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EXTRAORDINARY



BUITENGEWONE

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PRYS 6d. [No. 2703.]

The undermentioned Bill which it is proposed to introduce during the forthcoming session of Parliament and which will be referred to a Select Committee is hereby published for general information.

PAGE.

The Forest and Veld Conservation Bill ii

Die onderstaande Wetsontwerp wat gedurende die eersvolgende Parlementsitting ingedien sal word, en wat na 'n Gekose Komitee verwys sal word, word hierby vir algemene kennisgewing gepubliseer.

BLADSY.

Die Wetsontwerp op Bos- en Veldbewaring iii

BILL

To amend and consolidate the laws in the Union relating to the tenure, demarcation, protection, management and utilization of forests and the regulation of veld-burning, and to make better provision for veld, soil and water conservation.

(To be introduced by the MINISTER OF AGRICULTURE AND FORESTRY.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

INTRODUCTORY.

Repeal of laws.

1. (1) The laws mentioned in the Schedule to this Act are 5 hereby repealed to the extent set out in the fourth column of that Schedule ; provided that any regulations made and any proclamations or notices issued under any such law and in force at the commencement of this Act shall, notwithstanding the repeal of such law, remain of force and effect until rescinded 10 or amended under this Act.

Validation of demarcation notices under previous laws.

(2) Notwithstanding the repeal or amendment of any law by this Act, or by any other Act, any notice which, having been issued under any such law and being in force immediately prior to the commencement of this Act, demarcated or withdrew 15 from demarcation a forest reserve or part of any forest reserve, shall be deemed to have been issued under this Act.

Interpretation of terms.

2. In this Act and the regulations made thereunder, unless inconsistent with the context—

“Crown forest” means any demarcated forest or any 20 undemarcated forest ;

“demarcated forest” means any area of land which has in accordance with the provisions of section *seven*, been declared to be a demarcated forest, and any forest produce thereon ; 25

“department” means the Department of Agriculture and Forestry ;

“fire-belt” means a strip of land, whether under trees or not, which has been cleared of inflammable matter to prevent the spread of veld or forest fires ; 30

“forest officer” means an officer appointed to the fixed establishment of the department, or a ranger, guard, watcher, forestry clerk or foreman employed by the department, or a person appointed as a temporary, part-time or honorary forester, and includes, if so 35 appointed by the Minister, any officer of any other Department of State ;

“forest produce” means any of the following things when found in or obtained from a Crown forest or a private forest, namely, trees, timber, wood, firewood, poles, 40 wattle, kraalwood, branchwood, slabs, chips, plants, grass, reeds, thatch, rushes, bedding, peat, creepers, fibres, leaves, moss, litter, humus, flowers, ferns, fruit, seeds, roots, bulbs, galls, spices, bark, rubber, latex, gum, resin, sap and anything which is produced 45 by trees or is grown in a forest ; and includes game, birds, skins, horns, ivory, fish, sawdust, charcoal, honey, wax, bees, shells, earth, stones and anything found in or obtained from a Crown forest ;

“Minister” means the Minister of Agriculture and Forestry 50 or any other Minister of State to whom the Governor-General may assign the administration of this Act or any Minister of State acting in the stead of such Minister ;

“plantation” means any artificially established forest of 55 trees as ordinarily understood, and includes any natural extension thereof ;

“police officer” means a member of any police force established by law in the Union ;

“private forest” means a forest or plantation situate on 60 land not owned by the Crown, but shall not include a forest or plantation on land on which the Crown by deed of grant or other document retains the right to the trees ;

WETSONTWERP

Tot wysiging en konsolidering van die Wette in die Unie op die besit, demarkasie, beskerming, bestuur en benutting van bosse, en die beheer van veldbrand, en om beter voorsiening te maak vir veld-, grond- en waterbewaring.

(Ingedien te word deur die MINISTER VAN LANDBOU EN BOSBOU.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

INLEIDENDE BEPALINGS.

- 5 1. (1) Die wette in die Bylae tot hierdie Wet vermeld, word hiermee herroep vir sover in die vierde kolom van daardie Bylae aangetoon: Met dien verstande dat alle regulasies, proklamasies en kennisgewings wat kragtens een of ander van daardie wette gemaak of uitgevaardig en tydens die inwerking- Wetsher-
roeping.
- 10 treding van hierdie Wet van krag is, ondanks die herroeping van bedoelde Wet van krag en geldig bly totdat hulle herroep of gewysig word.
- (2) Ondanks die herroeping of wysiging van 'n wet deur hierdie Wet of deur 'n ander Wet, word elke kennisgewing wat kragtens die herroepe of gewysigde wet uitgereik en onmiddellik Geldigverkla-
ring van kennis-
gewings van
demarkasie
kragtens vorige
wette.
- 15 voor die inwerkingtreding van hierdie Wet van krag is, en waarin 'n bosreserwe of gedeelte van 'n bosreserwe gedemarkeer of aan demarkasie onttrek word, geag onder hierdie Wet uitgereik te gewees het.
- 20 2. In hierdie Wet en die regulasies daaronder uitgevaardig tensy uit die samehang anders blyk, beteken — Woordoms kry-
wing.
- „Kroonbos”, 'n gedemarkeerde of 'n ongedemarkeerde bos;
- 25 „gedemarkeerde bos”, elke stuk grond wat ooreenkomstig die bepalinge van artikel *sewe* tot 'n gedemarkeerde bos verklaar is en alle bosprodukte daarop;
- „departement”, die Departement van Landbou en Bosbou;
- 30 „brandstrook”, 'n strook grond, met of sonder bome, waarvan ontlambare materiaal verwyder is ten einde veld- of bosbrande af te weer;
- „bosbeampte”, 'n beampte aangestel op die vaste personeel van die departement, of 'n bosopsigter, boswagter, bosoppasser, bosbouklerk of voorman in diens van die departement, of 'n persoon aangestel as 'n tydelike, 35 deeltydse of erebosbouer, inbegrepe 'n beampte van 'n ander Staatsdepartement indien daartoe deur die Minister aangestel;
- 40 „bosprodukte”, enige van die volgende voorwerpe aanwesig in of afkomstig uit 'n Kroonbos of private bos, te wete, bome, timmerhout, hout, brandhout, pale, wattel, kraalhout, takke, skale, spaanders, plante, gras, riete, dekgras, biesies, kooigoed, turf, klim- plante, vesels, blare, mos, afval, humus, blomme, 45 varings, vrugte, saad, wortels, bolle, galnote, kruie, bas, rubber, melksap, gom, hars, sap en alles wat deur bome opgelewer of in 'n bos voortgebring word; en ook wild, voëls, velle, horings, ivoor, vis, saagsel, houtskool, heuning, was, bye, skulpe, grond, klippe en alles wat in 'n Kroonbos aanwesig of daaruit 50 afkomstig is;
- „Minister”, die Minister van Landbou en Bosbou of 'n ander Staatsminister aan wie die Goewerneur-generaal die uitvoering van hierdie Wet mag opdra, of 'n Staatsminister wat namens daardie Minister optree;
- 55 „plantasie”, 'n kunsmatig gevestigde bos bestaande uit bome in die gewone sin van die woord en ook enige natuurlike uitbreiding daarvan;
- „polisiebeampte”, 'n lid van 'n wetlik ingestelde polisie- mag in die Unie;
- 60 „private bos”, 'n bos of plantasie geleë op grond wat nie die eiendom van die Kroon is nie, maar 'n bos of plantasie op grond ten opsigte waarvan die Kroon kragtens grondbrief of ander akte die reg tot die bome behou, is nie daaronder inbegrepe nie;
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- “ reserved tree ” means a tree the subject of a notice under section *eleven* ;
- “ timber ” means all wood contained in trees, whether standing, fallen or felled, and all wood, whether sawn, split, hewn or planed or otherwise fashioned or processed ; 5
- “ trust officer ” means an officer defined as such in the regulations under the Native Trust and Land Act, 1936 (Act No. 18 of 1936) ;
- “ tree ” includes, in addition to a tree as ordinarily understood, any shrub, bush, or seedling, transplant, sapling, reshoot, underbush, undergrowth or regrowth of any age, and any root, stump, stem, branch, twig, leaf, flower, fruit or seed of a tree ;
- “ undemarcated forest ” means— 15
- (a) any Crown land (not being demarcated forest) reserved for the purposes of this Act and the regulations made thereunder ; and
 - (b) all trees or timber on— 20
 - (i) Crown land (not being demarcated forest) ; or
 - (ii) any other land, if the right to such trees or timber has been reserved to the Crown.

Application of Act.

3. (1) This Act shall not apply to any land which is or may have become vested in the South African Native Trust established under the Native Trust and Land Act, 1936 (Act No. 18 of 1936) : 25

Provided that any such land aforesaid which had already been declared to be a demarcated forest or which had been set aside as a forest reserve or which had been acquired by the Crown for forest purposes at the commencement of the said Act, shall be subject to all the provisions of this Act. 30

(2) Save where private forests are specifically mentioned, the provisions of this Act shall apply to Crown forests only, but, upon the written request of the owner of any private forest, the Governor-General may, if he is satisfied that the public interest will not be prejudiced thereby, by proclamation in the *Gazette* apply to that private forest any provisions of this Act which he may deem necessary for the better preservation of the said forest and for the better protection of the trees and other forest produce therein. 40

Any such proclamation shall clearly specify the area affected, and may, at the discretion of the Governor-General, by like proclamation be withdrawn or (with the consent of the owner) amended.

(3) Save where the Crown by deed of grant or other document of title has retained the right to the trees, the provisions of this Act shall not apply to any trees, forests, or plantations growing or existing within the limits of any area controlled by any municipality, village management board, divisional council or other similar public body. 50

(4) Notwithstanding anything in this section contained, the provisions of Chapter III relating to the protection of forests from fire and the regulation of veld-burning shall apply to all land whatsoever.

CHAPTER I.

55

TENURE, DEMARCATION AND REGULATION OF FORESTS AND CONSERVATION OF SOIL AND WATER.

Acquisition of land for forest and certain other purposes.

