 (2) as 'n matige besmetting geklassifiseer is;

“plaaseenheid” een of meer stukke grond wat elk afsonderlik in 'n aktekantoor geregistreer is en as 'n enkele eenheid geboer word;

“plaasplan” 'n plaasplan soos in artikel 1 van die Grondbewaringskema omskryf;

“swaar besmetting”, met betrekking tot indringerplante, 'n besmetting wat ingevolge artikel 6 (1) as 'n swaar besmetting geklassifiseer is;

“voortligtingskantoor” 'n kantoor van die departement wat ingestel is met die oog op die levering van landboukundige voorligtingsdienste; en

“yl besmetting”, met betrekking tot indringerplante, 'n besmetting wat ingevolge artikel 6 (4) as 'n yl besmetting geklassifiseer is.

**Naam van skema**

2. Hierdie skema heet die Bosbeheerskema.

**Doelstellings van skema**

3. Die doelstellings van hierdie skema is om die bestryding van sekere soorte indringerplante te bevorder met die oog daarop om die produksievermoë van grond te handhaaf, en om die betaling van subsidies uit geld wat vir die doel-eindes van hierdie skema deur die Parlement bewillig is, te reël.

**Toepassing van skema**

4. Hierdie skema is van toepassing op alle grond in 'n gebied vermeld in kolom 1 van die Tabel, uitgesonderd grond in artikel 2 (1) van die Wet bedoel, wat besmet is met indringerplante van 'n soort vermeld in kolom 2 van voormalde Tabel teenoor die betrokke gebied.

**Handelinge ten opsigte waarvan subsidies betaal kan word**

5. Subsidies kan kragtens hierdie skema betaal word ten opsigte van die bestryding in 'n gebied in artikel 4 bedoel, van indringerplante in daardie artikel bedoel, deur middel van—

(a) lugbespuiting met 'n onkruiddoder, waar die besmetting van daardie indringerplante as 'n swaar, matige of lige besmetting geklassifiseer is;

**No. R. 1045****25 May 1984****CONSERVATION OF AGRICULTURAL RESOURCES  
ACT, 1983 (ACT 43 OF 1983)****BUSH CONTROL SCHEME.—ESTABLISHMENT**

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Bush Control Scheme in the Schedule.

G. J. KOTZÉ, Deputy Minister of Agriculture.

**SCHEDULE****Definitions**

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning, and, unless the context otherwise indicates—

“extension office” means an office of the department established with a view to the rendering of agricultural extension services;

“farm plan” means a farm plan as defined in section 1 of the Soil Conservation Scheme;

“farm unit” means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

“heavy infestation”, in relation to invader plants, means an infestation that is classified in terms of section 6 (1) as a heavy infestation;

“light infestation”, in relation to invader plants, means an infestation that is classified in terms of section 6 (3) as a light infestation;

“medium infestation”, in relation to invader plants, means an infestation that is classified in terms of section 6 (2) as a medium infestation;

“Soil Conservation Scheme” means the Soil Conservation Scheme established by virtue of section 8 of the Act;

“sparse infestation”, in relation to invader plants, means an infestation that is classified in terms of section 6 (4) as a sparse infestation; and

“the Act” means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

**Name of scheme**

2. This scheme shall be known as the Bush Control Scheme.

**Objects of scheme**

3. The objects of this scheme shall be to promote the combating of certain kinds of invader plants with a view to maintaining the production potential of land, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

**Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land referred to in section 2 (1) of the Act, that is infested with invader plants of a kind specified in column 2 of the said Table opposite the area concerned.

**Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the combating in an area referred to in section 4, of invader plants referred to in that section by means of—

(a) aerial spraying with a weed killer where the infestation of those invader plants is classified as a heavy, medium or light infestation;

- (b) handbespuiting met of handtoediening van 'n onkruiddoder, waar die besmetting van daardie indringerplante as 'n lige of yl besmetting geklassifiseer is; of
- (c) stambrand waar die besmetting van daardie indringerplante as 'n lige of yl besmetting geklassifiseer is.

#### **Klassifisering van besmettings**

6. (1) 'n Besmetting van indringerplante kan vir die doel-eindes van hierdie skema as 'n swaar besmetting geklassifiseer word indien die uitvoerende beampete oortuig is dat al die krone van die indringerplante in 'n stand daarvan merkbaar inmekaaargroei of oorvleuel en onderlinge afskerming as gevolg van gelaagdheid algemeen deur die hele stand voorkom.

(2) 'n Besmetting van indringerplante kan vir die doel-eindes van hierdie skema as 'n matige besmetting geklassifiseer word indien die uitvoerende beampete oortuig is dat slegs sommige van die krone van die betrokke indringerplante in 'n stand daarvan aan mekaar raak of oorvleuel en afskerming as gevolg van gelaagdheid slegs in geringe mate deur die hele stand voorkom.

(3) 'n Besmetting van indringerplante kan vir die doel-eindes van hierdie skema as 'n lige besmetting geklassifiseer word indien die uitvoerende beampete oortuig is dat geen krone van die indringerplante in 'n stand daarvan aan mekaar raak of oorvleuel nie en geen afskerming as gevolg van gelaagdheid in daardie stand voorkom nie, maar sodanige stand nogtans so dig is dat lugbespuiting geregtig is.

(4) 'n Besmetting van indringerplante kan vir die doel-eindes van hierdie skema as 'n yl besmetting geklassifiseer word indien die uitvoerende beampete oortuig is dat 'n stand van sodanige plante 'n merkbaar nadelige invloed op die produksievermoë van veld het of kan hê, maar nie van so 'n aard is dat lugbespuiting daarvan geregtig is nie.

#### **Grondslag vir die bepaling van subsidies**

7. (1) Die subsidies wat ingevolge hierdie skema ten opsigte van die bestryding van indringerplante betaal kan word, word bepaal ooreenkomsdig die toepaslike tariewe soos aangeteken in 'n tarieflys wat deur die Minister met die instemming van die Minister van Finansies goedgekeur is en vir dié doel by die kantoor van die uitvoerende beampete gehou word.

(2) Sodanige tarieflys word geag deel van hierdie skema uit te maak.

(3) Afskrifte van die tarieflys in subartikel (1) bedoel, is ter insae beskikbaar by—

- (a) die kantoor van die uitvoerende beampete;
- (b) die kantoor van die streekdirekteur van 'n streek waarin 'n gebied in artikel 4 bedoel, geleë is;
- (c) elke voorligtingskantoor in 'n gebied in artikel 4 bedoel; en
- (d) sodanige ander kantoor as wat die uitvoerende beampete bepaal.

#### **Vereistes vir betaling van subsidies**

8. 'n Subsidie kan ingevolge hierdie skema ten opsigte van die bestryding van indringerplante aan 'n grondgebruiker betaal word indien—

- (a) daardie grondgebruiker die eienaar van die plaaseenheid is waarop sodanige indringerplante bestry is;
- (b) die plaaseenheid waarop sodanige indringerplante bestry is—
  - (i) geleë is in 'n gebied in artikel 4 bedoel;
  - (ii) besmet is met indringerplante van 'n soort in artikel 4 bedoel;

- (b) hand spraying with or application by hand of a weed killer where the infestation of those invader plants is classified as a light or sparse infestation; or
- (c) stem burning where the infestation of those invader plants is classified as a light or sparse infestation.

#### **Classification of infestations**

6. (1) An infestation of invader plants may for the purposes of this scheme be classified as a heavy infestation if the executive officer is satisfied that all the crowns of the invader plants in a stand thereof entwine or overlap noticeably and mutual shading as a result of stratification occurs generally throughout that stand.

(2) An infestation of invader plants may for the purposes of this scheme be classified as a medium infestation if the executive officer is satisfied that only some of the crowns of the invader plants in a stand thereof touch or overlap and shading as a result of stratification occurs to a slight extent only throughout that stand.

(3) An infestation of invader plants may for the purposes of this scheme be classified as a light infestation if the executive officer is satisfied that no crowns of the invader plants in a stand thereof touch or overlap and no shading as a result of stratification occurs in that stand, but such stand is nevertheless so dense that aerial spraying is justified.

(4) An infestation of invader plants may for the purposes of this scheme be classified as a sparse infestation if the executive officer is satisfied that a stand of such plants has or may have a noticeably detrimental effect on the production potential of veld but is not of such a nature that aerial spraying thereof is justified.

#### **Basis for the determination of subsidies**

7. (1) The subsidies that may be paid in terms of this scheme in respect of the combating of invader plants shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.

(2) Such tariff list shall be deemed to form part of this scheme.

