



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS 40c PRICE
Plus AVB/GST
BUITELANDS 50c ABROAD
POSVRY · POST FREE

Vol. 230

KAAPSTAD, 29 AUGUSTUS 1984

No. 9380

CAPE TOWN, 29 AUGUST 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1783.

29 Augustus 1984

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

No. 122 van 1984: Boswet, 1984

No. 1783.

29 August 1984

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

No. 122 of 1984: Forest Act, 1984

WET

Om voorsiening te maak vir die beskerming, bestuur en benutting van bosse; die beskerming van sekere plante- en dierelewe; die reëling van die handel in bosprodukte; die voorkoming en bestryding van veld-, bos- en bergbrande; die beheer en bestuur van 'n nasionale voetslaanpadstelsel en nasionale botaniese tuine; en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)*

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ACT

To provide for the protection, management and utilization of forests; the protection of certain plant and animal life; the regulation of the trade in forest produce; the prevention and combating of veld, forest and mountain fires; the control and management of a national hiking way system and national botanic gardens; and matters connected therewith.

*(English text signed by the State President.)
(Assented to 12 July 1984.)*

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

Woordbepaling.

1. In hierdie Wet, tensy die samehang anders aandui, beteken—

- (i) "aanvullende roete" 'n roete aanvullend tot die hoof-roete van 'n voetslaanpad of wandelpad; (xl) 5
- (ii) "advieskomitee" 'n advieskomitee kragtens artikel 40 (1) ingestel; (i)
- (iii) "adviserende komitee" 'n adviserende komitee kragtens artikel 13 (4) (a) (i) ingestel; (v) 10
- (iv) "beskermde boom" 'n boom op grond waarop 'n kennisgewing ingevolge artikel 13 (1) betrekking het; (xxxvi)
- (v) "bestuurskomitee" 'n bestuurskomitee ingevolge artikel 41 (1) ingestel; (xxvii) 15
- (vi) "boom" ook enige boomsaailing, jong boompie, oorpplantseel of stomploot van enige ouderdom; (xliii)
- (vii) "bosbeampte" die bekleër van 'n pos kragtens artikel 5 aangewys of 'n persoon kragtens artikel 16 (2) (e) of ingevolge 'n regulasie kragtens artikel 73 (1) (f) aangewys; (xvi) 20
- (viii) "bosproduk" enigiets wat in 'n bos, houtplantasie of Staatsbos voorkom, gekweek word of daarin groei, met inbegrip van enigiets wat deur enige gewerwelde of ongewerwelde lid van die diereryk of enige lid van die planterik in 'n bos, houtplantasie of Staatsbos voortgebring word; (xvii) 25

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

1. In this Act, unless the context indicates otherwise—

Interpretation.

- (i) "advisory committee" means an advisory committee established under section 40 (1); (ii)
- (ii) "board" in Part VII means the National Hiking Way Board mentioned in section 29; (xxxv)
- (iii) "board" in Part IX means the Board for National Botanic Gardens established by section 57; (xxxvii)
- (iv) "connecting route" means a route which connects the starting point or terminus of the main route of a hiking trail or walk to some other point on the main route; (xli)
- (v) "consultative committee" means a consultative committee established under section 13 (4) (a) (i); (iii)
- (vi) "council" in Part VIII means the Forestry Council mentioned in section 47; (xxxvi)
- (vii) "demarcated forest" means any undemarcated forest converted into demarcated forest under section 10 (1) (c); (xxi)
- (viii) "department" means the Department of Environment Affairs; (xiv)
- (ix) "director" means the person appointed by the Minister as Director of National Botanic Gardens under section 69 (1) (c); (xv)
- (x) "director-general" means the Director-General: Environment Affairs; (xvi)
- (xi) "fire belt" means a strip of land, whether under trees or not, prepared and maintained for the purpose of preventing the spreading of veld, forest or mountain fires; (xiii)
- (xii) "fire control area" means an area declared to be a fire control area under section 18 (1); (ix)