4. (1) Whenever in the opinion of the Governor-General, any area of land is required—

- (a) for the conservation of Crown forests or plantations ; 60 or
- (b) for the prevention of sand drift or the reclamation of land affected thereby ; or
- (c) for the prevention of soil erosion ; or
- (d) for the protection of catchment areas or the conservation of water sources, 65

the Governor-General may, subject to the provisions of this section, acquire that land and the owner thereof shall be entitled to compensation which, if the amount be not agreed upon, shall be determined in accordance with the law in force in the province wherein the land is situate, for the settlement by arbitration of amounts of disputed compensation. 70

(2) Whenever the Governor-General proposes to acquire any land under sub-section (1), the Minister shall serve or cause to be served on the owner of the said land or his legal representative a written notice of intention to acquire that land, and of 75

- „beskermd boom”, ’n boom wat die onderwerp is van ’n kennisgewing ingevolge artikel *elf* ;
- „timmerhout”, alle hout bevat in bome, hetsy staande, ongeval of afgekap, en alle hout, hetsy gesaag, gekloof, gekap of geskaaf of op ander wyse bewerk of verwerk ;
- „trustbeampte”, ’n beampte as sulks omskryf in die regulasies onder die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936) ;
- „boom”, benewens ’n boom in die gewone sin van die woord, ook ’n struik, bossie, saaiplant, oorplantse, boompie, stomploot, onderbos, ondergroei of opslag van enige leeftyd en enige wortel, stomp, stam, tak, twyg, blaar, blom, vrug of saad van ’n boom ;
- „ongedemarkeerde bos”,
- (a) Kroongrond (nie gedemarkeerde bos nie) wat vir die doeleindes van hierdie Wet en die regulasies daaronder uitgevaardig, gereserveer is ; en
- (b) alle bome en timmerhout op—
- (i) Kroongrond (nie gedemarkeerde bos nie) ; of
- (ii) ander grond, indien die reg op daardie bome of timmerhout aan die Kroon gereserveer is.
3. (1) Hierdie Wet is nie op grond wat op die Suid-Afrikaanse Naturelletrust ingestel ingevolge die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), oorgegaan het of mag oorgaan, van toepassing nie : Toepassing van Wet.
- Met dien verstande dat grond, soos voornoemd, wat tydens die inwerkingtreding van genoemde Wet reeds tot gedemarkeerde bos verklaar of as ’n bosreserwe afgesonder of deur die Kroon vir bosboudeleindes aangeskaf was, onderhewig is aan al die bepalinge van hierdie Wet.
- (2) Behalwe waar private bosse uitdruklik genoem word, is die bepalinge van hierdie Wet slegs op Kroonbosse van toepassing, maar op skriftelike versoek van die eienaar van ’n private bos, kan die Goewerneur-generaal, as hy oortuig is dat die publieke belang nie daardeur benadeel sal word nie, die bepalinge van hierdie Wet wat hy nodig ag vir beter bewaring van genoemde bos en vir beter beskerming van die bome en ander bosprodukte daarin, by proklamasie in die Staatskoerant op daardie private bos van toepassing maak.
- So ’n proklamasie moet die gebied waarop dit betrekking het, duidelik omskryf, en kan deur soortegelyke proklamasie herroep of met toestemming van die eienaar gewysig word.
- (3) Behalwe waar die Kroon deur middel van ’n grondbrief of ander eiendomsakte die reg tot die bome behou het, is die bepalinge van hierdie Wet nie op bome, bosse of plantasies wat groei of geleë is binne die grense van ’n gebied onder beheer van ’n munisipaliteit, dorpsbeheerraad, afdelingsraad, of ’n ander soortgelyke openbare liggaam van toepassing nie.
- (4) Die bepalinge van Hoofstuk III met betrekking tot die beskerming van bosse teen brand en die beheer van veldbrand is ondanks enigiets in hierdie artikel vervat, van toepassing op alle grond hoegenaamd.

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HOOFSTUK I.

BESIT, DEMARKASIE EN BEHEER VAN BOSSE EN BEWARING VAN GROND EN WATER.

4. (1) Wanneer die Goewerneur-generaal ’n stuk grond nodig ag— Aanskaffing van grond vir bosbou en sekere ander doeleindes.
- (a) vir die bewaring van Kroonbosse of -plantasies ; of
- (b) wat vir die voorkoming van waaissand of die herwinning van grond daaraan onderhewig ; of
- (c) vir die voorkoming van gronderosie ; of
- (d) vir die beskerming van opvanggebiede of die bewaring van waterbronne,
- kan die Goewerneur-generaal, met inagneming van die bepalinge van hierdie artikel, daardie grond aanskaf, en in so ’n geval is die eienaar daarvan geregtig op vergoeding tot ’n bedrag wat by ontstentenis van ooreenkoms vasgestel word volgens die wetsbepalinge van krag in die provinsie waarin die grond geleë is, met betrekking tot die vaststelling deur arbitrasie van skadevergoeding waar daar geskil bestaan.
- (2) Wanneer die Goewerneur-generaal voornemens is om onder sub-artikel (1) grond aan te skaf, moet die Minister op die eienaar van genoemde grond of sy wettige verteenwoordiger ’n skriftelike kennisgewing dien of laat dien van die voorneme

the amount it is proposed to pay as compensation in respect thereof, and upon the expiration of a period of not less than six weeks after the date of service of such notice, the department may forthwith enter upon and take possession of and use that land as it may deem fit, irrespective of whether or not the amount to be paid as compensation has been agreed upon or settled as hereinbefore provided. 5

Reservation of
forests or trees
from cutting.

5. (1) Whenever in respect of any land not being a Crown forest, the Governor-General deems it expedient in the public interest that any forest or plantation or any part thereof, or any tree on such land, shall be protected, the Governor-General may by proclamation in the *Gazette* declare such forest or plantation or part thereof or any such tree, as the case may be, to be protected. 10

(2) After the issue of that proclamation no person shall cut, injure or destroy any forest produce in that forest or plantation or part thereof, or any such tree, as the case may be, except with the written consent of the Minister and subject to such conditions as he may determine. 15

(3) Any proclamation issued under sub-section (i) may by 20 like proclamation be withdrawn or amended.

Nature reserves
and protection
forests.

6. (1) The Minister may set aside any Crown forest or any defined portion thereof as a nature reserve for the preservation of natural scenery, forests, trees, flora or fauna, thereon, or as a protection forest for the conservation of water supplies or the prevention of sand drift or soil erosion. 25

(2) On any land set aside under sub-section (1), no cutting or removal of any forest produce or hunting or fishing or disturbance of game, birds or fish shall be permitted; provided that nothing herein contained shall prevent the Department from taking on such land any measures which it may deem necessary for the protection thereof against fire, sand drift or soil erosion, or for the conservation of water or the regeneration of forests or the extermination of vermin or the eradication of noxious weeds. 30 35

Procedure for
demarcation,
alienation and
withdrawal
from demarcation
of Crown forest
land.

7. (1) Whenever the Minister deems it expedient that any undemarcated forest land be converted to demarcated forest, the following provisions shall be observed—

(a) A report upon the area proposed to be demarcated to be prepared by the department, together with a surveyor's diagram, or a map or sketch plan shewing clearly the beacons and boundaries of the land to be demarcated, shall be submitted by the department for approval to the Surveyor-General of the province concerned. Thereafter a certified copy of such report with the diagram, map or sketch plan attached thereto shall be deposited at the office of the magistrate of the district in which the area is situate, and kept available in that office for inspection free of charge during office hours by any member of the public until after expiration of the period within which objections may in terms of paragraph (c) be lodged. 40 45 50

(b) The Minister shall thereupon cause a notice of his intention to declare the area a demarcated forest to be published three times at intervals of not less than one week in the *Gazette* and in one or more newspapers circulating in the district in which the area is situate. 55

(c) Within a period of one month from the date of the last publication of the said notice any person desiring to object to the demarcation of the area described therein, may lodge with the Minister an objection in writing setting out the grounds on which he objects to the proposed demarcation. 60

(d) The Minister may, in his discretion uphold or reject any such objection, or may appoint a board consisting of a magistrate, as chairman, and a senior forest officer to consider the evidence for and against the objection and report thereon to him, and may after consideration of the report of such board uphold or reject the said objection. 65 70

(e) If, after the expiry of the said period of one month, no such objection has been made, or if having been made, it be rejected by the Minister, he may by notice in the *Gazette* declare the land or any defined portion thereof to be a demarcated forest. 75

(2) No land which has been declared to be a demarcated forest, or any portion thereof, shall be alienated except with the approval, by resolution, of both Houses of Parliament, and for such purposes as may likewise be approved.

om daardie grond aan te skaf en van die bedrag wat voorgestel word om by wyse van skadevergoeding ten opsigte daarvoor te betaal, en na verloop van 'n tydperk van minstens ses weke vanaf die datum waarop die kennisgewing gedien is, kan die departement onverwyld die grond betree en dit in besit neem en gebruik soos by goeiddink, hetsy op die bedrag as skadevergoeding betaal te word ooreengekom is of daaroor soos hierin tevore bepaal beslis is, al dan nie.

5. (1) Wanneer die Goewerneur-generaal dit in die openbare belang raadsaam ag dat 'n bos of plantasie of gedeelte daarvan of 'n boom op grond wat nie 'n Kroonbos is nie, bewaar moet word, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* so 'n bos of plantasie of gedeelte daarvan of boom, al na die geval mag wees, beskerm verklaar.

Beskerming van bosse of bome.

(2) Na die uitreiking van so 'n proklamasie mag niemand bosprodukte in daardie bos of plantasie of gedeelte daarvan, of so 'n boom, kap, beskadig of vernietig nie, behalwe met skriftelike toestemming van die Minister en dan alleen op die voorwaardes wat hy mag bepaal.

(3) 'n Proklamasie volgens sub-artikel (1) uitgereik, kan deur soortegelyke proklamasie herroep of gewysig word.

6. (1) Die Minister kan 'n Kroonbos of 'n omskrewe gedeelte daarvan afsonder as 'n natuurskoonreserwe vir die bewaring van die natuurskoon, bosse, bome, flora, of fauna daarin, of as 'n beskermingsbos vir die bewaring van watervoorrade of vir die voorkoming van waaisandbeweging of gronderosie.

Natuurskoonreserwes en skermbosse.

(2) Op grond afgesonder ooreenkomstig sub-artikel (1), mag niemand toegelaat word om te kap of te verwyder of om te jag of vis te vang of om wild, voëls of vis te hinder nie: Met dien verstande dat niks hierin vervat die departement verhinder om op bedoelde grond maatreëls te tref wat hy nodig ag vir die beskerming daarvan teen brand, waaisand of gronderosie, of vir die bewaring van water of die verjonging van bosse of die uitroeiing van ongedierte of skadelike onkruid.

7. (1) Wanneer die Minister dit raadsaam ag dat 'n stuk ongedemarkeerde bosgrond omskep moet word in gedemarkeerde bos, moet die volgende bepalinge nagekom word:

Prosedure vir demarkasie, vervreemding en onttrekking aan demarkasie van Kroonbos grond.

