



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7237

Regulasiekoerant

Vol. 439

Pretoria, 25 January 2002
Januarie

No. 22970



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS • INHOUD

No.

Page
No. Gazette
 No.**GOVERNMENT NOTICE****Agriculture, Department of***Government Notice*

R. 3	Conservation of Agricultural Resources Act (43/1983): Flood Disaster Relief Scheme of 2000.....	3	22970
------	---	---	-------

GOVERNMENT NOTICE

DEPARTMENT OF AGRICULTURE

No. R. 3

25 January 2002

CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (Act No. 43 of 1983)

FLOOD DISASTER RELIEF SCHEME OF 2000

I, Thokozile Angela Didiza, Minister for Agriculture and Land Affairs, acting under section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), hereby establish the Flood Disaster Relief Scheme of 2000, hereinafter referred to as "the Scheme", set out in the Schedule.

Thokozile Angela Didiza,
Minister for Agriculture and Land Affairs.

SCHEDULE

1. Definitions

Unless the context indicates otherwise, any word or expression in this Scheme to which a meaning has been assigned in the Act shall have that meaning and –

"Commercial farmer" is a person who undertakes commercial agricultural activities, on freehold, privately owned land.

"Small-scale farmer" is a person who legally practices agricultural activities on a known portion of land on a small-scale basis.

"Communal area" is State Land, Tribal Trust Land and land held by Community Property Associations or other registered legal entities supporting rural development approved by the Steering Committee.

"Communal infrastructure" means agricultural infrastructure such as irrigation works including pumps and pump houses, dip tanks, fences for agricultural use etc excluding roads and river crossings.

"Functional scheme" means that which was working and in production at the time of, or immediately prior to the floods.

"Flood disaster area," means an area below the high-water mark in natural water courses or approved constructed waterways that was inundated by the floods in the first semester of 2000 in any province of South Africa.

"Flood repair works" means land restoration as defined hereunder and repair of communal infrastructure.

"First semester of 2000" means the period from 1 January 2000 up to and including 30 June 2000.

"Land Restoration" means:

- (i) Clearing flood debris from cultivated fields that were inundated by flood water
- (ii) In case of irreparable land, resettlement is covered. Resettlement of a farmer is limited to the cost of transporting the immediate family living with the farmer, household goods, farm workers and their goods, and farming equipment of the farmer from the abandoned farm to a new farm of his choice, subject to a ceiling of R5000.
- (iii) Levelling cultivated fields that were inundated by floodwater.
- (iv) Repair of approved waterways constructed in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
- (v) Repair of approved contours constructed in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
- (vi) Repair of dams or weirs registered in terms of the Dam Safety Regulations promulgated under the National Water Act, 1998 (Act No. 36 of 1998) and only if the required licence thereby for repair work has been obtained.
- (vii) Repair of irrigation distribution systems within commercial farm boundaries.
- (viii) Distribution systems – are fixed assets required by a farmer to allow the distribution of water from the boundary of his farm or the source on his farm to the areas that are irrigated e.g. canals, channels, primary pipelines, saaidamme etc.
- (ix) Construction or reconstruction of structures put in place to prevent further soil erosion of cultivated or grazing land that were flood damaged.

"Repair" means restoring to applicable standards.

"Land Bank" refers to the Land and Agricultural Bank of the Republic of South Africa.

"Steering Committee" refers to a committee established by the National Department of Agriculture to deal with any matter arising from the execution of the scheme.

2. Name of Scheme

This Scheme shall be known as the **Flood Disaster Relief Scheme of 2000**, hereinafter known as the scheme.

3. Objectives of Scheme

- (i) The objectives of the Scheme shall be to promote the undertaking of flood repair works in the flood disaster area and to regulate the payment of assistance out of moneys appropriate by Parliament for the purpose of the scheme.
- (ii) It is not the objective of the Scheme to
 - ❖ Restore the changed environment at all costs;
 - ❖ Compensate for damage to insured assets;

- ❖ Compensate for crop losses and loss of income of consequential damages related thereto;
- ❖ Compensate for irreparable land
- ❖ Soil loss and damage to infrastructure that occurred prior to 1 January 2000 is not eligible for assistance under the Scheme.

4. Areas to which the scheme applies

The Scheme shall apply to all flood disaster areas.

5. Period during which the scheme will apply

The Scheme shall apply for a period of 36 months from the date of publication of this notice. Applications for assistance must be received within the first 3 months of this period.

6. Assistance that may be rendered

Subject to the requirements of section 7 hereunder, assistance amounting to 75% of the actual cost of repair will be allocated for the following cases:

(i) Commercial farmers

- ❖ Land restoration, with a Rand value ceiling equivalent to Land Bank's valuation and conditional on the optimal use of existing local permanent and seasonal workforce.

(ii) Individual small-scale farmers

- ❖ Land restoration. With a Rand value ceiling equivalent to Land Bank's valuation and conditional on the optimal use of local labour and entrepreneurs.

(iii) Communal areas

- ❖ Land restoration and repair to communal infrastructure assets. Optimal use is to be made of local labour and entrepreneurs. The assistance will be allocated on a group basis in consultation with the communal authorities.

(iv) Other

- ❖ Claims not included in the above will be referred for a decision to the Steering Committee.

7. Guarantee

All applicants in their business plans must provide proof acceptable to the contractor, of their ability and commitment to contribute 25% of the actual cost of the flood repair work in cash or kind. The latter can include labour. Lack of 25% own contribution by the claimant will disqualify the claim.

8. Administration of the scheme

The Scheme will be administered by the Land Bank.

9. Application process

Applications must be made on the appropriate forms for the Scheme, which are available at all provincial Departments of Agriculture offices and local Land Bank branch offices.

The applicant must complete and return forms according to the instructions in the form. The applicant will receive a written acknowledgement of receipt. This receipt must be retained by the applicant for future reference.

Applicants will be advise by the Land Bank of the outcome of applications as soon as a decision has been taken. New works may not commence prior to approval by the Land Bank. Completed flood relief work may qualify for assistance. Such work must have been sanctioned by the Provincial Department of Agriculture and must be verified as conforming to the Scheme's requirements.

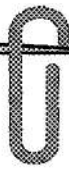
On completion of the approved work the applicant is to advise the Land Bank according to the instructions in the application form. The Land Bank will arrange for inspection, certification and payment of moneys due.

10. Records of applications

The Land Bank will keep a record of relevant details of applications.

11. Right of appeal

Applicants may appeal against the decisions of the Land Bank. Any such appeal will be considered by the Steering Committee.



*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division

PO Box 397

0001 PRETORIA

Tel.:(012) 321-8931, Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatshoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie

Posbus 397

0001 PRETORIA

Tel.:(012) 321-8931, Faks: (012) 325-5984

E-pos: infodesk@nlsa.ac.za

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531