(3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at—

- (a) the office of the executive officer;
- (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
- (c) each extension office within an area referred to in section 4; and
- (d) such other office as the executive officer may determine.

#### **Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the combating of invader plants if—

- (a) that land user is the owner of the farm unit on which such invader plants have been combated;
- (b) the farm unit on which such invader plants have been combated—
  - (i) is situated within an area referred to in section 4;
  - (ii) is infested with invader plants of a kind referred to in section 4; and

- (iii) ingevolge artikel 10 vir deelname aan hierdie skema ingeskryf is of geag word aldus ingeskryf te wees;
- (c) die besmetting van sodanige indringerplante ingevolge artikel 6 as 'n swaar, matige, lige of yl besmetting geklassifiseer is;
- (d) die bestryding van sodanige indringerplante as 'n voorgestelde werk aangedui is in die lys van grondbewaringswerke wat deel van die plaasplan vir die betrokke plaaseenheid uitmaak;
- (e) 'n toestemming vir die bestryding van sodanige indringerplante ingevolge artikel 11 uitgereik is of geag word uitgereik te gewees het;
- (f) die gedeelte van daardie plaaseenheid waarop sodanige indringerplante bestry is, ooreenstem met die gedeelte daarvan vermeld in die toepaslike toestemming wat ingevolge artikel 11 uitgereik is of geag word uitgereik te gewees het;
- (g) die metode en tegniek van bestryding en, indien van toepassing, die soort onkruiddoder wat gebruik is en die konsentrasie waarteen dit toegedien is, ooreenstem met die spesifikasies uiteengesit in die toepaslike toestemming wat ingevolge artikel 11 uitgereik is of geag word uitgereik te gewees het;
- (h) 'n verklaring oor die bestryding van sodanige indringerplante ingevolge artikel 12 afgelê is of geag word afgelê te gewees het;
- (i) sodanige verklaring ingevolge artikel 14 deur die uitvoerende beampete aanvaar is en geld wat vir die doelendes van hierdie skema bewillig is, beskikbaar is; en
- (j) al die ander bepalings van hierdie skema met betrekking tot die bestryding van sodanige indringerplante en die plaaseenheid waarop dit bestry is, nagekom is.

#### Aansoek om deelname aan skema

9. (1) 'n Aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrybaar is.

(2) So 'n aansoekvorm moet—

- (a) behoudens die bepalings van subartikel (4), deur die eienaar van die betrokke plaaseenheid ingeval word, en
- (b) nadat dit aldus ingeval is, by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is, ingedien word.

(3) 'n Aansoekvorm in subartikel (2) bedoel, moet, tensy die betrokke stukke voorheen ingedien is saam met 'n aansoek om die betaling van subsidies of toekennings kragtens artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), of 'n aansoek om die inskrywing van die betrokke plaaseenheid met die oog op deelname aan 'n ander skema, vergesel gaan van—

- (a) dokumentêre bewys van die identiteit van die betrokke aansoeker;
- (b) 'n gewaarmerkte afskrif van die titelbewys van die grond waaruit die betrokke plaaseenheid bestaan;
- (c) indien van toepassing, 'n gewaarmerkte afskrif van—
- (i) die koopooreenkoms ten opsigte van die grond waaruit die betrokke plaaseenheid bestaan, indien daardie grond nog nie op naam van sodanige aansoeker geregistreer is nie: Met dien verstande dat geen subsidie in sodanige geval betaalbaar is voordat 'n gewaarmerkte afskrif van die titelbewys waarby die betrokke grond op naam van daardie aansoeker geregistreer is, ingedien is nie; of

- (iii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
- (c) the infestation of such invader plants has been classified in terms of section 6 as a heavy, medium, light or sparse infestation;
- (d) the combating of such invader plants has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
- (e) a consent for the combating of such invader plants has been issued or is deemed to have been issued in terms of section 11;
- (f) the portion of that farm unit on which such invader plants have been combated corresponds with the portion thereof specified in the applicable consent issued or deemed to have been issued in terms of section 11;
- (g) the method and technique of combating and, if applicable, the kind of weed killer used and the concentration at which it was applied correspond with the specifications as set out in the applicable consent issued or deemed to have been issued in terms of section 11;
- (h) a statement on the combating of such invader plants has been made or is deemed to have been made in terms of section 12;
- (i) such statement has been accepted by the executive officer in terms of section 14, and moneys appropriated for the purposes of this scheme are available; and
- (j) all the other provisions of this scheme with regard to the combating of such invader plants and the farm unit on which they have been combated have been complied with.

#### Applications for participation in scheme

9. (1) An application for the entry of a farm-unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

(2) Such an application form shall—

- (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned; and
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated.

(3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by—

- (a) documentary evidence of the identity of the applicant concerned;
- (b) a certified copy of the title deed of the land comprising the farm unit concerned;
- (c) if applicable, a certified copy of—
- (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or

- (ii) dokumentêre bewys van die vruggebruik waar-aan die grond waaruit die betrokke plaaseenheid bestaan, onderworpe is, indien sodanige aan-soeker die vruggebruiker van daardie plaas-eenheid is; en
  - (d) sodanige ander toepaslike stukke as wat ingevolge subartikel (4) vereis word.
- (4) Indien die eienaar van 'n plaaseenheid ten opsigte waarvan 'n aansoekvorm in subartikel (1) bedoel, ingeval is—
- (a) minderjarig is, moet daardie aansoekvorm deur die ouer of wettige voog van sodanige minderjarige on-derteken word;
  - (b) 'n getrouwe vrou is, moet die aansoekvorm deur haar eggenoot mede-ondersteek word as bewys dat sy deur hom bygestaan word;
  - (c) 'n boedel is, moet die aansoekvorm deur die eksekuteur of kurator van sodanige boedel onderteken word: Met dien verstande dat sodanige aansoekvorm van 'n gewaarmerkte afskrif van die aanstellingsbrief van die betrokke eksekuteur of kurator vergesel moet gaan;
  - (d) 'n regspersoon is, moet die aansoekvorm deur iemand onderteken word wat behoorlik daartoe gemagtig is: Met dien verstande dat—
    - (i) die hoedanigheid van die betrokke persoon op sodanige aansoekvorm vermeld moet word; en
    - (ii) sodanige aansoekvorm van 'n gewaarmerkte uittreksel uit die notule wat die besluit bevat waarby daardie magtiging gegee is, vergesel moet gaan;
  - (e) iemand anders gemagtig het om namens hom aansoek te doen, moet die aansoekvorm deur die betrokke gemagtigde persoon onderteken word: Met dien verstande dat sodanige aansoekvorm van die betrokke volmag vergesel moet gaan;
  - (f) 'n vennootskap is of indien sodanige plaaseenheid deur meer as een persoon besit word, moet die aansoekvorm deur al die betrokke vennote of mede-eie-naars onderteken word, tensy een van die vennote of mede-eienaars 'n volmag in paragraaf (e) bedoel, het; en
  - (g) 'n trust is, moet die aansoekvorm deur die trustee van sodanige trust onderteken word: Met dien verstande dat sodanige aansoekvorm van gewaarmerkte afskrifte van die stukke waarkragtens die betrokke trust geskep en die betrokke trustee aangestel is, vergesel moet gaan.

(5) 'n Aansoek om die betaling van subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die bestryding van indringerplante op 'n plaaseenheid, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (1) bedoel, te wees.

#### *Inskrywing van plaaseenhede*

10. (1) Indien die uitvoerende beampte 'n aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema goedkeur, moet hy die betrokke aan-soeker skriftelik daarvan in kennis stel: Met dien verstande dat 'n aansoek nie aldus goedgekeur word nie tensy 'n plaasplan ten opsigte van die betrokke plaaseenheid voor-heen aan die betrokke aansoeker verskaf is.

(2) Elke kennisgewing in subartikel (1) bedoel, moet vergesel gaan van 'n lys van werke deur die uitvoerende beampte verskaf, waarin die kampe op die betrokke plaaseenheid waarin die bestryding van indringerplante ten opsigte waarvan subsidies kragtens hierdie skema betaal kan word, behoort te geskied, en die klassifikasie van die besmetting in elke sodanige kamp vermeld word.

- (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; and
  - (d) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed—
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that—
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.

(5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

#### *Entry of farm units*

10. (1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan in respect of the farm unit concerned has previously been provided to the applicant concerned.

(2) Each notice referred to in subsection (1) shall be accompanied by a list of works provided by the executive officer, in which the camps on the farm unit concerned in which the combating of invader plants in respect of which subsidies may be paid in terms of this scheme, should take place, and the classification of the infestation in each such camp are specified.