(a) 'n Verslag oor die terrein waarvan demarkasie voorgestel word, opgestel deur die Departement en gestaaf deur 'n landmetersdiagram of 'n kaart of sketsplan wat die bakens en grense van die terrein wat gedemarkeer moet word duidelik aandui, moet deur die Departement aan die Landmeter-generaal van die betrokke provinsie vir goedkeuring voorgelê word. Daarna moet 'n gesertifiseerde afskrif van daardie verslag, met die diagram, kaart of sketsplan daaraan geheg, ingedien word by die kantoor van die magistraat van die distrik waarin die terrein geleë is en gedurende kantoorure in daardie kantoor ter insage sonder betaling deur enige lid van die publiek beskikbaar gehou word tot na verstryking van die tydperk waarin volgens die bepalinge van paragraaf (c) beswaar gemaak kan word.

(b) Die Minister moet daarna 'n kennisgewing van sy voorneme om die terrein tot 'n gedemarkeerde bos te verklaar, driemaal met tussenpose van minstens een week in die *Staatskoerant* en in een of meer nuusblaaie in omloop in die distrik waarin die terrein geleë is, laat publiseer.

(c) Binne 'n tydperk van een maand na die laaste publikasie van genoemde kennisgewing kan elkeen wat begerig is om teen die demarkasie van die daarin omskrewe terrein beswaar te maak, daardie beswaar, met vermelding van die redes waarom hy teen die voorgestelde demarkasie beswaar maak skriftelik by die Minister indien.

(d) Die Minister kan so 'n beswaar na goeiddunke handhaaf of verwerp, of kan 'n raad bestaande uit 'n magistraat, as voorsitter, en 'n senior bosbeampte aanstel om die getuienis vir en teen beswaar te oorweeg en daaroor aan hom verslag te doen en na oorweging van daardie raad se verslag die beswaar handhaaf of verwerp.

(e) Indien na verstryking van genoemde tydperk van een maand geen beswaar ingedien is nie, of enige beswaar wat wel ingedien is, deur die Minister verwerp is, kan hy by kennisgewing in die *Staatskoerant* die grond of 'n omskrewe deel daarvan tot 'n gedemarkeerde bos verklaar.

(2) Geen grond wat gedemarkeerde bos verklaar is of enige deel daarvan mag vervreem word nie, behalwe met goedkeuring, by besluit, van albei die Parlementshuise en vir die doeleindes wat insgelyks goedgekeur mag word.

(3) Whenever both Houses of Parliament have by resolution in terms of sub-section (2) approved of the alienation of any land which has been declared to be a demarcated forest, or any portion thereof, such alienation shall be made known by the Minister by notice in the *Gazette*, and upon the issue of that notice the land to which it relates shall be deemed to have been withdrawn from demarcation, and to have become unalienated Crown land.

Servitudes on
Crown forests.

8. (1) Notwithstanding anything contained in any law, no servitude of whatever nature shall be capable of being acquired by prescription in respect of any portion of a Crown forest, and no such servitude or other right shall, except with the approval, by resolution, of both Houses of Parliament, be granted or alienated; provided that nothing in this sub-section shall be construed as—

- (i) prohibiting the sale or disposal of forest produce, or the grant for temporary periods of grazing, cultivation or water rights, or of the right to occupation of mill, factory or shop sites and sites for residence, camping or seaside or other resorts on Crown forests in accordance with regulations framed and issued under this Act; or
- (ii) limiting the powers of the Governor-General or any Minister of State or public officer, in respect of the issue, subject to the regulations relating to prospecting in Crown forest, of permits or licences under the laws in force relating to prospecting and mining for precious and base metals and minerals and precious stones, or in respect of the disposal of Crown forest land containing such metals, minerals or stones, in accordance with the laws regulating the disposal of such land; provided that no trees, timber or other forest produce shall be cut, injured, taken or removed by the holder of the prospecting permit, licence or lease, except under a licence or permit to be obtained from the Department.

(2) Whenever at the commencement of this Act any servitude or any right to trees, timber or other forest produce, or any right of grazing, cultivation, residence or camping, or to the use of water, or any other right whatsoever, exists in respect of any Crown forest, the Governor-General may in relation to that forest make regulations—

- (a) specifying the kinds of trees, timber or other forest produce and the quantities thereof which may be cut or taken and removed, and the season for cutting and the time for removal;
- (b) prohibiting, for specified periods, grazing or the cutting, taking or removing of wood or other forest produce over particular areas, for the purpose of regenerating the forest or of preserving thereon the forests, trees, flora or pasturage, or for the prevention of soil erosion or sand drift, or for the reclamation of the soil or of drift sands;
- (c) prescribing the particular areas over which rights of grazing and of cutting or taking of wood or other forest produce may be exercised in particular years, for the purpose of regenerating the forest or of preserving young trees growing thereon, or of regulating the yield of wood or other forest produce;
- (d) limiting the cutting, taking or removal of wood or other forest produce to domestic requirements, and prohibiting removal thereof for purposes of sale;
- (e) defining the areas on which, and the periods during which, the right of residence or camping may be exercised;
- (f) requiring the holder of a servitude or right of any nature to obtain from the department a permit defining the nature of such servitude or right and specifying where and in what manner it may be exercised;
- (g) prescribing penalties for a contravention of or failure to comply with any such regulation, not exceeding the penalties specified in section thirty;
- (h) prescribing generally the manner in which any right or servitude may be exercised.

(3) The Minister shall cause a register to be kept of all servitudes or rights in respect of Crown forests, specifying in each case the nature of the servitude or right, the manner it

(3) Wanneer albei die Parlements huise by besluit volgens sub-artikel (2) die vervreemding van grond wat tot gedemarkeerde bos verklaar is, of enige deel daarvan, goedgekeur het, moet bedoelde vervreemding deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak word, en by die uitreiking van daardie kennisgewing word die grond waarop dit betrekking het, geag van demarkasie onttrek en onvervreemde Kroongrond te geword het.

8. (1) Ondanks enigiets in enige wet vervat, mag geen servituut van watter aard ook, ten opsigte van enige deel van 'n Kroonbos verkry word nie, en word so 'n servituut of ander reg nie, behalwe met goedkeuring, by besluit, van albei die Parlements huise, verleen of vervreem nie: Met dien verstande dat niks in hierdie artikel vertolk word as—

Servitude oor Kroonbosse.

- 15 (i) 'n verbod op die verkoop van of beskikking oor bosprodukte of die tydelike verlening van weidings-, bebouings- of waterregte, of van die reg van beset van meul-, fabriek- of winkelterreine of terreine vir bewoning, kampering of stand- of ander vakansieoorde, op Kroonbosse in ooreenstemming met regulasies opgestel en uitgevaardig onder hierdie Wet; of
- 20 (ii) 'n beperking op die bevoegdheid van die Goewerneurgeneraal of 'n Staatsminister of publieke beampte ten opsigte van die uitreiking, onderworpe aan die regulasies betreffende prospektering in Kroonbosse, van permitte of lisensies onder die wette van krag met betrekking tot prospektering en mynbouwerksaamhede in verband met edele en onedele metale en minerale en edelgesteentes, of ten opsigte van die beskikking oor Kroonbosgrond wat sulke metale, minerale of gesteentes bevat, ooreenkomstig die wette wat die beskikking oor sulke grond reël: Met dien verstande dat geen bome, timmerhout of ander bosprodukte deur die houer van die prospekteepermit, lisensie of huurkontrak gekap, beskadig, geneem of verwyder mag word nie, behalwe kragtens 'n lisensie of permit wat van die departement verkry moet word.

(2) Waar daar by die inwerkingtreding van hierdie Wet 'n servituut of reg op bome, timmerhout of ander bosprodukte, of 'n reg van beweiding, bebouing, verblyf of kampering, of op die gebruik van water, of enige ander reg hoegenaamd, ten opsigte van 'n Kroonbos bestaan, kan die Goewerneurgeneraal met betrekking tot daardie bos regulasies uitvaardig—

- 45 (a) wat die soorte bome, timmerhout of ander bosprodukte en die hoeveelhede daarvan wat gekap of geneem en verwyder mag word, en die seisoen waarin dit gekap en die tyd wanneer dit verwyder mag word, spesifiseer;
- 50 (b) wat beweiding of die kap, neem of verwydering van hout of ander bosprodukte op besondere plekke vir bepaalde tydperke belet, met die doel om die bos te verjong of om die bosse, bome, flora, of weiding daarop te beskerm of om gronderosie of sandbeweging te voorkom, of om grond of waaisand te herwin;
- 55 (c) wat die besondere plekke voorskryf waarop regte van beweiding en van kap of neem van hout of ander bosprodukte in besondere jare uitgeoefen mag word, met die doel om die bos te verjong of om jong bome wat daarop groei te bewaar of om die opbrings van hout of ander bosprodukte te reël;
- 60 (d) wat die kap, neem of verwydering van hout of ander bosprodukte tot huishoudelike benodigdhede beperk en die verwydering daarvan vir verkoop verbied;
- 65 (e) wat die plekke waarop en die tydperke waarin die reg van verblyf of kampering uitgeoefen mag word, vasstel;
- (f) wat die houer van 'n servituut of reg van enige aard, verplig om van die departement 'n permit te verkry wat die aard van daardie servituut of reg omskryf en die plekke waar en die wyse waarop dit uitgeoefen mag word, uiteensit;
- 70 (g) wat vir oortreding van of versuim om te voldoen aan die bepalinge van so 'n regulasie, strawwe voorskryf wat nie die strawwe in artikel *dertig* gemeld, oorskryf nie;
- 75 (h) wat die wyse waarop 'n reg of servituut uitgeoefen mag word, algemeen omskryf.

(3) Die Minister moet 'n register laat hou van alle servitude of regte ten opsigte van Kroonbosse, wat in iedere geval die aard van die servituut of reg, die wyse waarop dit tot stand

came into existence and the name of the holder thereof, or in the case of a praedial servitude, the dominant tenement.

Access to forest reserves for certain purposes.

9. Over any defined outspan, commonage or Crown land not held under lease, on or contiguous to which a Crown forest exists, there shall be free access by the most convenient route for the persons, animals and vehicles engaged in the transport and hauling of forest produce from such Crown forest, and the said persons shall further be entitled to such grazing on any such land as may be necessary for such animals; provided the tariff prescribed by law or regulations be paid for such grazing.

Restriction on exportation, etc. of forest produce; also the manufacturing, grading and standardisation thereof.

10. (1) The Governor-General may, by proclamation in the *Gazette*, prohibit the importation into or the export from the Union, or the removal from any place to another within the Union, or the purchase or sale, of trees of any kind, or portions or products (other than the fruit of fruit trees) thereof, or any timber or other forest produce, except on such conditions as may be prescribed in the proclamation or with the written permission of the Minister.

