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KAAPSTAD, 26 MEI 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 878. 26th May, 1972.

No. 878. 26 Mei 1972.

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

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

No. 46 of 1972: Forest Amendment Act, 1972.

No. 46 van 1972: Boswysigingswet, 1972.

WET

Tot wysiging van die Boswet, 1968, om voorsiening te maak vir die aanstelling van erebosbeamptes; om bebossing te kontroleer; om wysigings aan te bring aan die bepalings betreffende misdrywe; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Mei 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 3 van Wet
72 van 1968.

1. Artikel 3 van die Boswet, 1968 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:

- „(4) (a) Die Sekretaris kan van tyd tot tyd persone as erebosbeamptes aanstel en 'n aldus aangestelde erebosbeampte het in 'n gebied afgesonder ingevolge artikels 7 en 7A van hierdie Wet en ten opsigte van 'n gebied gespesifiseer kragtens artikel 12 van hierdie Wet dieselfde bevoegdhede as 'n bosbeampte, uitgesonderd die bevoegdhede uiteengesit in artikels 17 (2) en 18 (3) van hierdie Wet.
- (b) Die Sekretaris kan, indien hy dit dienstig ag, te eniger tyd die aanstelling van 'n erebosbeampte summier intrek.”.

Invoeging van
artikel 4A in Wet
72 van 1968.

2. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

„Aanwen-
ding van
grond vir
bepossing.

- 4A. (1) (a) Sonder die voorafgaande skriftelike goedkeuring van die Sekretaris, mag geen grond wat nie voorheen bebos is nie, aangewend word vir die aanplant van bome, uitgesonderd vrugte- of voerbome, met die doel om bosprodukte vir handels- of nywerheidsdoeleindes te kweek nie.
- (b) Indien bome die waterafloop van grond na die oordeel van die Minister geleë is in natuurlike waterbane, vleie, moerasse of natuurlike waterbronne, benadeel, kan die Minister by kennisgewing beteken aan die eienaar, okkupeerder of huurder van die betrokke grond, die verwydering gelas van die bome wat na sy oordeel verwyder moet word ten einde die waterafloop te verbeter, en genoemde eienaar, okkupeerder of huurder mag nie die grond waarop die bome aldus verwyder is, met bome herplant of, in die geval van natuurlike verjonging, die bome daarop laat voortgroeï nie.
- (2) Aansoek om die in subartikel (1) (a) bedoelde goedkeuring moet op die by regulasie voorgeskrewe vorm by die Sekretaris gedoen word.
- (3) Die Sekretaris kan die in subartikel (1) (a) bedoelde goedkeuring weerhou of verleen, en as

FOREST AMENDMENT ACT, 1972

Act No. 46, 1972

ACT

To amend the Forest Act, 1968, so as to provide for the appointment of honorary forest officers; to control afforestation; to amend the provisions as to offences; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 17th May, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 3 of the Forest Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection: Amendment of section 3 of Act 72 of 1968.

- “(4) (a) The Secretary may from time to time appoint persons as honorary forest officers and any honorary forest officer so appointed shall in any area set aside in terms of sections 7 and 7A of this Act and in respect of any area specified in terms of section 12 of this Act, have the same powers as a forest officer, save the powers set out in sections 17 (2) and 18 (3) of this Act.
- (b) The Secretary may, if he deems it fit, at any time summarily withdraw the appointment of a honorary forest officer.”.

2. The following section is hereby inserted in the principal Act after section 4:

“Use of land for afforestation.

4A. (1) (a) Without the prior written approval of the Secretary, no land which has not previously been afforested, may be utilized for the planting of trees, save fruit or fodder trees, with a view to producing forest produce for commercial or industrial purposes.

- (b) In the event of any trees impairing the water run-off of land which in the opinion of the Minister is situated within natural water courses, vleis, marshes or natural water sources, the Minister may, by notice served on the owner, occupier or lessee of the land in question, direct the removal of the trees which in his opinion must be removed in order to improve the water run-off, and the said owner, occupier or lessee shall not replant the land on which the trees have thus been removed, with trees or, in the case of natural regeneration, allow the trees to continue to grow thereon.

(2) Application for the approval referred to in subsection (1) (a) shall be made to the Secretary in the form prescribed by regulation.

(3) The Secretary may withhold or grant the approval referred to in subsection (1) (a), and if

Insertion of section 4A in Act 72 of 1968.