(3) 'n Lys van werke in subartikel (2) bedoel, word geag 'n aanvulling te wees van die lys van grondbewaringswerke wat deel van die plaasplan vir 'n plaaseenheid uitmaak.

(4) 'n Plaaseenheid word geag vir deelname aan hierdie skema ingeskryf te wees indien—

- (a) 'n aansoek deur die huidige eienaar van die plaaseenheid om die betaling van subsidies kragtens artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), in verband met die bestryding van indringerplante daarop voor die datum van inwerkingtreding van hierdie skema kragtens voormalde Wet goedkeur is en sodanige goedkeuring steeds van krag is; en
- (b) 'n stuk wat geag word 'n lys van werke in subartikel (2) bedoel, te wees, voor die datum van inwerkingtreding van hierdie skema aan sodanige eienaar verskaf is en sodanige lys van werke steeds van krag is.

(5) Die inskrywing van 'n plaaseenheid vir deelname aan hierdie skema verval indien—

- (a) die eienaar van die betrokke plaaseenheid—
  - (i) die uitvoerende beampete skriftelik in kennis gestel het van sy voorneme om die plaaseenheid aan deelname aan hierdie skema te onttrek; en
  - (ii) die subsidies, indien enige, wat ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), aan hom betaal is ten opsigte van die bestryding van indringerplante op daardie plaaseenheid, of sodanige gedeelte van daardie subsidies as wat die uitvoerende beampete bepaal, aan die uitvoerende beampete terugbetaal het; of
- (b) die persoon aan wie 'n kennisgewing ingevolge subartikel (1) of 'n goedkeuring in subartikel 4 (a) bedoel, uitgereik is, nie meer die eienaar van die betrokke plaaseenheid is nie.

#### Toestemming om indringerplante te bestry

11. (1) Die bestryding van indringerplante vermeld in 'n lys van werke in artikel 10 (2) bedoel, mag nie 'n aanvang neem voordat die uitvoerende beampete skriftelik toestemming daartoe verleen het nie.

(2) 'n Aansoek om 'n toestemming in subartikel (1) bedoel, moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrygbaar is.

(3) So 'n aansoekvorm moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenheid ingevul word;
- (b) nadat dit aldus ingevul is, ingedien word by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is; en
- (c) aldus ingedien word voor die eerste dag van die maand Augustus wat die groeiseisoen waarin die betrokke indringerplante bestry sal word, voorafgaan.

(4) Afsonderlike aansoekvorms moet aldus ingedien word ten opsigte van verskillende gedeeltes van 'n plaaseenheid waarop indringerplante gedurende verskillende groeiseisoene bestry sal word, en elke sodanige aansoek mag betrekking hê op hoogstens 25 persent of 500 hektaar, wat ook al die minste is, van die totale besmette oppervlakte van sodanige plaaseenheid: Met dien verstande dat indien die oppervlakte van 'n bepaalde kamp of groep kampe voormalde maksimum oorskry, 'n speling van 10 persent of 50 hektaar, na gelang van die geval, toelaatbaar is ten einde die betrokke grondgebruiker in staat te stel om indringerplante in daardie kamp of groep kampe as 'n geheel te bestry.

(3) A list of works referred to in subsection (2) shall be deemed to be an additional to the list of soil conservation works forming part of the farm plan for a farm unit.

(4) A farm unit shall be deemed to have been entered for participation in this scheme if—

(a) an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants thereon was approved in terms of the said Act prior to the date of commencement of this scheme, and such approval is still in force; and

(b) a document which is deemed to be a list of works referred to in subsection (2) has been provided to such owner prior to the date of commencement of this scheme and such list of works is still in force.

(5) The entry of a farm unit for participation in this scheme shall lapse if—

(a) the owner of the farm unit concerned—

(i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and

(ii) has repaid to the executive officer the subsidies, if any, that were paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the combating of invader plants on that farm unit, or such portion of those subsidies as the executive officer may determine; or

(b) the person to whom a notice in terms of subsection (1) or an approval referred to in section (4) (a) was issued is no longer the owner of the farm unit concerned.

#### Consent to combat invader plants

11. (1) The combating of invader plants specified in a list of works referred to in section 10 (2) shall not commence before the executive officer has consented thereto in writing.

(2) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

(3) Such an application form shall—

- (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (c) be thus lodged before the first day of the month of August preceding the growing season during which the invader plants concerned will be combated.

(4) Separate application forms shall be thus lodged in respect of different portions of a farm unit on which invader plants will be combated during different growing seasons, and each such application shall apply to not more than 25 per cent or 500 hectares, whichever is the lesser, of the total infested area of such farm unit: Provided that if the area of a particular camp or group of camps exceeds the said maximum, an allowance of 10 per cent or 50 hectares, as the case may be, shall be permissible in order to enable the land user concerned to combat invader plants in that camp or group of camps as a whole.

(5) 'n Aansoek om 'n toestemming vir die bestryding van indringerplante ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (2) bedoel, te wees.

(6) Indien die uitvoerende beampete 'n aansoek in subartikel (2) bedoel, goedkeur, moet hy 'n skriftelike toestemming om die betrokke indringerplante te bestry aan die betrokke aansoeker uitreik.

(7) So 'n toestemming moet—

- (a) die groeiseisoen waarop dit betrekking het, vermeld;
- (b) behoudens die bepalings van subartikel (4), die kampe vermeld waarin indringerplante gedurende die betrokke groeiseisoen bestry moet word;
- (c) die vervaldatum daarvan vermeld;
- (d) die metode en tegniek van bestryding wat toegepas moet word, vermeld; en
- (e) indien van toepassing, die soort onkruiddoder wat gebruik moet word en die konsentrasie waarteen dit toegedien moet word, vermeld.

(8) Ondanks die bepalings van subartikel (6), word 'n aansoek om 'n toestemming in subartikel (2) bedoel, nie goedgekeur nie indien—

- (a) enige subsidies voorheen ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaal is, of enige handeling voorheen ingevolge artikel 11 van die Wet deur die Minister verrig is in verband met die bestryding van indringerplante op die gedeelte van 'n plaaseenheid waarop sodanige aansoek betrekking het; of
- (b) al die voorgestelde grondbewaringswerke wat as weiveldbenuttingswerke geklassifiseer is in die lys van grondbewaringswerke wat deel van die plaasplan vir 'n plaaseenheid uitmaak, nog nie voltooi is nie.

(9) 'n Toestemming vir die bestryding van indringerplante ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema uitgereik is, word, indien dit op sodanige datum nog van krag is, geag 'n toestemming in subartikel (1) bedoel, te wees.

**Verklarings oor bestryding van indringerplante**

12. (1) Die uitvoerende beampete moet van 'n verklaring in verband met die bestryding van indringerplante ingevolge 'n toestemming in artikel 11 bedoel, voorsien word.

(2) 'n Verklaring in subartikel (1) bedoel, moet op 'n vorm afgelê word wat vir dié doel by 'n voorligtingskantoor in 'n gebied in artikel 4 bedoel, verkrygbaar is.

(3) So 'n verklaring moet—

- (a) behoudens die bepalings van artikel 9 (4), deur die eienaar van die betrokke plaaseenheid afgelê word;
- (b) aldus afgelê word—
  - (i) in die teenwoordigheid van 'n beampete van die departement wat werkzaam is by die voorligtingskantoor vir die gebied waarin die betrokke plaaseenheid geleë is; en

(5) An application for a consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date, shall be deemed to be an application referred to in subsection (2).

(6) If the executive officer approves and application referred to in subsection (2), he shall issue a written consent to the applicant concerned to combat the invader plants concerned.

(7) Such consent shall—

- (a) specify the growing season to which it relates;
- (b) subject to the provisions of subsection (4), specify the camps in which invader plants are to be combated during the growing season concerned;
- (c) specify the expiry date thereof;
- (d) specify the method and technique of combating which are to be applied; and
- (e) if applicable, specify the kind of weed killer to be used and the concentration at which it is to be applied.

(8) Notwithstanding the provisions of subsection (6), an application for a consent referred to in subsection (2) shall not be approved if—

- (a) any subsidies have previously been paid in terms of this scheme, or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or any act has previously been performed by the Minister in terms of section 11 of the Act in connection with the combating of invader plants on the portion of a farm unit to which such application relates; or
- (b) all the proposed soil conservation works that are classified as veld utilisation works in the list of soil conservation works forming part of the farm plan for a farm unit have not yet been completed.

(9) A consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

**Statements on combating of invader plants**

12. (1) The executive officer shall be provided with a statement in connection with the combating of invader plants in terms of a consent referred to in section 11.