(2) Any such proclamation may provide for the inspection of any such trees, timber or forest produce by any officer of the department designated for the purpose by the Minister, and may—

- (a) specify the conditions subject to which the permission mentioned in sub-section (1) may be granted by the Minister, and the extent to which and the matters in respect of which the grant of such permission shall be in the discretion of the Minister;
- (b) provide for the registration of persons who are engaged in the sawing, manufacturing, processing or selling of any timber or forest produce to which the proclamation relates, or who deal in such timber or forest produce;
- (c) specify the records relating to such timber or forest produce to be kept by such persons, and the returns, other than returns as to production costs and selling prices, to be furnished to the department by such persons;
- (d) prescribe the dimensions and the methods of seasoning of any such timber, and the grades, standards of quality and the manner of grading, packing or marking of any such forest produce, subject to which such timber or forest produce may be sawn, manufactured or processed or purchased or sold or imported into or exported from the Union;
- (e) prohibit the use, sale, removal from any place to another within the Union, or export from the Union of any such timber which is not of the prescribed dimensions or has not been seasoned in the prescribed manner or any such forest produce which is not of the prescribed grade or standard of quality or has not been graded, packed or marked in the prescribed manner;
- (f) prescribe the place and manner of inspection of any such timber or forest produce intended for export from the Union, the times at which, the manner in which and the persons to whom notice of intention to export such timber or forest produce shall be given, the fees to be paid in respect of the inspection of such timber or forest produce, the times of payment of such fees and the persons to whom such payment shall be made;
- (g) prescribe the method of taking samples for examination, analysis or test of any forest produce intended for export from the Union, and the circumstances under which and the manner in which such forest produce may be degraded, regraded or remarked;
- (h) provide generally for improvement in the quality and the methods of manufacture and marketing of any such timber or forest produce.

(3) Any person who acts in contravention of any such proclamation or of any condition specified therein or of any condition under which the Minister has granted any special permission in terms of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

Reservation of trees or forest produce.

11. (1) The Minister may, in respect of any Crown forest, by notice in the *Gazette* declare any species of tree or any forest produce to be specially reserved, and until such notice is with-

gekom het en die naam van die houer daarvan, of, in die geval van 'n grondservituut, die heersende eiendom spesifiseer.

9. Oor 'n omskrewe uitspanning, dorpsgrond of Kroon-
grond wat nie kragtens huurkontrak gehou word nie, waarop
5 of waarnaas 'n Kroonbos geleë is, word vry toegang langs die
gerieflikste roete verleen vir die persone, diere en voertuie
betrokke by die vervoer en sleep van bosprodukte van daardie
Kroonbos, en genoemde persone is howendien geregtig op die
weiding op daardie grond wat nodig mag wees vir bedoelde
diere: Met dien verstande dat die tarief by wet of regulasie
10 voorgeskryf vir daardie weiding betaal moet word.

Toegang tot bos-
reserwes vir
sekere doel-
eindes.

10. (1) Die Goewerneur-generaal kan, by proklamasie in
die *Staatskoerant*, die invoer in die Unie of die uitvoer uit die
Unie of die verwydering van een plek na 'n ander binne die
Unie of die verkoop of aankoop van bome van een of ander
15 soort of gedeeltes of produkte daarvan (behalwe die vrugte
van vrugtebome) of timmerhout of ander bosprodukte, belet
behalwe op die voorwaardes wat in die proklamasie voor-
geskryf mag word, of met die skriftelike toestemming van die
Minister.

Beperking op
uitvoer, ens. van
bosprodukte;
asook vervaar-
diging, gradering
en standaardi-
sering daarvan.

- 20 (2) So 'n proklamasie kan voorsiening maak vir die inspeksie
van bedoelde bome, timmerhout of bosprodukte deur 'n beampde
van die departement wat vir die doel deur die Minister aan-
gewys is en kan—

- (a) die voorwaardes spesifiseer waarop die in sub-artikel
25 (1) bedoelde toestemming deur die Minister verleen
mag word en die mate waarin en die aangeleenthede
ten opsigte waarvan die bedoelde toestemming na
goeddunde van die Minister verleen kan word;
(b) voorsiening maak vir die registrasie van persone
30 wat betrokke is by die saag, vervaardiging, ver-
werking of verkoop van timmerhout of bosprodukte
waarop die proklamasie betrekking het, of wat met
daardie timmerhout of bosprodukte handel dryf;
(c) die aantekeninge spesifiseer wat met betrekking tot
35 daardie timmerhout of bosprodukte deur bedoelde
persone gehou moet word, asook die opgawes, uit-
gesonderd opgawes in verband met produksiekoste
en verkoopprijs wat deur bedoelde persone aan die
departement verstrekk moet word;
40 (d) die afmetings en die metodes van beleëmaking van
daardie timmerhout, en die grade, standarde van
gehalte, en die wyse van gradering, verpakking of
merk van daardie bosprodukte spesifiseer, waar-
45 volgens daardie timmerhout of bosprodukte gesaag,
vervaardig of verwerk of gekap of verkoop of in die
Unie ingevoer of daaruit uitgevoer mag word;
(e) die gebruik, verkoop, verwydering van een plek na
'n ander binne die Unie, of die uitvoer uit die Unie
50 van daardie timmerhout wat nie van die voorgeskrewe
afmetings is nie of nie volgens die voorgeskrewe
metodes beleëgemaak is nie of daardie bosprodukte
wat nie van die graad of gehalte of op die voorge-
skrewe wyse gegradeer, verpak of gemerk is nie,
verbied;
55 (f) die plek en wyse van inspeksie van daardie timmerhout
of bosprodukte wat vir uitvoer uit die Unie bestem is
voorskryf, asook die tye wanneer en die wyse waarop
en die persone aan wie kennis van die voorneme om
daardie timmerhout of bosprodukte uit te voer, gegee
60 moet word, die gelde in verband met die inspeksie
van daardie timmerhout of bosprodukte betaal te
word, die tye wanneer daardie gelde betaal moet word
en die persone aan wie betaling moet geskied;
(g) die wyse voorskryf waarop monsters van daardie bos-
65 produkte, wat vir uitvoer uit die Unie bestem is,
vir ondersoek, ontleding of toets geneem moet word,
en die omstandighede waaronder en die wyse waarop
daardie bosprodukte laer gegradeer, hergradeer of
hermerk kan word;
70 (h) in die algemeen voorsiening maak vir verbetering
van die gehalte en die metodes van vervaardiging
en bemerking van daardie timmerhout of bospro-
dukte.

- (3) Iemand wat handel in stryd met so 'n proklamasie of
75 'n voorwaarde daarin uiteengesit of 'n voorwaarde waarop
die Minister kragtens sub-artikel (1) spesiale toestemming
verleen het, is aan 'n misdryf skuldig en strafbaar met 'n
boete van hoogstens vyfhonderd pond.

11. (1) Die Minister kan, ten opsigte van 'n Kroonbos,
80 by proklamasie in die *Staatskoerant*, een of ander boomsoort
of bosprodukt spesiaal beskerm verklaar, en totdat daardie

Beskerming van
bome of bos-
produkte.

drawn no person shall fell, remove or injure any tree of such species or any such forest produce, except upon the authority of a licence or permit issued by the department and for the purpose mentioned in such licence or permit.

Regulations.

12. The Governor-General may make regulations in respect of any Crown forest, as to— 5

- (a) the sale or disposal of trees, wood or other forest produce and the felling, working and removing thereof ;
- (b) the procedure for the sale by auction, tender or private treaty of rights to leases or licences or of forest produce ; 10
- (c) the manner in which trees, wood or other forest produce sold shall be disposed of, manufactured or processed and the manner in which any products derived therefrom shall be marketed, sold or otherwise disposed of ; 15
- (d) the establishment and management by the department of sawmills and other plants and appurtenances thereto for sawing, manufacturing or processing wood or other forest produce, the carrying on by the department of trade or business in timber, wood or other forest produce, and any other work or function incidental thereto ; 20
- (e) the grazing of animals, and the manner in which pasturage shall be used ; 25
- (f) the clearing, breaking up or cultivating of land ;
- (g) the use of land for mill, factory or shop sites or for residence or camping purposes ;
- (h) hunting or fishing, subject to the laws relating to the preservation of game, birds or fish ; 30
- (i) the framing of tariffs, which may vary according to circumstances and in a manner determined by an officer specified in the regulations, for—
 - (i) the disposal of forest produce ;
 - (ii) the use and occupation of land for residence, cultivation, grazing, camping or picnicking or for mill, factory or shop sites or for any other purpose ; 35
 - (iii) the use and occupation of buildings ;
- (j) the issuing of licences and permits ;
- (k) entry thereto, subject to the rights of the travelling public ; 40
- (l) impounding of stock, subject to the laws relating thereto, and may, by such regulations, prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of ten pounds, or, in default of payment, imprisonment with or without hard labour for a period of not exceeding one month or such imprisonment without the option of a fine, or both such fine and such imprisonment. 45

CHAPTER II.

50

OFFENCES AND PENALTIES.

Major offences in Crown forests.

13. Any person, who, without authority—

- (a) in or on a demarcated or an undemarcated forest—
 - (i) cuts, injuries, destroys, collects, takes or removes any tree, timber or other forest produce ; or 55
 - (ii) injures, alters, shifts or removes or interferes with any beacon, boundary mark or fence ; or
 - (iii) lights or assists any other person in lighting any fire ; or
 - (iv) allows any fire which he has under authority lighted or assisted any other person in lighting to spread or cause injury ; or 60
- (b) within one quarter of a mile measured on the ground from the boundary of a demarcated forest, lights or assists any other person in lighting any fire, if in consequence thereof any forest produce is injured or destroyed, 65

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment. 70

kennisgewing herroep word, mag niemand 'n boom van daardie soort of so 'n bosproduk afkap, verwyder of beskadig nie, behalwe op gesag van 'n lisensie of permit deur die departement uitgereik en vir die doel in daardie lisensie of permit vermeld.