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- (ix) "brandbeheergebied" 'n gebied kragtens artikel 18 (1) tot 'n brandbeheergebied verklaar; (xii)
- (x) "brandbeheerkomitee" 'n brandbeheerkomitee kragtens artikel 19 (1) ingestel; (xiii)
- (xi) "brandbeheerstreek" 'n gebied kragtens artikel 18 (1) 5 tot 'n brandbeheerstreek verklaar; (xiv)
- (xii) "brandbestrydingsplan" 'n brandbestrydingsplan in artikel 20 bedoel; (xv)
- (xiii) "brandstrook" 'n strook grond, met of sonder bome daarop, wat voorberei en in stand gehou word met die 10 doel om die verspreiding van veld-, bos- en bergbrande te voorkom; (xi)
- (xiv) "departement" die Departement van Omgewingsake; (viii)
- (xv) "direkteur" die persoon deur die Minister kragtens artikel 69 (1) (c) as Direkteur van Nasionale Botaniese Tuine aangestel; (ix)
- (xvi) "direkteur-generaal" die Direkteur-generaal: Omgewingsake; (x)
- (xvii) "eienaar" in Dele II en VI ook 'n persoon wat regtens 20 bevoeg is om beheer oor die betrokke grond uit te oefen; (xxxii)
- (xviii) "fonds" in Deel VII die Nasionale Voetslaanpadfonds vermeld in artikel 36 (1); (xviii)
- (xix) "fonds" in Deel VIII die Bosbounywerheidsfonds ver- 25 meld in artikel 53 (1); (xix)
- (xx) "fonds" in Deel IX die Nasionale Botaniese Tuinefonds by artikel 64 (1) ingestel; (xx)
- (xxi) "gedemarkeerde bos" enige ongedemarkeerde bos wat kragtens artikel 10 (1) (c) in gedemarkeerde bos om-30 geskep is; (vii)
- (xxii) "grond"—
 - (a) grond kragtens afsonderlike toekenning, transportakte of titelsertifikaat gehou; of
 - (b) grond wat kragtens 'n huurkontrak, lisensie of toe- 35 kenning van die Staat gehou word met 'n opsie om te koop, mits daardie huurkontrak, lisensie of toekenning in die kantoor van 'n registrateur van aktes of 'n landmeter-generaal se kantoor geregi- 40 streer is; (xxiii)
- (xxiii) "hierdie Wet" ook die regulasies; (xli)
- (xxiv) "hoofroete" die primêre roete van 'n voetslaanpad of wandelpad; (xxvi)
- (xxv) "hout" alle hout in bome hetsy staande, omgeval of afgekap, en alle hout hetsy in die Republiek geproduseer 45 of ingevoer, en hetsy gesaag, gekloof, gekap of geskaaf, of op 'n ander wyse bewerk of verwerk; (xlii)
- (xxvi) "Minister" die Minister van Omgewingsake en Visserie; (xxviii)
- (xxvii) "nasionale botaniese tuin" 'n nasionale botaniese tuin 50 genoem in Bylae 1 by hierdie Wet; (xxix)
- (xxviii) "nasionale voetslaanpadstelsel" die nasionale voetslaanpadstelsel vermeld in artikel 28 (1); (xxx)
- (xxix) "natuurreservaat" 'n Staatsbos of deel daarvan wat kragtens artikel 15 (1) (a) (i) as 'n natuurreservaat af- 55 gesonder is; (xxxi)
- (xxx) "ongedemarkeerde bos" enige Staatsbos of 'n deel daarvan wat nie kragtens artikel 10 (1) (c) in gedemarkeerde bos omgeskep is nie; (xliv)
- (xxxi) "plaaslike beheerkomitee" 'n plaaslike beheerkomitee 60 kragtens artikel 13 (4) (a) (ii) ingestel; (xxv)
- (xxxii) "plaaslike bestuur" 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xxiv)

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- (xiii) "fire control committee" means a fire control committee established under section 19 (1); (x)
- (xiv) "fire control region" means an area declared to be a fire control region under section 18 (1); (xi)
- 5 (xv) "fire protection scheme" means a fire protection scheme contemplated in section 20; (xii)
- (xvi) "forest officer" means the incumbent of a post designated under section 5 or a person designated under section 16 (2) (e) or in terms of a regulation under section 73 (1) (f); (vii)
- 10 (xvii) "forest produce" means anything which occurs, is grown or grows in a forest, timber plantation or State forest, including anything which is produced by any vertebrate or invertebrate member of the animal kingdom or any member of the plant kingdom in a forest, timber plantation or State forest; (viii)
- 15 (xviii) "fund" in Part VII means the National Hiking Way Fund mentioned in section 36 (1); (xviii)
- (xix) "fund" in Part VIII means the Forestry Industry Fund mentioned in section 53 (1); (xix)
- 20 (xx) "fund" in Part IX means the National Botanic Gardens Fund established by section 64 (1); (xx)
- (xxi) "hiker" means any person who as a walker makes authorized use of the national hiking way system; (xliii)
- 25 (xxii) "hiking trail" means that part of the national hiking way system contemplated in section 28 (1) (a); (xlii)
- (xxiii) "land" means—
- (a) land held under separate grant, deed of transfer or certificate of title; or
- 30 (b) land held under a lease, licence or allotment from the State with an option to purchase, provided that such lease, licence or allotment is registered in the office of a registrar of deeds or a surveyor-general's office; (xxii)
- 35 (xxiv) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xxxii)
- (xxv) "local control committee" means a local control committee established under section 13 (4) (a) (ii); (xxxi)
- 40 (xxvi) "main route" means the primary route of a hiking trail or walk; (xxiv)
- (xxvii) "managing committee" means a managing committee established in terms of section 41 (1); (v)
- 45 (xxviii) "Minister" means the Minister of Environment Affairs and Fisheries; (xxvi)
- (xxix) "national botanic garden" means a national botanic garden mentioned in Schedule 1 to this Act; (xxvii)
- 50 (xxx) "national hiking way system" means the national hiking way system mentioned in section 28 (1); (xxviii)
- (xxxi) "nature reserve" means a State forest or a part thereof which has been set aside as a nature reserve under section 15 (1) (a) (i); (xxix)
- 55 (xxxii) "owner" in Parts II and VI includes a person who is legally competent to exercise control over the land in question; (xvii)
- (xxxiii) "police officer" means a member of any police force in the Republic established by law; (xxxiii)
- (xxxiv) "prescribed" means prescribed by regulation; (xliv)