(2) A statement referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

(3) Such a statement shall—

- (a) subject to the provisions of section 9 (4), be made by the owner of the farm unit concerned;
- (b) be thus made—
  - (i) in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated; and

- (ii) voor of op die vervaldatum vermeld in die toepaslike toestemming in artikel 11 bedoel;
- (c) die datum waarop of die tydperk waartydens die betrokke indringerplante bestry is, vermeld; en
- (d) 'n bevestiging bevat dat—
- die bestryding van die betrokke indringerplante in die kamp of kampe onderneem is ooreenkomsdig die metodes en tegnieke en, indien van toepassing, met die soort onkruiddoder in die betrokke toestemming vermeld; en
  - die verklaarder bewus is dat enige subsidies wat op grond van die betrokke verklaring aan hom betaal is, onmiddellik deur hom terugbetaalbaar sal wees indien dit later blyk dat enige besonderhede in sodanige verklaring onjuis is.
- (3) Indien indringerplante deur middel van lugbespuiting met 'n onkruiddoder bestry is, moet die faktuur van die firma wat sodanige lugbespuiting gedoen het, by die toepaslike verklaring in subartikel (1) bedoel, aangeheg word.
- (4) Indien 'n verklaring oor die bestryding van indringerplante nie voor of op die vervaldatum in artikel 11 (7) (c) bedoel, afgelê is nie, kan die uitvoerende beampte—
- weier om enige subsidie ten opsigte van die betrokke bestryding te betaal; of
  - die betaling van die subsidie ten opsigte van die betrokke bestryding uitstel vir sodanige tydperk as wat hy bepaal.
- (5) 'n Verklaring oor die bestryding van indringerplante ten opsigte waarvan subsidies ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaalbaar sou wees, wat voor die datum van inwerkingtreding van hierdie skema afgelê is, word, indien sodanige subsidies nog nie op daardie datum betaal is nie, geag 'n verklaring in subartikel (1) bedoel, te wees.
- (6) Elke verklaring in subartikel (1) bedoel, moet deur die uitvoerende beampte nagesien en aan die toepaslike stukke in artikels 9, 10 en 11 bedoel, en die toepaslike bepalings van hierdie skema getoets word ten einde te bepaal of 'n subsidie ten opsigte van die bestryding van die betrokke indringerplante betaalbaar is.
- (7) Indien dit uit die nasien van 'n verklaring ingevolge subartikel (6) blyk dat daar 'n tekortkomming in die bestryding van indringerplante is omdat dit nie ooreenkomsdig die metodes en tegnieke in die toepaslike toestemming in artikel 11 bedoel, bestry is nie, of dat sodanige bestryding om 'n ander rede nie vir die betaling van 'n subsidie kwalifiseer nie—
- moet die uitvoerende beampte die persoon wat die betrokke verklaring afgelê het, skriftelik van sodanige tekortkomming of rede in kennis stel;
  - is geen subsidie ten opsigte van die bestryding van daardie indringerplante betaalbaar voordat sodanige tekortkomming reggestel of sodanige rede uitgeskakel is nie; en
  - kan 'n nuwe verklaring ingevolge subartikel (1) afgelê word nadat sodanige tekortkomming reggestel of sodanige rede uitgeskakel is.

#### **Verlenging van geldigheidsduur van toestemmings**

13. (1) Indien die bestryding van indringerplante waarskynlik nie betyds voltooi sal wees om te verseker dat 'n verklaring in artikel 12 (1) bedoel, voor of op die vervaldatum in artikel 11 (7) (c) bedoel, verstrek kan word nie, kan die uitvoerende beampte daardie vervaldatum op aansoek uitstel.

- (ii) on or before the expiry date specified in the applicable consent referred to in section 11;
- (c) specify the date on which or the period during which the invader plants concerned were combated; and
- (d) contain a confirmation that—
- the combating of the invader plants concerned was undertaken in the camp or camps, in accordance with the methods and techniques and, if applicable, with the kind of weed killer specified in the consent concerned; and
  - the deponent is aware that any subsidies paid to him on the basis of the statement concerned shall immediately be repayable by him if it appears that any particulars in such statement are incorrect.
- (3) If invader plants have been combated by means of aerial spraying with a weed killer, the invoice of the firm that undertook such aerial spraying shall be attached to the applicable statement referred to in subsection (1).
- (4) If a statement on the combating of invader plants is not made on or before the expiry date referred to in section 11 (7) (c), the executive officer may—
- refuse to pay any subsidy in respect of the combating concerned; or
  - postpone the payment of the subsidy in respect of the combating concerned for such period as he may determine.
- (5) A statement on the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (1).
- (6) Each statement referred to in subsection (1) shall be checked by the executive officer and be tested against the applicable documents referred to in sections 9, 10 and 11 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the combating of the invader plants concerned.
- (7) If it appears from the checking of a report in terms of subsection (6) that there is a shortcoming in the combating of invader plants because they have not been combated in accordance with the methods or techniques specified in the applicable consent referred to in section 11 or that such combating does not qualify for the payment of a subsidy for any other reason—
- the executive officer shall notify the person who made the statement concerned in writing of such shortcoming or reason;
  - no subsidy shall be payable in respect of the combating of those invader plants before such shortcoming has been rectified or such reason eliminated; and
  - a fresh statement may be made in terms of subsection (1) after such shortcoming has been rectified or such reason eliminated.

#### **Extentions of validity of consents**

13. (1) If the combating of invader plants will probably not be completed in time to ensure that a statement referred to in section 12 (1) can be furnished on or before the expiry date referred to in section 11 (7) (c), the executive officer may on application postpone that expiry date.

(2) Die bepalings van artikel 11 met betrekking tot 'n aansoek om 'n toestemming om indringerplante te bestry, is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om die uitstel van die vervaldatum in sodanige toestemming vermeld: Met dien verstande dat sodanige aansoek die betrokke voorligtingskantoor nie later nie as die vervaldatum in die betrokke toestemming vermeld, moet bereik.

(3) Wanneer die uitvoerende beampte 'n aansoek om die uitstel van die vervaldatum vermeld in 'n toestemming in artikel 11 bedoel, goedkeur, moet hy 'n nuwe toestemming vir die bestryding van die betrokke indringerplante uitreik.

#### **Betaling van subsidies**

14. (1) Indien die uitvoerende beampte 'n verklaring aanvaar wat ingevolge artikel 12 (6) nagesien is, moet hy die bedrag bereken wat as subsidie ten opsigte van die bestryding van die betrokke indringerplante betaalbaar is.

(2) 'n Bedrag in subartikel (1) bedoel, word bereken ooreenkomsdig die toepaslike tariewe wat in die tarieflys in artikel 7 bedoel, aangeteken is en van krag was op die datum waarop sodanige verklaring afgelê is.

(3) Die subsidie aldus bereken, word behoudens die bepalings van subartikels (4) en (5) en met inagneming van die beskikbaarheid van geld vir die doeleindes van hierdie skema bewillig, so spoedig doenlik betaal aan die eienaar van die plaaseenheid waarop die betrokke indringerplante bestry is.

(4) Die eienaar van 'n plaaseenheid kan die uitvoerende beampte skriftelik versoek om enige subsidies wat hom toekom, aan iemand in sodanige versoek vermeld, te betaal.

(5) Indien die uitvoerende beampte in kennis gestel is dat bystand by wyse van 'n lening ingevolge artikel 10 van die Wet op Landboukrediet, 1966 (Wet 28 van 1966), aan 'n grondgebruiker verleen is vir die bestryding van indringerplante, word die subsidie wat ten opsigte van sodanige bestryding betaalbaar is, gebruik ter betaling of gedeeltelike betaling van die bedrag (met inbegrip van rente daarop) wat as gevolg van sodanige bystand aan die Staat verskuldig is.

#### **Foutiewe betalings**

15. (1) Indien die uitvoerende beampte na aanleiding van 'n ondersoek ingevolge artikel 18 van die Wet in verband met die bestryding van indringerplante ten opsigte waarvan 'n subsidie ingevolge hierdie skema of ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet 76 van 1969), betaal is, oortuig is dat geen subsidie ten opsigte van die bestryding van daardie indringerplante betaal moes gewees het nie, moet die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die betrokke subsidie, tesame met rente daarop bereken op die grondslag in subartikel (2) uiteengesit, aan die uitvoerende beampte terug te betaal.

(2) Rente wat ingevolge subartikel (1) betaalbaar is, word bereken—

- (a) teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing is op die datum waarop die uitvoerende beampte die terugbetaling van die betrokke bedrag skriftelik gelas het; en
- (b) vanaf die datum waarop die betrokke subsidie betaal is tot die laaste dag van die maand wat die maand van terugbetaling van sodanige verskuldigde bedrag voorafgaan.