5 12. Die Goewerneur-generaal kan ten opsigte van 'n Kroon- Regulasies.
bos-regulasies maak met betrekking tot—

- (a) die verkoop of van die hand sit van bome, hout of ander bosprodukte en die kap, bewerk en verwydering daarvan;
- 10 (b) die prosedure vir die verkoop by weiling, tender of private ooreenkoms van regte op huurkontrakte of lisensies of van bosprodukte;
- (c) die wyse waarop beskik moet word oor bome, hout of ander bosprodukte wat verkoop is of waarop dit vervaardig of verwerk moet word, en die wyse waarop 15 produkte wat daarvan verkry is, bemark, verkoop of andersins oor beskik moet word;
- (d) die oprigting en bestuur deur die departement van saagmeule en ander installasies en alle toebehore daarby 20 om hout of ander bosprodukte te saag, te vervaardig of te verwerk, en die onderneming deur die departement van handel of besigheid in timmerhout, hout of ander bosprodukte, en ander daarmee in verband staande werksaamhede;
- 25 (e) die weiding van diere, en die wyse waarop weiveld gebruik moet word;
- (f) die ontbossing, ombraak of bebouing van grond;
- (g) die gebruik van grond vir meul-, fabrieks- of winkel-terreine of vir woon- of kampeerdoeleindes;
- 30 (h) jag of visvang, met inagneming van die wette op die beskerming van wild, voëls of visse;
- (i) die opstel van tariewe, wat kan afwissel volgens omstandighede en op 'n wyse bepaal deur 'n beampte in die regulasies aangewys, vir die—
- 35 (i) afset van bosprodukte;
- (ii) die gebruik en okkupasie van grond vir bewoning, bebouing, beweiding, kampering of vir piekniekdoeleindes of vir meul-, fabrieks- of winkel-terreine of vir enige ander doel;
- 40 (iii) die gebruik en okkupasie van geboue;
- (j) die uitreiking van lisensies en permitte;
- (k) toegang daartoe, met inagneming van die regte van die reisende publiek;
- 45 (l) skut van vee, met inagneming van die wette daarop, en kan by bedoelde regulasies strawwe vir oortreding daarvan of versuim om daaraan te voldoen, voorskryf, maar nie 'n straf wat 'n boete van tien pond of, by wanbetaling, gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een maand of
- 50 daardie gevangenisstraf sonder keuse van boete, of daardie boete sowel as daardie gevangenisstraf, te bowe gaan nie.

HOOFSTUK II.

OORTREDINGS EN STRAWWE.

55 13. Iemand wat sonder magtiging—

(a) in of op 'n gedemarkeerde of 'n ongedemarkeerde bos—

Ernstige oortredings in Kroonbosse.

- (i) 'n boom, timmerhout of ander bosprodukte kap, beskadig, vernietig, versamel, neem of verwyder; of
- 60 (ii) 'n baken, grensmerk of heining beskadig, verander, verskuif, verwyder of hom daarmee bemoei; of
- (iii) 'n vuur maak of iemand anders 'n vuur help maak; of
- 65 (iv) toelaat dat 'n vuur wat hy op gesag gemaak het of iemand anders help maak het, versprei of skade veroorsaak; of
- (b) binne 'n kwart myl langs die grond gemeet van die grens van 'n gedemarkeerde bos, 'n vuur maak of 70 iemand anders 'n vuur help maak, as gevolg waarvan 'n bosproduk beskadig of vernietig word, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf met of
- 75 sonder harde arbeid vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder keuse van boete of met daardie boete sowel as daardie gevangenisstraf.

Minor offences in
Crown forests.

14. Any person who, in or on a demarcated or an undemarcated forest—

- (a) without authority, clears, breaks up or cultivates land ;
- (b) without authority, in any manner hunts or destroys or attempts to hunt or destroy game, birds or other animals, or fishes for or destroys or attempts to fish for or destroy fish or enters with dog or gun ; 5
- (c) without authority, robs or attempts to rob any beehive or disturbs or removes any swarm of bees ; 10
- (d) without authority enters any part where entry is by notice prohibited, or climbs through or over any boundary fence or gate ;
- (e) smokes where smoking is by notice prohibited or negligently lights or throws down any burning match or other lighted inflammable material ; 15
- (f) contravenes any condition upon which a licence or permit to cultivate, occupy or work has been issued or upon which any wood or other forest produce has been sold or otherwise disposed of ; 20
- (g) contravenes any condition or regulation stated or referred to in any licence or permit ;
- (h) allows any dog to stray or any stock to trespass, shall be guilty of an offence.

Offences in
private forests.

15. Any person who, in or on a private forest, without authority— 25

- (a) enters or lights or assists any other person in lighting any fire, after the owner has by notice in a newspaper circulating in the district in which the forest is situated or prominently placed in or near the forest prohibited trespass or the lighting of fires ; 30
- (b) allows any fire which he has lighted or has assisted any other person in lighting to spread or cause injury ;
- (c) cuts, injures, destroys or removes any tree or other forest produce ; 35
- (d) smokes where smoking is by notice prohibited or negligently lights or throws down any burning match or other lighted inflammable material, shall be guilty of an offence.

Miscellaneous
offences.

16. (1) Any person who without authority— 40

- (a) makes upon or affixes to any forest produce a mark used by the department to indicate that such forest produce is the property of the Crown, or makes upon or affixes to any forest produce a mark to indicate that such forest produce may be lawfully cut or removed ; 45
- (b) alters, obliterates or defaces any stamp, mark or sign placed upon timber or other forest produce by or on the authority of the department, or any licence, pass or permit issued by or on the authority of the department ; 50
- (c) wears any uniform or part of a uniform or any badge or other mark issued by the department to be worn by forest officers or other employees of the department ; and

(2) any forest officer or other employee of the department who— 55

- (a) corruptly solicits or receives or agrees to receive, whether for himself or otherwise, any fee, advantage or reward, pecuniary or otherwise, in consideration of his doing anything in conflict with his duty or of his refraining from doing his duty ; 60
- (b) solicits or receives or agrees to receive, whether for himself or otherwise, from any person other than the department, any fee, advantage or reward, pecuniary or otherwise, in consideration of his doing his duty ; 65
- (c) trades in forest produce or acts as an agent for any person trading in forest produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment. 70

14. Iemand wat, in of op 'n gedemarkeerde of 'n ongedemarkeerde bos— Minder ernstige oortredings in Kroonbosse.

- (a) sonder magtiging grond onthos, ombraak of bebou ;
 - (b) sonder magtiging of enigerlei wyse op wild, voëls of ander diere jag maak of hulle doodmaak of op hulle probeer jag maak of hulle probeer doodmaak, of vis vang of doodmaak of probeer vang of doodmaak, of met 'n hond of geweer ingaan ;
 - (c) sonder magtiging 'n byekorff uithaal of probeer uithaal of 'n swerm bye steur of verwyder ;
 - (d) sonder magtiging 'n deel betree waar toegang by kennisgewing verbode is, of deur of oor 'n grensheining of hek klim ;
 - (e) rook waar rook by kennisgewing verbode is, of op nalatige wyse 'n vuurhoutjie trek of 'n brandende vuurhoutjie of ander brandende ontvlambare materiaal neergooi ;
 - (f) 'n voorwaarde waarop 'n lisensie of permit uitgereik is wat verbouing, bewoning of werk magtig, of waarvolgens hout of ander bosprodukte verkoop of andersins van die hand gesit is oortree ;
 - (g) 'n voorwaarde of regulasie wat in 'n lisensie of permit vermeld is of waarna daarin verwys word, oortree ;
 - (h) 'n hond laat rondloop of vee laat ingaan,
- 25 is aan 'n misdryf skuldig.

15. Iemand wat, in of op 'n private bos, sonder magtiging— Oortredings in private bosse.

- (a) ingaan of 'n vuur maak of iemand anders 'n vuur help maak nadat die eienaar by kennisgewing in 'n nuusblad in omloop in die distrik waarin die bos geleë is, of op 'n duidelik sigbare plek in of naby die bos, toegang of die aansteek van vure belet het ;
 - (b) toelaat dat 'n vuur wat hy gemaak of iemand anders help maak het, spreid of skade veroorsaak ;
 - (c) 'n boom of ander bosproduk kap, beskadig, vernietig of verwyder ;
 - (d) rook waar rook by kennisgewing verbode is, of op nalatige wyse 'n vuurhoutjie trek of 'n brandende vuurhoutjie of ander brandende ontvlambare materiaal neergooi,
- 40 is aan 'n misdryf skuldig.

16. (1) Iemand wat sonder magtiging—

Diverse oortredings.

- (a) aan 'n bosproduk 'n merk maak of heg wat deur die departement gebruik word om aan te dui dat daardie bosproduk die eiendom van die Kroon is, of aan 'n bosproduk 'n merk maak of heg om aan te dui dat daardie bosproduk wettig gekap of verwyder mag word ;
- (b) 'n stempel, merk of teken deur of op gesag van die departement op timmerhout of ander bosprodukte geplaas, of 'n lisensie, pas of permit deur of op gesag van die departement uitgereik, verander, vernietig of uitwis ;
- (c) 'n uniform of deel van 'n uniform of 'n kenteken of ander merk deur die departement uitgereik om deur bosbeamptes of ander werknemers van die departement gedra te word, dra ; en

(2) 'n Bosbeampte of ander werknemer van die departement wat—

- (a) wederregtelik van enig iemand enige vergoeding, voordeel of beloning van geldelike of ander aard vra of ontvang of instem om dit te ontvang, hetsy vir homself of vir iemand anders, as beloning vir die verrigting van 'n handeling in stryd met sy plig of vir versuim om sy plig uit te voer ;
 - (b) 'n fooi, voordeel of beloning van geldelike of ander aard van iemand anders as die departement vra of ontvang of instem om dit te ontvang, hetsy vir homself of vir iemand anders, as beloning vir die verrigting van sy ampspligte ;
 - (c) in bosprodukte handel dryf of optree as agent vir iemand wat in bosprodukte handel dryf,
- 75 is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder keuse van boete of met daardie boete sowel as daardie gevangenisstraf.

CHAPTER III.

PROTECTION OF CROWN AND PRIVATE FORESTS FROM FIRE
AND REGULATION OF VELD-BURNING.

Clearing of fire-
belts on common
boundaries of
properties.

17. (1) (a) Subject to the provisions of this section, any forest officer in charge of any Crown forest or any owner or occupier or person in charge of any land may clear or cause to be cleared a firebelt on the boundary common to such Crown forest or land and any land adjacent thereto or on any line on each or on one or other side thereof.
- (b) The person proposing to clear such a firebelt or to cause it to be cleared, shall serve on the person in charge of the adjacent land at least seven days' notice of his intention in the form prescribed by regulation.
- (c) The party receiving such notice shall assist in any such clearing, but may claim a reasonable extension of time to enable him to cut or clear belts or spaces or to bring up labourers and equipment more effectually to execute and control the burning or other operations.
- (d) The manner and time of clearing such firebelt, the line on which it shall be made, and the nature of the assistance to be rendered by each party, shall be subject to mutual agreement between the parties concerned, or, failing such agreement, shall on the application of either party be summarily decided by a magistrate having jurisdiction in the district in which the adjacent property is situated, who may make such order as to costs as he deems just.
- (e) On the appointed day and thereafter until the clearing of the firebelt has been completed, the parties concerned shall each in person or through a duly authorized representative attend with the appointed number of workmen and the required equipment, and any operations shall be under the joint direction and control of both parties or their respective representatives.

Each party shall be responsible for his own costs.

Should the appointed day prove unfavourable, another day shall be fixed as provided in paragraph (d) of this sub-section.