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hy dit verleen kan hy die voorwaardes oplê wat hy goedvind.

(4) Indien die eienaar, okkupeerder of huurder van die betrokke grond hom veronreg voel oor die weerhouding van die in subartikel (1) (a) bedoelde goedkeuring of oor die oplegging van 'n voorwaarde kragtens subartikel (3) deur die Sekretaris, kan die eienaar, okkupeerder of huurder, na gelang van die geval, na die Minister appelleer, en die beslissing van die Minister is afdoende en bindend.

(5) In 'n geval waar die Sekretaris die in subartikel (1) (a) bedoelde goedkeuring weerhou, of waar die Minister na appêl die weerhouding van die in subartikel (1) (a) bedoelde goedkeuring bekragtigt, het die eienaar, okkupeerder of huurder van die betrokke grond geen eis om vergoeding nie.

(6) Die voorwaardes deur die Sekretaris kragtens subartikel (3) opgelê en elke lasgewing deur die Minister kragtens subartikel (1) (b) uitgereik, bind elke eienaar, okkupeerder of huurder van die grond met betrekking waartoe dit van toepassing verklaar is, en hulle opvolgers in regte.”.

Wysiging van artikel 21 van Wet 72 van 1968, soos gewysig deur artikel 5 van Wet 37 van 1971.

3. Artikel 21 van die Hoofwet word hierby gewysig—

- (a) deur aan die end van subparagraaf (ii) van subartikel 1 (c) die woord „of” in te voeg; en deur in genoemde subartikel die volgende subparagraawe in te voeg:
 - „(iii) 'n brandende vuurhoutjie of ander brandende materiaal of enige materiaal wat tot selfontbranding of selfontsteking in staat is, hetsy opsetlik of nalatiglik neergooi, neerplaas of laat val en daardeur 'n brand veroorsaak wat versprei en skade aanrig aan weiding, gewasse of enige ander roerende of onroerende goed; of
 - (iv) binne die padreserwe van 'n pad, 'n vuur maak of laat maak of gebruik uitgesonderd waar sodanige vuur gemaak of gebruik word—
 - (a) by 'n ingerigte vuurmaakplek wat deur 'n plaaslike bestuur in stand gehou word; of
 - (b) vir die brand van 'n brandbaan tussen die padreserwe en die aangrensende eiendom;”;
- (b) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang:
 - „(e) rook waar rook by kennisgewing verbode is;”.

Kort titel.

4. Hierdie Wet heet die Boswysigingswet, 1972.

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he grants it, he may impose such conditions as he may deem fit.

(4) If the owner, occupier or lessee of the land in question feels aggrieved by the withholding of the approval referred to in subsection (1) (a) or by the imposition of any condition under subsection (3) by the Secretary, the owner, occupier or lessee, as the case may be, may appeal to the Minister and the decision of the Minister shall be final and binding.

(5) In any case where the Secretary withholds the approval referred to in subsection (1) (a) or where the Minister upon appeal confirms the withholding of the approval referred to in subsection (1) (a), the owner, occupier or lessee of the land in question shall have no claim for compensation.

(6) The conditions imposed by the Secretary under subsection (3) and every direction issued by the Minister in terms of subsection (1) (b) shall be binding on every owner, occupier or lessee of the land with reference to which they have been declared applicable, and on their successors in title.”.

3. Section 21 of the principal Act is hereby amended—

- (a) by the insertion at the end of subparagraph (ii) of subsection (1) (c) of the word “or”; and by the insertion in the said subsection of the following subparagraphs: Amendment of section 21 of Act 72 of 1968, as amended by section 5 of Act 37 of 1971.
- “(iii) deliberately or negligently throws down, puts down or drops any burning match or other burning material or any material capable of spontaneous combustion or self-ignition and thereby causes a fire which spreads and damages grazing, vegetation or any other movable or immovable property; or
- (iv) within the road reserve of any road, makes or causes a fire to be made or uses a fire save where such a fire is made or used—
- (a) in an equipped fire-place which is maintained by a local authority; or
- (b) for the burning of a fire-belt between the road reserve and the adjoining property,”; and
- (b) by the substitution for paragraph (e) of subsection (2) of the following paragraph:
- “(e) smokes where smoking is by notice prohibited;”.

4. This Act shall be called the Forest Amendment Act, 1972. Short title.



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