(2) The provisions of section 11 with regard to an application for a consent to combat invader plants shall apply *mutatis mutandis* with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.

(3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 11, he shall issue a fresh consent for the combating of the invader plants concerned.

#### **Payment of subsidies**

14. (1) If the executive officer accepts a statement that has been checked in terms of section 12 (6), he shall calculate the amount which is payable as subsidy in respect of the combating of the invader plants concerned.

(2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs which are recorded in the tariff list referred to in section 7, that were in force on the date on which such statement was made.

(3) The subsidy thus calculated shall subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purposes of this scheme, be paid as soon as is practicable to the owner of the farm unit on which the invader plants concerned have been combated.

(4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.

(5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the combating of invader plants, the subsidy payable in respect of such combating shall be used as payment or part payment of the amount (including any interest thereon) due to the State on account of such assistance.

#### **Erroneous payments**

15. (1) If the executive officer, as a result of an inspection in terms of section 18 of the Act in connection with the combating of invader plants in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is satisfied that no subsidy should have been paid in respect of the combating of those invader plants, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the subsidy concerned, together with interest thereon calculated on the basis set out in subsection (2).

(2) Interest which is payable in terms of subsection (1) shall be calculated—

- (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
- (b) from the date on which the subsidy concerned was paid until the last day of the month preceding the month of repayment of such due amount.

(3) Indien dit te eniger tyd aan die lig kom dat 'n ander fout as 'n fout in subartikel (1) bedoel, gemaak is in die berekening van 'n subsidie wat kragtens hierdie skema betaal is, kan die uitvoerende beampte die eienaar van die betrokke plaaseenheid skriftelik gelas om die bedrag wat verkeerdelik aan hom betaal is, aan die uitvoerende beampte terug te betaal.

(4) 'n Bedrag wat ingevolge subartikel (3) terugbetaalbaar is, moet aan die uitvoerende beampte betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skriftelik gelas het.

(5) Indien die eienaar van 'n plaaseenheid versuim om die bedrag wat ingevolge subartikel (3) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (4) bedoel, is rente op die verskuldige bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop uitvoerende beampte die betrokke terugbetaling skriftelik gelas het.

#### **Voorwaardes waarop subsidies betaal word**

17. (1) 'n Subsidie ingevolge hierdie skema ten opsigte van die bestryding van indringerplante word op die volgende voorwaardes betaal:

- (a) Die betrokke eienaar moet alle hergroei en saailinge van die indringerplante ten opsigte waarvan sodanige subsidie betaal is, op eie koste onder beheer hou ten einde aan die bepalings van artikel 12 (1) (b) van die Wet te voldoen.
- (b) Die boerderyprakteke wat gevvolg word op die plaaseenheid waarop die betrokke indringerplante bestry is, moet voldoen aan die bepalings van die bestuursprogram wat deel van die plaasplan vir daardie plaaseenheid uitmaak.
- (c) Die getal diere wat aangehou word op die veld van die plaaseenheid waarop die betrokke indringerplante bestry is, mag nie die getal oorskry wat ingevolge die Wet daarop aangehou mag word nie.
- (d) Nog die Staat nog enigeen van sy beampies is aanspreeklik ten opsigte van enige skade of verlies wat op enige wyse hoegenaamd toegeskryf kan word aan onkruiddoders wat vir gebruik ingevolge hierdie skema aanbeveel is.

(2) Indien die eienaar van 'n plaaseenheid weier of versuim om te voldoen aan enige van die voorwaardes in subartikel (1) uiteengesit, moet die uitvoerende beampte die betrokke eienaar gelas om die subsidies wat kragtens hierdie skema ten opsigte van die bestryding van indringerplante aan hom betaal is, aan die uitvoerende beampte terug te betaal.

(3) 'n Bedrag wat ingevolge subartikel (2) terugbetaalbaar is, moet aan die uitvoerende beampte betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skriftelik gelas het.

(4) Indien die eienaar van 'n plaaseenheid versuim om die bedrag wat ingevolge subartikel (2) deur hom terugbetaalbaar is, te betaal binne die tydperk in subartikel (3) bedoel, is rente op die verskuldige bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop die uitvoerende beampte die betrokke terugbetaling skriftelik gelas het.

#### **Inwerkingtreding**

18. Hierdie skema tree op 1 Junie 1984 in werking.

(3) If at any time it appears that an error other than an error referred to in subsection (1) has been made in the calculation of a subsidy paid in terms of this scheme, the executive officer may direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.

(4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.

(5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

#### **Conditions on which subsidies are paid**

17. (1) A subsidy in terms of this scheme in respect of the combating of invader plants shall be paid on the following conditions:

- (a) The owner concerned shall keep all regrowth and seedlings of the invader plants in respect of which such subsidy has been paid under control at his own expense in order to comply with the provisions of section 12 (1) (b) of the Act.
- (b) The farming practices pursued on the farm unit on which the invader plants concerned have been combated shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.
- (c) The number of animals being kept on the veld of the farm unit on which the invader plants have been combated shall not exceed the number that may be kept thereon in terms of the Act.
- (d) Neither the State nor any of its officers shall be liable in respect of any damage or loss that could in any manner whatsoever be attributed to weed killers recommended for use in terms of this scheme.

(2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the combating of invader plants.

(3) An amount which is repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.

(4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

#### **Commencement**

18. This scheme shall come into operation on 1 June 1984.

## TABEL/TABLE

## GEBIEDE WAARIN EN INDRINGERPLANTE WAAROP SKEMA VAN TOEPASSING IS/AREAS WITHIN WHICH AND INVADER PLANTS TO WHICH SCHEME APPLIES

Gebied/Area	Soort indringerplant/Kind of invader plant	
	Botaniese naam/Botanical name	Gewone naam/Common name
1	2	
1. Die landdrosdistrikte/The Magisterial Districts of Kuruman, Postmasburg en Vryburg	<i>Acacia erubescens</i> Welw. ex Oliv. <i>Acacia fleckii</i> Schinz. <i>Acacia hebeclada</i> DC subsp. <i>hebeclada</i> ..... <i>Acacia karroo</i> Hayne ..... <i>Acacia mellifera</i> (Vahl) Benth. subsp. <i>detinens</i> (Burch.) Brenan <i>Acacia nilotica</i> (L.) Willd. ex Del. subsp. <i>kraussiana</i> (Brenth.) Brenan <i>Acacia reficiens</i> Wawra subsp. <i>reficiens</i> <i>Acacia senegal</i> (L.) Willd. var. <i>rostrata</i> Brenan <i>Acacia tortilis</i> (Forsk.) Hayne subsp. <i>heteracantha</i> (Burch.) Brenan <i>Dichrostachys cinerea</i> (L.) Wight & Arn. subsp. <i>africana</i> Brenan & Brumm. <i>Terminalia sericea</i> Burch. Province, ex DC.	Blouhaak/Blue thorn Bladdoring, geelhaak/Plate thorn, geelhaak. Trassiedoring, trassiebos, muisdoring/Mouse bush, Candle thorn. Soetdoring, Pendoring/Sweet thorn. Swarthaak/Black thorn. Snuifpeul, stinkpeul, lekkerruikpeul/Red Heart, scented thorn. Vals-haak-en-steek/False umbrella thorn. Drieblaakdoring, drievingerdoring, gomdoring/Three-thorned acacia, three-hook acacia. Haak- en Steek/Umbrella thorn. Skelbos/Chinese lantern tree, bastard acacia, sickle bush. (Sand) vaalboom, sandgeelhout/Silver cluster-leaf, Transvaal silverleaf, Silverleaf Terminalia.

No. R. 1044

25 Mei 1984

## WET OP DIE BEWARING VAN LANDBOEHULP-BRONNE, 1983 (WET 43 VAN 1983)

## ONKRUIDBEHEERSKEMA.—INSTELLING

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou, handelende namens die Minister van Landbou stel hierby kragtens artikel 8, gelees met artikel 9, van die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), die Onkruidbeheerskema in die Bylae in.

G. J. KOTZÉ, Adjunk-minister van Landbou.

## BYLAE

## Woordomskrywing

1. In hierdie skema het enige woord of uitdrukking waaran 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“die Wet” die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet 43 van 1983), en die regulasies daarkragtens uitgevaardig;

“Grondbewaringskema” die Grondbewaringskema ingestel kragtens artikel 8 van die Wet;

“plaaseenheid” een of meer stukke grond wat elk afsonderlik in 'n akteskantoor geregistreer is en as 'n enkele eenheid geboer word;

“plaasplan” 'n plaasplan in artikel 1 van die Grondbewaringskema omskryf; en

“voorligtingskantoor” 'n kantoor van die departement wat ingestel is met die oog op die lewering van landboukundige voorligtingsdienste.