- (f) In the event of one or other of the said parties failing to attend with the required number of men and the necessary equipment or to render the necessary assistance, as may have been mutually agreed upon by the parties or decided by the court as the case may be, he shall be guilty of an offence, unless he advances good and sufficient reasons to the satisfaction of the court for his failure so to attend or to render assistance, and the court convicting him may, apart from any penalty imposed by it, direct that he assist in the clearing of the firebelt as so agreed upon or decided or make such other order as it deems just.

(2) Notwithstanding anything to the contrary contained in sub-section (1), a forest officer or any other person may, subject to the provisions of section *thirteen*, and after having given notice of his intention in terms of paragraph (b) of sub-section (1) of this section, at any time at his own risk and expense clear by burning or otherwise a firebelt on his own side of any common boundary for the due protection of his property from fire.

Failure to give such notice aforesaid shall constitute an offence.

Burning of veld,
etc., near com-
mon boundaries.

18. Any person who sets fire in the open air to any forest, plantation, bush, scrub, grass or other vegetation or to any stubble or other inflammable matter, within a distance of half a mile measured on the ground of the boundary of any property, without giving to the owner or occupier of such property at least seven days prior notice of his intention in the form prescribed by regulation, or without taking due precautions to prevent the fire from spreading or causing injury, shall be guilty of an offence.

Lighting fires
without consent
of owner.

19. Any person who, without the consent of the owner or occupier of any land, lights or assists in lighting any fire in the open air on that land in consequence whereof any forest, plantation, tree, bush, scrub, grass, crops, stubble or other property be burnt or injured, or leaves any fire which he has lighted or has assisted in lighting before the same be thoroughly extinguished, shall be guilty of an offence.

HOOFSTUK III.

BESKERMING VAN KROON- EN PRIVATE BOSSE TEEN BRAND, EN REËLING VAN VELDBRAND.

17. (1) (a) Behoudens die bepalinge van hierdie artikel, kan 'n bosbeampte in bevel van 'n Kroonbos of 'n eienaar of okkupeerder of persoon belas met die toesig oor grond, 'n brandstrook langs die grens tussen daardie Kroonbos of grond en die aanliggende grond of langs 'n lyn aan weerskante of aan een of ander kant daarvan skoonmaak of laat skoonmaak.
- (b) Die persoon wat voornemens is om so 'n brandstrook skoon te maak of te laat skoonmaak, moet minstens sewe dae vantevore op die persoon belas met die toesig oor die aanliggende grond op die by regulasie voorgeskrewe vorm 'n kennisgewing van sy voorneme dien.
- (c) Die persoon wat so 'n kennisgewing ontvang, moet met bedoelde skoonmaking help, maar kan redelike uitstel eis ten einde hom in staat te stel om stroke of plekke oop te kap of skoon te maak of om arbeiders en toerusting aan te bring ten einde die brand- of ander werksaamhede meer doeltreffend te kan uitvoer en beheer.
- (d) Die wyse waarop en die tyd wanneer en die lyn waarlangs die brandstrook gemaak moet word, en die aard van die hulp wat deur elke party verleen moet word, is onderworpe aan onderlinge reëling tussen die betrokke partye, of word, by gebrek aan ooreenkoms, summair beslis deur 'n magistraat wat regsbevoeg is in die distrik waarin die aanliggende eiendom geleë is, en wat so 'n order aangaande koste kan maak as wat hy billik ag.
- (e) Op die vasgestelde dag en daarna totdat die brandstrook klaar skoongemaak is, moet elke party self of deur 'n gevolmagtigde verteenwoordiger aanwesig wees, tesame met die vasgestelde aantal werksmense en die nodige toerusting, en alle werksaamhede word deur die partye of hul onderskeie verteenwoordigers gesamentlik beheer en bestuur.
- Elke party is verantwoordelik vir sy eie onkoste. As die dag waarop ooreenkoms is ongunstig blyk, moet 'n ander dag volgens paragraaf (d) van hierdie sub-artikel vasgestel word.
- (f) Ingeval een of ander van genoemde partye in gebreke bly om met die vereiste aantal manne en die nodige toerusting op te daag, of om die nodige hulp te verleen, soos deur die partye onderling gereël of deur die hof beslis, al na die geval, is hy aan 'n misdryf skuldig, tensy hy tot genoeë van die hof goeie en afdoende redes aanvoer vir sy versuim om aldus op te daag of hulp te verleen, en die hof wat hom veroordeel kan, benewens enige straf deur hom opgelê, gelas dat bedoelde party help met die skoonmaak van die brandstrook soos aldus gereël of beslis of so 'n ander order uitvaardig as wat die hof billik ag.
- (2) Ondanks onderskeidende bepalinge in sub-artikel (1), kan 'n bosbeampte of ander persoon, behoudens die bepalinge van artikel *derthien*, en na kennisgewing van sy voornemens volgens paragraaf (b) van sub-artikel (1) van hierdie artikel, te eniger tyd op eie risiko en koste 'n brandstrook aan sy eie kant van 'n gemeenskaplike grens brand of op ander wyse skoonmaak vir die behoorlike beskerming van sy eiendom teen brand.
- Versuim om soos voornoem kennis te gee, is 'n misdryf.
18. Iemand wat in die ope lug 'n bos, plantasie, fynbos, kreupelhout, gras of ander plantegroei of stoppels of ander ontvlambare materiaal, aan die brand steek binne 'n afstand van 'n halfmyl langs die grond gemeet van die grens van enige eiendom, sonder om die eienaar of okkupeerder van daardie eiendom minstens sewe dae vooraf kennis te gee van sy voorneme in die vorm by regulasie voorgeskryf, of sonder om behoorlike voorsorgsmaatreëls te neem om te voorkom dat die vuur versprei of skade veroorsaak, is aan 'n misdryf skuldig.
19. Iemand wat sonder toestemming van die eienaar of okkupeerder van grond, in die ope lug op daardie grond 'n vuur maak of help maak, as gevolg waarvan 'n bos, plantasie, boom, struik, kreupelhout, gras, gewasse, stoppels of ander eiendom verbrand of beskadig word, of 'n vuur wat hy gemaak of help maak het, verlaat voordat dit heeltemal uitgeblus is, is aan 'n misdryf skuldig.

Skoonmaak van brandstroke op gemeenskaplike grense van eiendomme.

Brand van veld, ens. naby gemeenskaplike grense.

Aanstek van vuur sonder toestemming van eienaar.

Negligence presumed.

20. Whenever in any proceedings under this Act the question of negligence in respect of damage from veld or forest fires arises, negligence shall be presumed unless the contrary is proved.

Procedure in regard to extinguishing fire.

21. (1) Whenever there is good reason to believe that any fire in the open air may become dangerous to life or property, any person acting in good faith may either alone or with persons under his control enter upon any land for the purpose of extinguishing that fire or for preventing the extension thereof.

(2) If such fire be on or within half a mile of the boundary of a Crown forest, the forest officer present shall have the right to take full control.

(3) Any person acting in terms of sub-section (1)—

(a) shall have the control of persons under his command and of persons who voluntarily place their services at his disposal;

(b) may take such measures as in the circumstances are reasonable and necessary or expedient for the protection of life and property or for extinguishing or preventing the spread of the fire, and may for such purpose cause reasonable destruction of any trees, grass, crops or other vegetation by cutting, burning or otherwise;

(c) may call upon any person present at or in the vicinity of such fire to assist or to do any act or perform any service which may reasonably be considered necessary or expedient to control or extinguish or prevent the spread of the fire;

(d) may order any person, whose life may be or may become endangered or whose presence at or in the vicinity of the fire may interfere with any operation in connection with the fire, to remove himself or any vehicle or other thing.

(4) Any person who fails to comply with any requirement or order under sub-section (3), shall be guilty of an offence.

(5) No liability shall attach to the department or any other person in respect of any loss or damage arising out of the lawful exercise by a forest officer or such other person of any power conferred by this section, and no person shall be entitled to any compensation or reward whatever in respect of any act performed or service rendered by him in pursuance of any requirement or order under sub-section (3); provided that the department may pay to any person who has so suffered loss or damage or who has performed any such act or rendered any such service with respect to the protection from fire of a Crown forest, such compensation or reward as the Minister may with the approval of the Treasury determine.

(6) No action shall lie for trespass or for damages caused in good faith by any person in charge of any operations lawfully undertaken under this section, or by any person assisting in such operations, but the person in charge of the operations shall at the first convenient opportunity report the circumstances and the action taken to the nearest police officer or justice of the peace or to the magistrate of the district concerned.

CHAPTER IV.

55

MISCELLANEOUS.

Special powers of various officers.

22. (1) Every magistrate, justice of the peace, forest officer, trust officer or police officer may at all reasonable times demand from any person the production of any licence, permit or other authority issued to him under this Act or the regulations, and any person failing to produce such licence, permit or authority on such demand shall be guilty of an offence.

(2) Every forest officer and every trust officer shall in respect of any offence, attempted offence or suspected offence under this Act or the regulations have all the powers vested by law in police officers.

(3) Every forest officer may, in addition to the powers conferred upon him by sub-section (2), and every police officer may—

(a) arrest without warrant any person reasonably suspected of having been a party to any of the offences mentioned in sections *thirteen* and *fourteen*;

20. Wanneer in 'n geding onder hierdie Wet die vraag van nalatigheid in verband met skade deur veld- of bosbrand ontstaan, word veronderstel dat daar nalatigheid was, tensy die teendeel bewys word.

Veronderstelling van nalatigheid.

5 21. (1) Wanneer daar goeie rede bestaan om te meen dat 'n brand in die ope lug 'n gevaar vir lewe of eiendom kan word, kan enig iemand wat te goeder trou handel, alleen of saam met ander persone onder sy toesig, grond betree met die doel om daardie brand te blus of die verspreiding daarvan te voorkom.

Prosedure in verband met die blus van brand.

(2) As so 'n brand op of binne 'n halfmyl van die grens van 'n Kroonbos is, het die aanwesige bosbeampte die reg om volle beheer te aanvaar.

(3) Iemand wat ooreenkomstig sub-artikel (1) handel—

15 (a) het beheer oor persone onder sy bevel en oor persone wat hul dienste vrywillig tot sy beskikking stel;

(b) kan maatreëls tref wat onder die omstandighede redelik en nodig of raadsaam is vir die beskerming van lewe en eiendom of vir die blus of voorkoming van verspreiding van die brand, en kan vir daardie doel bome, gras, gewasse of ander plantegroei in redelike mate laat vernietig deur kap, brand of andersins;

20 (c) kan enig iemand aanwesig by of in die nabyheid van die brand aansê om te help of om enigiets te doen of enige diens te verrig wat redelikerwys noodsaaklik of raadsaam geag mag word om die brand te beheer of te blus of die verspreiding daarvan te voorkom;

25 (d) kan enig iemand wie se lewe in gevaar is of mag kom of wie se aanwesigheid by of in die nabyheid van die brand enige optrede in verband met die brand mag belemmer, beveel om die plek te verlaat of 'n voertuig of ander voorwerp te verwyder.