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- (xxxiii) "polisiebeampte" 'n lid van enige polisiemag in die Republiek wat by wet ingestel is; (xxxiii)
- (xxxiv) "private bos" 'n bos of houtplantasie op grond wat nie aan die Staat behoort nie, uitgesonderd 'n bos of houtplantasie op sulke grond ten opsigte waarvan die reg tot die bome daarop by die Staat berus; (xxxv) 5
- (xxxv) "raad" in Deel VII die Nasionale Voetslaanpadraad vermeld in artikel 29; (ii)
- (xxxvi) "raad" in Deel VIII die Bosbouraad vermeld in artikel 47; (vi) 10
- (xxxvii) "raad" in Deel IX die Raad vir Nasionale Botaniese Tuine by artikel 57 ingestel; (iii)
- (xxxviii) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is of geag word daarkragtens uitgevaardig te wees; (xxxviii) 15
- (xxxix) "Staatsbos" Staatsgrond wat vir die doeleindes van hierdie Wet verkry is of met die instemming van die Minister van Gemeenskapsontwikkeling vir daardie doeleindes voorbehou is, en ook 'n Staatsplantasie, Staatsaagmeul, Staatshoutverduursamingsinstallasie, 20
grond wat deur die departement beheer en bestuur word vir navorsingsdoeleindes, as 'n boomkwekery, of vir die vestiging van 'n kommersiële houtplantasie, 'n gebied wat afgesonder is vir die bewaring van fauna en flora, vir die bestuur van 'n wateropvanggebied, vir die voorkoming van gronderosie of sandbeweging, of vir die beskerming van inheemse bosse, en alle bome op—
(i) enige ander Staatsgrond, uitgesonderd grond wat van die Staat gekoop is maar nog nie aan die koper oorgedra is nie; en 30
(ii) enige ander grond indien die reg op daardie bome by die Staat berus; (xxxix)
- (xl) "streekbrandbeheerkomitee" 'n streekbrandbeheerkomitee kragtens artikel 19 (1) ingestel; (xxxvii)
- (xli) "verbindingsroete" 'n roete wat die begin- of eindpunt 35 van die hoofroete van 'n voetslaanpad of wandelpad met 'n punt op die hoofroete verbind; (iv)
- (xlii) "voetslaanpad" die deel van die nasionale voetslaanpadstelsel beoog in artikel 28 (1) (a); (xxii)
- (xliii) "voetslaner" iemand wat as stapper gemagtigde gebruik van die nasionale voetslaanpadstelsel maak; (xxi) 40
- (xliv) "voorgeskryf" by regulasie voorgeskryf; (xxxiv)
- (xlv) "wandelpad" die deel van die nasionale voetslaanpadstelsel beoog in artikel 28 (1) (b); (xlv)
- (xlvi) "wildernisgebied" 'n Staatsbos of 'n deel daarvan wat 45 kragtens artikel 15 (1) (a) (ii) as 'n wildernisgebied afgesonder is. (xlvi)

DEEL I

Toepassing en administrasie van Wet

Toepassing van
Wet.

2. (1) Hierdie Wet is nie van toepassing nie ten opsigte van 50 grond in 'n gebied bedoel in artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), of grond bedoel in artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936).

(2) (a) Die Minister kan, op skriftelike versoek van die eie- 55 naar van 'n private bos, by kennisgewing in die *Staatskoerant* enige bepaling van hierdie Wet wat slegs ten opsigte van Staatsbosse van toepassing is, van toepassing verklaar ten opsigte van daardie private bos, indien dit na sy mening sal bydra tot die meer doeltreffende bewaring van die private bos, of die meer doeltreffende beskerming van enige bosproduk wat in die private bos voorkom.