## Naam van skema

2. Hierdie skema heet die Onkruidbeheerskema.

## Doelstellings van skema

3. Die doelstellings van hierdie skema is om die bestryding van sekere soorte onkruid te bevorder met die oog daarop om die produksievermoë van grond te handhaaf en die verspreiding van daardie soorte onkruid te beperk, en om die verskaffing van onkruiddoders deur die departement aangekoop uit geld wat vir die doeleindes van hierdie skema deur die Parlement bewillig is te reël.

No. R. 1044

25 May 1984

## CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

## WEED CONTROL SCHEME.—ESTABLISHMENT

I, Gert Jeremias Kotzé Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Weed Control Scheme in the Schedule.

G. J. KOTZÉ, Deputy Minister of Agriculture.

## SCHEDULE

## Definitions

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

“extension office” means an office of the department established with a view to the rendering of agricultural extension services;

“farm plan” means a farm plan as defined in section 1 of the Soil Conservation Scheme;

“farm unit” means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

“Soil Conservation Scheme” means the Soil Conservation Scheme established by virtue of section 8 of the Act; and

“the Act” means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

## Name of scheme

2. This scheme shall be known as the Weed Control Scheme.

## Objects of scheme

3. The objects of this scheme shall be to promote the combating of certain kinds of weeds with a view to maintaining the production potential of land and to restricting the spread of those kinds of weeds, and to regulate the supply of weed killers purchased by the department out of moneys appropriated by Parliament for the purposes of this scheme.

- (a) subject to the provisions of subsection (4), be completed by the owner of the current land user of the farm unit concerned;
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (2) Such an application form shall —

8. (1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

#### *Applications for participation in scheme*

- (e) the land user concerned has completed with all the other applicable provisions of this scheme,
- (d) the required quantities of such weed killer, purchased out of moneys appropriated for the purposes of this scheme, are available; and
- (c) an application for the supply of such weed killer has been approved in terms of section 10;
- (iii) has been entered in terms of section 9 or is deemed to have been entered;
- (ii) is intended with weeds of a kind referred to in section 4; and
- (i) is situated within an area referred to in section 4;

- (b) the farm unit on which such weeds are to be controlled —
- (a) he is the land user of the farm unit on which such weeds are to be combated; —
7. A weed killer may be supplied to a land user in terms of this scheme in order to combat weeds if —

#### *Requirements for supply of weed killers*

- (d) such other office as the executive officer may determine.
- (c) each extension office within an area referred to in section 4, and
- (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
- (a) the office of the executive officer;

- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at —
- (2) Such tariff list shall be deemed to form part of this scheme.
- (1) Weed killers are supplied in terms of this scheme against payment of the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.

5. Weed killers may be supplied in terms of this scheme for the purpose of the combining in an area referred to in section 4, of weeds referred to in that section.

#### *Acts in respect of which weed killers may be supplied*

- (1) of the Act, that is imposed with weeds of a kind specified in column 1 of the Table, except land specified in section 2 in column 2 of the said Table opposite the area concerned.
4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land specified in section 2 in column 2 of the said Table opposite the area concerned.

#### *Application of scheme*

#### *Translating van schema*

4. Hierdie schema is van toepassing op alle grond in een word.

gebedien in artikel 1 van die Table, uitgesond in artikel 2 (1) van die Table, wat bestaan uit een of meer kantoor van die Minister wat deur die Minister van Finansies goedgekeur is en vir verskaf teen belang van die toepaslike tariewe soos aangegetekn in 'n detaillys wat deur die Minister met die Minister van Finansies goedgekeur is en vir gebruik van die kantoor van die uitvoerende bestuur.

5. Onkruiddoders kan ingevolge hierdie schema verskaf word vir die doeleindes van die uitvoerende bestuur.

6. (1) Onkruiddoders word ingevolge hierdie schema verskaf aan die uitvoerende bestuur.

uit die mark.

(2) Sodanige bestikkbaar is ter reuse van die uitvoerende bestuur.

(3) Afsluitte van die tarieflys in subartikel (1) bedoel, is ter reuse beschikbaar by —

(a) die kantoor van die uitvoerende bestuur;

(b) die kantoor van die streekdirektaar van 'n streek wat in die kantoor van die uitvoerende bestuur is;

(c) elke voortligtingsskantoor in 'n gebied in artikel 4 be-

doel, en

(d) sodanige ander kantoor as wat die uitvoerende

bestuur.

7. 'n Onkruiddoder kan ingevolge hierdie schema aan 'n

grondgebruiker verskaf word, ten einde onkruid te bestry indien —

(a) hy die grondgebruiker van die plasseenhied is waarsop

weeds are to be combated; —

(a) he is the land user of the farm unit on which such

weeds are to be combated; —

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(c) vergesel gaan van 'n sketskaart van die betrokke plaaseenheid of die kaart wat deel van die plaasplan vir daardie plaaseenheid uitmaak, waarop die kampe wat met die betrokke onkruid besmet is, getoon word.

(3) Die uitvoerende beampte kan vir die doeleindes van die oorweging van sodanige aansoek vereis dat die betrokke aansoeker die volgende stukke aan hom voorlê:

- (a) Dokumentêre bewys van die identiteit van die betrokke aansoeker.
- (b) 'n Gewaarmerkte afskrif van die titelbewys van die grond waaruit die betrokke plaaseenheid bestaan.
- (c) Indien van toepassing, 'n gewaarmerkte afskrif van—
  - (i) die koopooreenkoms ten opsigte van die grond waaruit die betrokke plaaseenheid bestaan, indien sodanige aansoeker die eienaar van daardie plaaseenheid is maar die betrokke grond nog nie op sy naam geregistreer is nie;
  - (ii) dokumentêre bewys van die vruggebruik waarvan die grond waaruit die betrokke plaaseenheid bestaan, onderworpe is, indien sodanige aansoeker die vruggebruiker van daardie plaaseenheid is; of
  - (iii) dokumentêre bewys van die omvang van die persoonlike of saaklike reg van sodanige aansoeker in die betrokke plaaseenheid, indien hy nie die eienaar van daardie plaaseenheid is nie.

(4) Indien die eienaar of grondgebruiker van 'n plaaseenheid ten opsigte waarvan 'n aansoekvorm in subartikel (1) bedoel, ingevul is—

- (a) minderjarig is, moet die aansoekvorm deur die ouer of wettige voog van sodanige minderjarige onderteken word;
- (b) 'n getroude vrou is, moet die aansoekvorm deur haar eggenoot mede-onderteken word as bewys dat sy deur hom bygestaan word;
- (c) 'n boedel is, moet die aansoekvorm deur die eksekuteur of kurator van sodanige boedel onderteken word: Met dien verstande dat sodanige aansoekvorm van 'n gewaarmerkte afskrif van die aanstellingsbrief van die betrokke eksekuteur of kurator vergesel moet gaan;
- (d) 'n regspersoon is, moet daardie aansoekvorm deur iemand onderteken word wat behoorlik daartoe gemagtig is: Met dien verstande dat—
  - (i) die hoedanigheid van die betrokke persoon op sodanige aansoekvorm vermeld moet word; en
  - (ii) sodanige aansoekvorm van 'n gewaarmerkte uittreksel uit die notule wat die besluit bevat waarby daardie magtiging gegee is, vergesel moet gaan;
- (e) iemand anders gemagtig het om namens hom aansoek te doen, moet die aansoekvorm deur die betrokke gemagtigde persoon onderteken word: Met dien verstande dat sodanige aansoekvorm van die betrokke volmag vergesel moet gaan;
- (f) 'n vennootskap is of indien sodanige plaaseenheid deur meer as een persoon besit word, moet daardie aansoekvorm deur al die betrokke vennote of mede-eienaars onderteken word, tensy een van die vennote of mede-eienaars 'n volmag in paragraaf (e) bedoel, het; of
- (g) 'n trust is, moet die aansoekvorm deur die trustee van sodanige trust onderteken word: Met dien verstande dat sodanige aansoekvorm van 'n gewaarmerkte afskrifte van die stukke waarkragtens die betrokke trust geskep en die betrokke trustee aangestel is, vergesel moet gaan.

(c) be accompanied by a sketch map of the farm unit concerned or the map forming part of the farm plan for that farm unit, on which the camps infested with the weeds concerned are indicated.