30 (4) Iemand wat in gebreke bly om aan 'n vereiste of bevel onder sub-artikel (3) te voldoen, is aan 'n misdryf skuldig.

(5) Nóg die departement nóg iemand anders is aanspreeklik ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur 'n bosbeampte of bedoelde ander persoon van 'n bevoegdheid wat deur hierdie artikel verleen word, en niemand is geregtig op enige vergoeding of beloning hoegenaamd ten opsigte van 'n handeling deur hom gedoen of diens deur hom verrig ter voldoening aan 'n vereiste of bevel kragtens sub-artikel (3): Met dien verstande dat die departement aan enig iemand wat in verband met die beskerming van 'n Kroonbos teen brand aldus verlies of skade gely het of so 'n handeling gedoen of diens verrig het die vergoeding of beloning kan betaal wat die Minister met die goedkeuring van die Tesourie mag bepaal.

40 (6) Geen aksie kan ingestel word vir oortreding, of vir skade wat te goeder trou veroorsaak word, deur iemand belas met die toesig oor werksaamhede wat wettig volgens hierdie artikel onderneem word, of deur iemand wat in verband met daardie werksaamhede help nie, maar die persoon belas met die toesig oor daardie werksaamhede moet by die eerste gerieflike geleentheid die omstandighede en die stappe in verband daarmee gedoen by die naaste polisiebeampte of vrederegter of die magistraat van die betrokke distrik aanmeld.

HOOFSTUK IV.

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DIVERSE.

22. (1) Elke magistraat, vrederegter, bosbeampte, trustbeampte of polisiebeampte kan op alle redelike tye van enig iemand die oorlegging vorder van 'n lisensie, permit of ander magtiging kragtens hierdie Wet of die regulasies aan hom uitgereik, en iemand wat in gebreke bly om bedoelde lisensie, permit of magtiging oor te lê wanneer dit aldus gevorder word, is aan 'n misdryf skuldig.

Besondere bevoegdhede van verskillende beamptes.

(2) Elke bosbeampte en elke trustbeampte het in verband met 'n oortreding, poging tot oortreding of verdagte oortreding onder hierdie Wet of die regulasies, al die bevoegdhede waarmee polisiebeamptes deur wet bekleed is.

(3) Elke bosbeampte kan, benewens die bevoegdhede by sub-artikel (2) aan hom verleen, en elke polisiebeampte kan—

75 (a) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word medepligtig te gewees het aan een of ander van die oortredings vermeld in artikels dertien en veertien;

- (b) arrest without warrant any person suspected of having been a party to any offence under this Act if such officer has reason to believe that the said person will fail to appear to a summons ;
- (c) seize any forest produce in respect of which such officer has reason to believe that an offence against this Act or the regulations has been committed. 5

The seizure of any forest produce under this sub-section shall forthwith be reported to a magistrate who may make such order as to the further retention or disposal of the same as may appear to him from the facts reported, to be just or expedient. 10

Special powers of civil nature by magistrates in case of squatting, camping and cultivating on Crown forests.

23. Whenever any person without proper authority camps, squats or resides or builds any structure upon, or clears or cultivates, land in a Crown forest, the magistrate's court having jurisdiction in the district where that forest is situate may, upon the request of a forest officer, summon the said person to appear before the court to show cause why he should not be ordered to leave such forest or remove such structure, and if he fail to appear or, having appeared, fail to prove that he has proper authority for the acts aforesaid, the court may direct that, within a period fixed by it, such person shall leave such forest and not return thereto and shall remove therefrom any structure erected by him in such forest and any crops belonging to him, and the court may at the same time authorize the forest officer concerned or any officer designated by it, to remove, destroy or otherwise dispose of such structure or crops unless the order is complied with by such person within the period so fixed. 15 20 25

As regards re-stitution of, and damage to, forest produce in respect of Crown or private forests.

24. (1) Whenever upon the hearing of any charge under this Act or any other law, the court finds as a fact that forest produce has been unlawfully removed from a Crown forest or a private forest, it may, in addition to the powers conferred upon it by section *three hundred and sixty-three* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), order that the same be returned by the person in possession thereof or that damages in respect thereof to an amount fixed by the court, be paid by the accused to the owner. Every such order may be enforced in the same manner as judgments of such court in civil actions are enforced. 30 35

(2) The provisions of sub-section (1) relating to damages shall apply in respect of any unlawful cutting of or injury to forest produce, or any damage wilfully or negligently caused by fire to forest produce in a forest. 40

(3) The court may refer any question as to the amount of damages to the department for assessment.

Marking of timber and registration of marks.

25. (1) On or before a date to be fixed by the Minister by notice in the *Gazette*, impressions to the number to be stipulated in such notice, of every stamp hammer or other mark used to distinguish timber or other forest produce grown or felled, whether in Crown or private forests, and the products of such timber or forest produce worked, manufactured, processed, sold or otherwise disposed of, or removed therefrom by any person, shall be registered with the department by the owner of such stamp hammer or mark. 45 50

(2) The Minister may, by notice in writing, require the owner or occupier of a private forest or the owner or proprietor of any sawmill, or cause him to be required to register with the department on or before a date to be mentioned in such notice a specified number of impressions of a stamp hammer or other mark whereby timber felled in or removed from that forest, or manufactured at or removed from that sawmill, may be distinguished. 55 60

(3) From and after a date to be fixed by the Minister by notice in the *Gazette*, any person who places or causes to be placed or allows to be placed upon any timber felled in or removed from, any Crown or private forest, or manufactured at or removed from any State or private sawmill or factory, a mark that is not registered in accordance with the provisions of this section, shall be guilty of an offence. 65

(4) Any stamp hammer or timber mark submitted for registration, and any alterations thereto, shall be subject to approval by the department. 70

(5) The Minister shall cause a register to be kept and to be published from time to time in the *Gazette*, of all stamp hammers or timber marks registered by the department in terms of this section. 75

- (b) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word medepligtig te gewees het aan 'n oortreding volgens hierdie Wet, indien bedoelde beampte rede het om te vermoed dat so iemand nie op 'n dagvaarding sal verskyn nie;
- (c) beslag lê op alle bosprodukte ten opsigte waarvan bedoelde beampte rede het om te vermoed dat 'n oortreding van hierdie Wet of die regulasies begaan is.

Beslaglegging op bosprodukte kragtens hierdie sub-artikel moet onverwyld aangemeld word by die magistraat wat ten aansien van die verdere aanhouding van of beskikking daaroor so 'n bevel mag uitvaardig as wat hy volgens die feite aan hom voorgelê, billik of raadsaam ag.

23. Wanneer iemand sonder magtiging op grond in 'n Kroonbos kampeer, plak, woon of bouwerk oprig, of daardie grond ontbos of bebou, kan die magistraatshof wat regsbevoeg is in die distrik waarin daardie bos geleë is, op versoek van 'n bosbeampte, genoemde persoon voor die hof daag om rede aan te voer waarom hy nie gelas moet word om daardie bos te verlaat of om daardie bouwerk te verwyder nie, en as hy in gebreke bly om te verskyn of nadat hy verskyn het in gebreke bly om te bewys dat hy bevoeg was tot voornoemde optrede, kan die hof gelas dat daardie persoon binne 'n tydperk deur die hof bepaal, die bos moet verlaat en nie daarheen moet terugkeer nie en enige bouwerk deur hom in die bos opgerig en die gewasse wat aan hom behoort, daaruit moet verwyder, en die hof kan tegelyk die betrokke bosbeampte, of 'n ander beampte deur die hof aangewys, magtig om bedoelde bouwerk en gewasse te verwyder, te vernietig of andersins daarmee te handel, tensy binne die aldus vasgestelde tydperk deur bedoelde persoon aan die bevel voldoen word.

24. (1) Wanneer die hof by die verhoor van 'n aanklag weens oortreding van hierdie Wet of 'n ander wet, bevind dat bosprodukte inderdaad wederregtelik verwyder is, kan hy, benewens die bevoegdheid hom verleen by artikel *driehonderddrie-en-sestig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), gelas dat die persoon in besit daarvan dit terugbesorg of dat ten opsigte daarvan skadevergoeding van 'n bedrag deur die hof bepaal deur die beskuldigde aan die eienaar betaal word. So 'n bevel kan ten uitvoer gelê word op dieselfde wyse as 'n vonnis van daardie hof in 'n siviele geding.

- (2) Die bepaling van sub-artikel (1) betreffende skadevergoeding is van toepassing ten opsigte van wederregtelike kapping of beskadiging van bosprodukte of brandskade wat opsetlik of deur nalatigheid aan bosprodukte in 'n bos veroorsaak word.
- (3) Die hof kan enige vraag betreffende die bedrag van skadevergoeding vir aanslag na die departement verwys.

25. (1) Op of voor 'n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel te word, moet die in die kennisgewing voorgeskrewe aantal afdrukke van elke stempelhamer of ander merk wat gebruik word as onderskeidingsmerk vir timmerhout of ander bosprodukte wat in Kroon- of private bosse gekweek of gekap word, en vir die produkte van daardie timmerhout of bosprodukte wat bewerk, vervaardig, verwerk of verkoop, of waarmee op ander wyse gehandel word, of wat deur enig iemand daaruit verwyder word, by die departement geregistreer word deur die eienaar van bedoelde stempelhamer of merk.

- (2) Die Minister kan die eienaar of okkupeerder van 'n private bos of van die eienaar of besitter van 'n saagmeul by skriftelike kennisgewing gelas of laat gelas om of voor 'n datum in bedoelde kennisgewing vasgestel te word, by die departement 'n bepaalde aantal afdrukke van 'n stempelhamer of ander merk waarmee timmerhout wat in daardie bos gekap of daaruit verwyder is, of wat by daardie meul vervaardig of vandaar verwyder is, gemerk kan word.

- (3) Van en na 'n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel te word, is iemand wat op timmerhout gekap in of verwyder uit 'n Kroon- of private bos, of vervaardig by of verwyder van 'n Staats- of private meul of fabriek, 'n merk wat nie volgens die bepaling van hierdie artikel geregistreer is nie, plaas of laat plaas of toelaat dat dit daarop geplaas word, aan 'n misdryf skuldig.

- (4) Elke stempelhamer of merk vir timmerhout wat vir registrasie ingestuur word, en alle veranderings daaraan, is onderworpe aan die goedkeuring van die departement.

- (5) Die Minister moet 'n register van alle stempelhamers of merke vir timmerhout, wat volgens hierdie artikel by die departement geregistreer is, laat hou en van tyd tot tyd in die *Staatskoerant* laat publiseer.