(3) The executive officer may for the purposes of the consideration of such an application require that the applicant concerned submit the following documents to him:

- (a) Documentary proof of the identity of the applicant concerned.
- (b) A certified copy of the title deed of the land comprising the farm unit concerned.
- (c) If applicable, a certified copy of—
  - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if such applicant is the owner of that farm unit but the land concerned has not yet been registered in his name;
  - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; or
  - (iii) documentary evidence of the extent of the personal or real right of such applicant in the farm unit concerned, if he is not the owner of that farm unit.

(4) If the owner or land user of a farm unit in respect of which an application form referred to in subsection (1) has been completed—

- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
- (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
- (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
- (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that—
  - (i) the capacity of the person concerned shall be specified on such application form; and
  - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
- (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
- (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
- (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.

(5) 'n Aansoek om die verlening van geldelike of ander hulp ingevolge artikel 5 (1) (b) van dié Wet op Onkruid, 1937 (Wet 42 van 1937), in verband met die bestryding van onkruid op 'n plaaseenheid, wat voor die datum van inwerkingtreding van hierdie skema ingedien is maar nog nie op daardie datum goedgekeur was nie, word geag 'n aansoek in subartikel (1) bedoel, te wees.

#### **Inskrywing van plaaseenhede**

9. (1) Indien die uitvoerende beampte 'n aansoek om die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema goedkeur, moet hy die betrokke aansoeker skriftelik daarvan in kennis stel.

(2) 'n Plaaseenheid word geag vir deelname aan hierdie skema ingeskryf te wees indien 'n aansoek deur die huidige grondgebruiker van daardie plaaseenheid om die verlening van geldelike of ander bystand ingevolge artikel 5 (1) (b) van die Wet op Onkruid, 1937 (Wet 42 van 1937), in verband met die bestryding van onkruid daarop voor die datum van inwerkingtreding van hierdie skema ingevolge voormalde Wet goedkeur is en sodanige goedkeuring steeds van krag is.

(3) Die inskrywing van 'n plaaseenheid met die oog op deelname aan hierdie skema verval indien—

- (a) die grondgebruiker van die betrokke plaaseenheid—
  - (i) die uitvoerende beampte skriftelik in kennis gestel het van sy voorname om die plaaseenheid aan deelname aan hierdie skema te onttrek; en
  - (ii) die werklike aankooprys van die onkruiddoder wat ingevolge hierdie skema of ingevolge artikel 5 (1) (b) van die Wet op Onkruid, 1937 (Wet 42 van 1937), aan hom verskaf is, min die bedrag wat sodanige grondgebruiker, ten opsigte van daardie onkruiddoder betaal het, of sodanige gedeelte van daardie aankooprys as wat die uitvoerende beampte bepaal, aan die uitvoerende beampte terugbetaal het; of
- (b) die persoon aan wie 'n kennisgewing ingevolge subartikel (1) of 'n goedkeuring in subartikel (1) of 'n goedkeuring in subartikel (2) bedoel, uitgereik is, nie meer die grondgebruiker van die betrokke plaaseenheid is nie.

#### **Verskaffing van onkruiddoders**

10. (1) 'n Onkruiddoder wat nodig is vir gebruik in verband met die bestryding van onkruid op 'n plaaseenheid wat vir deelname in hierdie skema ingeskryf is of geag word aldus ingeskryf te wees, word op aansoek deur die uitvoerende beampte aan die grondgebruiker van sodanige plaaseenheid verskaf.

(2) 'n Aansoek in subartikel (1) bedoel, moet op 'n vorm gedoen word wat vir dié doel by 'n voorligtingsskantoor in 'n gebied in artikel 4 bedoel, verkrybaar is.

(3) So 'n aansoekvorm moet—

- (a) behoudens die bepalings van artikel 8 (4), deur die grondgebruiker deur wie die betrokke plaaseenheid vir deelname aan hierdie skema ingeskryf is of geag word ingeskryf te gewees het, ingeval word;
- (b) nadat dit aldus ingeval is, ingedien word by die voorligtingsskantoor vir die gebied waarin die betrokke plaaseenheid geleë is; en
- (c) vergesel gaan van die bedrag wat ingevolge artikel 6 ten opsigte van die betrokke onkruiddoder betaalbaar is.

(4) 'n Aansoek om die verskaffing van onkruiddoders ingevolge artikel 5 (1) (b) van die Wet op Onkruid, 1937 (Wet 42 van 1937), ten opsigte waarvan die bedrag in subartikel (3) (c) bedoel, betaal is en wat voor die datum van inwerkingtreding van hierdie skema ingedien is, word, indien die betrokke onkruiddoder nog nie op daardie datum verskaf is nie, geag 'n aansoek in subartikel (1) bedoel, te wees.

(5) An application for the rendering of financial or other assistance in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

#### **Entry of farm units**

9. (1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing.

(2) A farm unit shall be deemed to have been entered for participation in this scheme if an application by the current land user of that farm unit for the rendering of financial or other assistance in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds thereon, was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force.

(3) The entry of a farm unit for participation in this scheme shall lapse if—

- (a) the land use of the farm unit concerned—
  - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
  - (ii) has repaid to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount paid by such land user in respect of the weed killer or such portion of that purchase price as the executive officer may determine; or
- (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (2) was issued, is no longer the land user of the farm unit concerned.

#### **Supply of weed killers**

10. (1) A weed killer required for use in connection with the combating of weeds on a farm entered for participation in this scheme or deemed to have been thus entered, shall on application be issued by the executive officer to the land user of such farm unit.

(2) An application referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

(3) Such an application form shall—

- (a) subject to the provisions of section 8 (4), be completed by the land user by whom the farm unit concerned was entered or is deemed to have been entered for participation in this scheme;
- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (c) be accompanied by the amount payable in respect of the weed-killer concerned in terms of section 6.

(4) An application for the supply of weed-killers in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in respect of which the amount referred to in subsection (3) (c) was paid and that was submitted prior to the date of commencement of this scheme shall, if the weed-killer concerned has not yet been supplied on that date, be deemed to be an application referred to in subsection (1).

(5) 'n Bedrag in subartikel (3) (c) bedoel, word per tjek, posorder of poswissel wat ten gunste van die Direkteur-ge-neraal: Landbou uitgemaak is, betaal.

(6) Indien die uitvoerende beampte sodanige aansoek goedkeur, moet hy—

- (a) met inagneming van die beskikbare hoeveelhede onkruiddoder wat aangekoop is uit geld wat vir die doel-eindes van hierdie skema bewillig is, die verlangde hoeveelheid van 'n geskikte onkruiddoder so spoedig doenlik aan die betrokke grondgebruiker verskaf;
- (b) indien dit per spoor versend is, die betrokke grondge-bruiker skriftelik van die afsoning van die onkruid-doder wat aldus aan hom verskaf is, in kennis stel; en
- (c) die nodige gebruiksaanwysings en ander instruksies in verband met die toediening van daardie onkruid-doder aan die betrokke grondgebruiker voorsien.

(7) Ondanks die bepalings van subartikel (6) kan die uitvoerende beampte die goedkeuring van 'n aansoek om die verskaffing van 'n onkruiddoder aan 'n grondgebruiker aan wie onkruiddoders voorheen in terugstuurbare houers verskaf is, terughou totdat daardie houers teruggestuur is soos ingevolge artikel 11 (1) (e) vereis, of die vervangingswaarde van daardie houers betaal is soos ingevolge artikel 11 (3) en (4) vereis.

#### **Voorwaardes waarop onkruiddoders verskaf word**

11. (1) 'n Onkruiddoder word ingevolge hierdie skema vir gebruik in verband met die bestryding van onkruid op die volgende voorwaardes verskaf:

- (a) Die betrokke onkruiddoder—
  - (i) mag slegs gebruik word in verband met die bestryding van onkruid van 'n soort in artikel 4 bedoel, wat op die betrokke plaaseenheid voor-kom;
  - (ii) moet gebruik word ooreenkomsdig die gebruiks-aanwysings en ander instruksies in verband met die toediening daarvan wat ingevolge artikel 9 (6) (c) aan die betrokke grondgebruiker voor-sien is;
  - (iii) moet te alle tye voordat dit gebruik word, in veilige bewaring gehou word ten einde mis-bruike of diefstal daarvan te voorkom.
- (b) Aangesien die betrokke onkruiddoder giftig vir mens en dier en skadelik vir ander plantegroei kan wees, moet die betrokke grondgebruiker beide voor en na die toediening daarvan die vereiste maatreëls tref in verband met die toediening van daardie onkruiddoder en die benutting van die kampe waarin onkruid daar-mee bestry word.
- (c) Alle hergroei en saailinge van die onkruid ten opsigte waarvan die betrokke onkruiddoder verskaf is, moet op 'n deurlopende grondslag bestry word ten einde aan die bepalings van artikel 12 (1) (b) van die Wet te voldoen: Met dien verstande dat 'n verdere hoeveel-hed onkruiddoder van tyd tot tyd vir dié doel inge-volge artikel 10 aan 'n grondgebruiker verskaf kan word.
- (d) Indien 'n plaasplan verskaf is vir 'n plaaseenheid waarop onkruid ingevolge hierdie skema bestry is, moet die boerderyprakteke wat op sodanige plaaseen-heid gevvolg word, aan die bepalings van die bestuurs-program wat deel van die betrokke plaasplan uitmaak, voldoen.
- (e) Indien die betrokke onkruiddoder in terugstuurbare houers aan 'n grondgebruiker verskaf is, moet hy die betrokke houers binne ses maande na die datum waarop hy die betrokke onkruiddoder in ontvangs geneem het, in 'n onbeskadig toestand terugstuur.

(5) An amount referred to in subsection (3) (c) shall be paid by means of a cheque, postal order or money order made out in favour of the Director-General: Agriculture.

(6) If the executive officer approves such application, he shall—

- (a) with due regard to the available quantity of weed killer purchased out of moneys appropriated for the purposes of this scheme, supply the required quantity of a suitable kind of weed killer to the land user concerned as soon as is practicable;
- (b) if it has been dispatched by rail, notify the land user concerned in writing of the dispatch of the weed killer thus supplied to him; and
- (c) furnish the necessary directions for use and other instructions in connection with the application of that weed killer to the land user concerned.

(7) Notwithstanding the provisions of subsection (6) the executive officer may withhold the approval of an application for the supply of a weed killer to a land use to whom weed killers have previously been supplied in returnable containers until those containers are returned as required in terms of section 11 (1) (e) or the replacement value of those containers has been paid as required in terms of section 11 (3) and (4).

#### **Conditions on which weed-killers are supplied**

11. (1) A weed killer shall be supplied in terms of this scheme for use in connection with the combating of weeds on the following conditions:

- (a) The weed killer concerned shall—
  - (i) only be used in connection with the combating of weeds of a kind referred to in section 4, that occur on the farm unit concerned;
  - (ii) be used in accordance with the directions for use and other instructions in connection with the application thereof that were issued to the land user concerned in terms of section 9 (6) (c); and
  - (iii) at all times prior to the use thereof be kept in safe custody in order to prevent misuse or theft thereof.
- (b) Since the weed killer concerned could be poisonous for humans and animals and harmful to other vegetation, the land user concerned shall, both before and after the application thereof take the necessary measures in connection with the application of that weed killer and the utilisation of the camps in which weeds are combated therewith.
- (c) All regrowth and seedlings of the weeds in respect of which the weed killer concerned was supplied shall be combated on a continuous basis in order to comply with the provisions of section 12 (1) (b) of the Act: Provided that a further quantity of weed killer may from time to time be supplied to a land user for this purpose in terms of section 10.
- (d) If a farm plan has been provided for a farm unit on which weeds were combated in terms of this scheme, the farming practices pursued on such farm unit shall comply with the provisions of the management programme forming part of the farm plan concerned.
- (e) If the weed killer concerned was supplied to the land user concerned in returnable containers, he shall re-turn the containers concerned in an undamaged condition within six months of the date on which he took delivery of the weed killer concerned.

(2) Indien 'n grondgebruiker weier of versuim om te voldoen aan die voorwaardes in subartikel (1) (a), (c) of (d) uiteengesit, moet die uitvoerende beampete die betrokke grondgebruiker gelas om die werklike aankoopprys van die onkruiddoder wat ingevolge hierdie skema of ingevolge artikel 5 (1) (b) van die Wet op Onkruid, 1937 (Wet 42 van 1937), aan hom verskaf is, min die bedrag wat so 'n grondgebruiker reeds ingevolge artikel 9 (5) of andersins ten opsigte van daardie onkruiddoder betaal het, aan die uitvoerende beampete te betaal.

(3) Indien 'n grondgebruiker weier of versuim om te voldoen aan die voorwaardes in subartikel (1) (e) uiteengesit, moet die uitvoerende beampete die betrokke grondgebruiker gelas om die vervangingswaarde van die houers wat beskadig is of nie teruggestuur is nie, aan die uitvoerende beampete te betaal.

(4) 'n Bedrag wat ingevolge subartikels (2) of (3) betaalbaar is, moet aan die uitvoerende beampete betaal word binne 60 dae na die datum waarop hy die terugbetaling daarvan skriftelik gelas het.

(5) Indien 'n grondgebruiker versuim om die bedrag wat ingevolge subartikels (2) of (3) deur hom betaalbaar is, te betaal binne die tydperk in subartikel (4) bedoel, is rente op die verskuldigde bedrag betaalbaar teen 'n koers gelyk aan die koers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bepaal is en wat van toepassing was op die datum waarop die uitvoerende beampete die betrokke betaling skriftelik gelas het.

#### Datum van inwerkingtreding

12. Hierdie skema tree op 1 Junie 1984 in werking.

TABEL

#### GEBIEDE WAARIN EN SOORTE ONKRUID WAAROP SKEMA VAN TOEPASSING IS

Gebied	Soort onkruid	
	Botaniiese naam	Gewone naam
1	2	
Die Republiek ....	<i>Opuntia aurantiaca</i> Lindl... <i>Opuntia dillenii</i> (Ker-Gawl.) Haw. <i>Opuntia exaltata</i> Berger... <i>Opuntia ficus-indica</i> (L.) Mill., uitgesonderd alle doringlose cultivars en seleksies <i>Opuntia imbricata</i> (Haw.) DC. <i>Opuntia lindheimeri</i> Engelm. <i>Opuntia rosea</i> DC..... <i>Opuntia spinulifera</i> Salm-Dyck <i>Opuntia stricta</i> (Haw.) Haw. <i>Opuntia vulgaris</i> Mill. ...	Litjieskaktus. Pysteelturksvy. Langdoringkaktus. Boereturksvy, groot-doringturksvy. Imbriakaatkaktus, kabelturksvy. Klein rondeblaarturksvy. Roseakaktus. Blouturksvy, groot rondeblaarturksvy. Engelse turksvy, suurturksvy. Suurturksvy, luisies-truksvy, engelse turksvy.
Kaapprovincie ....	<i>Stipa tenuissima</i> Trin. .... <i>Stipa trichotoma</i> Nees ....	Witpolgras. Nassella polgras.

(2) If a land user refuses or fails to comply with the conditions set out in subsection (1) (a) (i), (c) or (d), the executive officer shall direct the land user concerned to pay to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount already paid by such land user in terms of section 9 (5) or otherwise in respect of that weed killer.

(3) If a land user refuses or fails to comply with the conditions set out in subsection (1) (e), the executive officer shall direct the land user concerned to pay to the executive officer the replacement value of the containers that have been damaged or that have not been returned.

(4) An amount payable in terms of subsections (2) or (3) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.

(5) If a land user fails to pay an amount payable by him in terms of subsections (2) or (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the payment concerned in writing.

#### Date of commencement

12. This scheme shall come into operation on 1 June 1984.

TABLE

#### AREAS WITHIN AND KINDS OF WEEDS TO WHICH SCHEME APPLIES

Area	Kind of weed	
	Botanical name	Common name
1	2	
The Republic ...	<i>Opuntia aurantiaca</i> Lindl. <i>Opuntia dillenii</i> (Ker-Gawl.) Haw. <i>Opuntia exaltata</i> Berger ... <i>Opuntia ficus-indica</i> (L.) Mill., excluding all spineless cultivars and selections <i>Opuntia imbricata</i> (Haw.) DC. <i>Opuntia lindheimeri</i> Engelm. <i>Opuntia rosea</i> DC..... <i>Opuntia spinulifera</i> Salm-Dyck <i>Opuntia stricta</i> (Haw.) Haw. <i>Opuntia vulgaris</i> Mill. ....	Jointed cactus. Pipistem prickly pear. Long spine cactus. Mission prickly pear, sweet prickly pear. Imbricate cactus, imbricate prickly pear. Small roundleaved prickly pear. Rosea cactus. Saucépan cactus, large round-leaved prickly pear. Pest pear of Australia, sour prickly pear. English prickly pear, sour prickly pear.
Cape Province	<i>Stipa tenuissima</i> Trin. .... <i>Stipa trichotoma</i> Nees ....	White tussock. Nassella tussock.

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