Besondere bevoegdheid van siviele aard van magistrate in geval van plakkers, kampering en bebouing in Kroonbosse.

Wat betref herstel van, en skade aan bosprodukte van Kroon- of private bosse.

Merk van timmerhout en registrasie van merke.

Wrongful
possession of
forest produce.

26. (1) Whenever a forest, police or trust officer on reasonable grounds suspects that any forest produce found in or obtained from or in transit from a Crown or private forest or State or private sawmill or factory, is about to be or has been wrongfully removed, he may seize and detain such forest produce pending inquiry. 5

No action for damages shall lie in respect of such seizure or detention.

(2) A forest, trust or police officer may without warrant arrest any person found in possession of any forest produce unless such person produces a licence or permit authorizing the removal or gives a satisfactory account of the manner in which he became possessed of such forest produce. 10

If any person so arrested is unable to satisfy the court that he had a lawful right to be in possession of the said forest produce, he shall be guilty of an offence. 15

Control of trees
on roadsides.

27. Subject to the provisions of sub-section (3) of section three, all trees growing or planted on the side of any road and not being on private land, shall be subject to the control of the department, whether or not moneys have been contributed out of public revenues to the planting of such trees, and no person shall cut down, damage or remove any such tree, except under the authority of a permit generally or specially issued by the department to such person. 20

Evidence.

28. (1) Whenever in any proceedings under this Act any question arises as to whether any forest produce is the property of the Government, it shall be presumed to be the property of the Government unless the contrary is proved. 25

(2) Any person charged with doing any act for which by this Act or the regulations a licence, permit or other authority is required, shall be deemed to be without such licence, permit or authority unless he produce the same to the court or give other satisfactory proof of possessing the same. 30

Award of portion
of fine recovered
to informer.

29. The court by which any fine is imposed for an offence against this Act or the regulations, may order that a sum not exceeding one-fourth of any fine recovered be paid to any person, not being an officer in the public service, upon whose information the conviction for such offence has been obtained or who has materially assisted in bringing the offender or offenders to justice. 35

Penalties where
not expressly
provided.

30. Any person guilty of an offence against this Act or the regulations shall, where no penalty is expressly provided for the offence, be liable on conviction to a fine not exceeding twenty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two months. 40

Administrative
regulations and
regulations for
the control of
diseases and
pests.

31. (1) The Governor-General may make regulations, not inconsistent with this Act, in respect of the application and administration thereof in particular circumstances, and may make different regulations for different provinces, districts or other areas of the Union. Penalties may be prescribed for the contravention of any such regulations or for a failure to comply therewith, but no such penalties shall exceed the penalties mentioned in the last preceding section. 50

(2) The Governor-General may make regulations not inconsistent with this Act or any other Law for the purpose of combating any fungus or bacteria disease or insect or parasite pest affecting any kind of forest tree or timber on forest or any other land or on or in any ship, vessel, vehicle, aircraft, building, depôt or place for storage, stacking, seasoning or working of timber, or for preventing the introduction into or the spread within the Union of any such disease or pest. 55

Saving of
existing agree-
ments.

32. Nothing in this Act contained shall be construed as affecting in any manner whatever any agreement in connection with the management of forests, or the disposal or sale of forest produce, or the licensing of any grazing or cultivation rights, or the grant of any rights in respect of sawmill, factory, shop, camping or residence sites, in force at the commencement of this Act and existing between the Government and any person. 60

Short title and
date of com-
mencement of
Act.

33. This Act shall be called the Forest and Veld Conservation Act, 19..., and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. 70

26. (1) Wanner 'n bos-, polisie- of trustbeampte op redelike gronde vermoed dat 'n bosprodukt aanwesig in of afkomstig uit of onderweg van 'n Kroon- of private bos of Staats- of private saagmeul of fabriek, wederregtelik verwyder is of gaan word, kan hy daardie bosprodukt in beslag neem en aanhou totdat ondersoek ingestel is.

Onwettige besit van bosprodukte.

Geen eis vir skadevergoeding kan weens so 'n beslaglegging of aanhouding ingestel word nie.

(2) 'n Bos-, trust- of polisiebeampte kan iemand wat in besit van bosprodukte gevind word, sonder lasbrief in hegtenis neem, tensy so iemand 'n lisensie of permit toon wat die verwydering magtig, of 'n bevredigende verklaring gee van die wyse waarop genoemde bosprodukte in sy besit gekom het.

Indien iemand wat aldus in hegtenis geneem is, nie die hof tevrede stel dat hy 'n wettige reg gehad het om in besit van genoemde bosprodukte te wees nie, is hy aan 'n misdryf skuldig.

27. Behoudens die bepalings van subartikel (3) van artikel drie, is alle bome wat langs 'n pad groei of geplant en nie op private grond is nie, onder beheer van die departement, hetsy gelde om die bome te plant uit Staatsinkomste bygedra is al dan nie, en niemand mag so 'n boom kap, beskadig of verwyder, behalwe op gesag van 'n permit algemeen of spesiaal deur die departement aan hom uitgereik.

Beheer oor bome langs paaie.

28. (1) Wanneer in 'n regsgeeding onder hierdie Wet, die vraag ontstaan of bosprodukte Staatseiendom is, word dit geag Staatseiendom te wees, tensy die teendeel bewys word.

Getuienis.

(2) Iemand wat aangekla word weens 'n handeling vir die verrigting waarvan by hierdie Wet of die regulasies 'n lisensie, permit of ander magtiging vereis word, word geag nie so 'n lisensie, permit of magtiging te besit nie, tensy hy dit aan die hof oorlê of ander bevredigende bewys lewer dat hy dit besit.

29. Die hof wat 'n boete weens 'n oortreding van hierdie Wet of die regulasies oplê, kan gelas dat hoogstens een-vierde van die verhaalde boete betaal moet word aan iemand wat nie 'n amptenaar in die staatsdiens is nie en wat die inligting verstrek het waarop die veroordeling weens daardie oortreding verkry is, of wat wesentlik daartoe bygedra het om die oortreder of oortreders voor die gereg te bring.

Toekenning van gedeelte van betaalde boete aan aanklaer.

30. Iemand wat skuldig is aan 'n misdryf volgens hierdie Wet of die regulasies is, waar geen straf uitdruklik vir daardie misdryf voorgeskryf is nie, by veroordeling strafbaar met 'n boete van hoogstens twintig pond of, by wanbetaling, met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twee maande.

Strafbepalings waar geen spesiale straffe voorgeskryf is nie.

31. (1) Die Goewerneur-generaal kan regulasies, wat nie met hierdie Wet onbestaanbaar is nie, maak ten opsigte van die toepassing en uitvoering daarvan in besondere omstandighede, en kan verskillende regulasies vir verskillende provinsies, distrikte, of ander dele van die Unie maak. Strawwe kan vir oortreding van so 'n regulasie of versuim om daaraan te voldoen, voorgeskryf word, maar so 'n straf mag nie die strawwe in die onmiddellik voorafgaande artikel vermeld, tebowe gaan nie.

Administratiewe regulasies en regulasies betreffende die bestryding van siektes en plaag.

(2) Die Goewerneur-generaal kan regulasies maak wat nie met hierdie Wet of 'n ander Wet onbestaanbaar is nie, vir die bestryding van enige swam- of bakteriese siekte of insekte- of parasitiese plaag wat enige soort bosboom of timmerhout aanval op bos- of ander grond of in of op 'n skip, vaartuig, voertuig, vliegtuig, gebou, depôt of plek waar timmerhout bewaar, opgestapel, beleë gemaak of bewerk word, of vir die voorkoming van die invoer of verspreiding in die Unie van so 'n siekte of plaag.

32. Die bepalings van hierdie Wet raak op generlei wyse enige ooreenkoms in verband met die bestuur van bosse of die afset of verkoop van bosprodukte of die lisensiëring van weidings- of bebouingsregte of die toekenning van regte ten opsigte van saagmeul-, fabriek-, winkel-, kamperings- of woonpersele, wat tussen die Regering en enige persoon bestaan en tydens die inwerkingtreding van hierdie Wet van krag is.

Voorbehoud van bestaande ooreenkomste.

33. Hierdie Wet heet die Bos- en Veldbewaringswet, 19..., en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die Staatskoerant vasgestel te word.

Kort titel en datum van inwerkingtreding van Wet.

Schedule.**LAWS REPEALED.**

Union or Province.	No. and Year of Law.	Title and subject of Law.	Extent of Repeal.
Cape ..	Act No. 18 of 1859.	Forest and Herbage Preservation Act, 1859.	The Whole.
	Act No. 27 of 1882.	The Police Offences Act, 1882.	Section seventeen.
Natal ..	Law No. 21 of 1865.	Burning of Grass.	So much as is unrepealed.
	Act No. 31 of 1895.	Grass Burning Act, 1895.	So much as is unrepealed.
Transvaal ..	Law No. 2 of 1870.	Grass Burning ..	So much as is unrepealed.
	Act No. 16 of 1908.	Criminal Law Amendment Act, 1908.	Section ten.
Orange Free State.	Act No. 32 of 1908.	Regulation of Grass Burning Act, 1908.	So much as is unrepealed.
Union ..	Act No. 16 of 1913.	Forest Act, 1913 ..	The Whole.
	Act No. 14 of 1917.	Forest (Demarcation) Act, 1917.	The Whole.
	Act No. 28 of 1930.	Forest Act, 1913, Amendment Act, 1930.	The Whole.

Bylae.

WETTE HERROEP.

Unie of Provinsie.	No. en jaar van Wet.	Titel of onderwerp van Wet.	Onvang van herroeping.
Kaap ..	Wet No. 18 van 1859.	„Forest and Herbage Preservation Act, 1859”.	Die geheel.
	Wet No. 27 van 1882.	„The Police Offences Act, 1882”.	Artikel se- wentien.
Natal ..	Wet No. 21 van 1865.	Grasbrand	Soveel as wat nog nie her- roep is nie
	Wet No. 31 van 1895.	„Grass Burning Act, 1895”.	Soveel as wat nog nie her- roep is nie.
Transvaal ..	Wet No. 2 van 1870.	Grasbrand	Soveel as wat nog nie her- roep is nie.
	Wet No. 16 van 1908.	„Criminal Law Amend- ment Act, 1908”.	Artikel tien.
Oranje - Vry- staat.	Wet No. 32 van 1908.	„Regulation of Grass Burning Act, 1908”.	Soveel as wat nog nie her- roep is nie.
Unie ..	Wet No. 16 van 1913.	Boswet, 1913	Die geheel.
	Wet No. 14 van 1917.	„Bos (Demarkatie) Wet, 1917”.	Die geheel.
	Wet No. 28 van 1930.	Boswet, 1913, Wysi- gingswet, 1930.	Die geheel.