(b) 'n Kennisgewing ingevolge paragraaf (a) moet die gebied waarop dit betrekking het, omskryf. 65

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- (xxxv) "private forest" means a forest or timber plantation on land not owned by the State, excluding a forest or timber plantation on such land in respect of which the right to the trees thereon vests in the State; (xxxiv)
- 5 (xxxvi) "protected tree" means a tree on land to which a notice in terms of section 13 (1) applies; (iv)
- (xxxvii) "regional fire control committee" means a regional fire control committee established under section 19 (1); (xl)
- 10 (xxxviii) "regulation" means a regulation made or deemed to have been made under this Act; (xxxviii)
- (xxxix) "State forest" means State land which was acquired for the purposes of this Act or which was reserved for those purposes with the concurrence of the Minister of Community Development, and includes a State plantation, State sawmill, State timber preservation plant, land controlled and managed by the department for research purposes, as a tree nursery, or for the establishment of a commercial timber plantation, an area which has been set aside for the conservation of fauna and flora, for the management of a water catchment area, for the prevention of soil erosion or sand drift, or for the protection of indigenous forests, and all trees on—
- 20 (i) any other State land, excluding land purchased from the State but not yet transferred to the purchaser; and
- 25 (ii) any other land if the right to those trees vests in the State; (xxxix)
- (xl) "supplementary route" means a route supplementary to the main route of a hiking trail or walk; (i)
- 30 (xli) "this Act" includes the regulations; (xxiii)
- (xlii) "timber" means all wood in trees whether standing, fallen or felled, and all wood whether produced in or imported into the Republic, and whether sawn, split, hewn or planed, or fashioned or processed in some other manner; (xxv)
- 35 (xliii) "tree" includes any tree seedling, sapling, transplant or coppice shoot of any age, (vi)
- (xliv) "undemarcated forest" means any State forest or a part thereof not converted into demarcated forest under section 10 (1) (c); (xxx)
- 40 (xlv) "walk" means that part of the national hiking way system contemplated in section 28 (1) (b); (xlv)
- (xlvi) "wilderness area" means a State forest or a part thereof set aside under section 15 (1) (a) (ii) as a wilderness area. (xlvi)
- 45

PART I

Application and administration of Act

2. (1) This Act is not applicable in respect of land in an area contemplated in section 25 (1) of the Black Administration Act, 1927 (Act No. 38 of 1927), or land contemplated in section 21 (1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936). Application of Act.
- 50 (2) (a) The Minister may, upon the written request of the owner of a private forest, by notice in the *Gazette* declare any provision of this Act which is applicable only in respect of State forests, to be applicable in respect of that private forest, if in his opinion it will contribute to the more effective conservation of that private forest, or the more effective protection of any forest produce occurring in that private forest.
- 55 (b) A notice in terms of paragraph (a) must define the area to which it applies.
- 60

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Verlening van bevoegdhede aan persone in beheer van private bosse.

3. (1) Die direkteur-generaal kan aan 'n persoon wat deur die eienaar van 'n private bos in beheer daarvan gestel is enige van of al die bevoegdhede verleen wat ingevolge hierdie Wet by 'n bosbeampte berus.

(2) So 'n persoon kan daardie bevoegdheid of bevoegdhede slegs ten opsigte van die betrokke private bos uitoefen en slegs vir so lank hy in beheer van daardie private bos is. 5

Delegering van bevoegdhede.

4. (1) Die Minister kan 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid om regulasies uit te vaardig, aan 'n beampte van die departement deleger op die 10 voorwaardes wat hy goedvind.

(2) Die direkteur-generaal kan 'n bevoegdheid by of ingevolge hierdie Wet aan hom verleen aan 'n beampte van die departement deleger op die voorwaardes wat hy goedvind.

Aanwysing van bosbeamptes.

5. Die direkteur-generaal kan poste in die departement aanwys waarvan die bekleërs vir die doeleindes van hierdie Wet bosbeamptes is. 15

Aanstelling van erebosbeamptes.

6. (1) Die direkteur-generaal kan enige persoon as erebosbeampte aanstel.

(2) 'n Erebosbeampte het ten opsigte van— 20

(a) 'n Staatsbos;

(b) grond ten opsigte waarvan 'n kennisgewing ingevolge artikel 13 (1) van toepassing is;

(c) 'n gebied omskryf in 'n kennisgewing ingevolge artikel 25; en 25

(d) enige deel van die nasionale voetslaanpadstelsel, dieselfde bevoegdhede as 'n bosbeampte, uitgesonderd die bevoegdhede genoem in artikels 76 en 77: Met dien verstande dat die direkteur-generaal na goedgefinke die bevoegdhede van 'n erebosbeampte wat 'n minderjarige is, kan beperk. 30

(3) Die direkteur-generaal kan te eniger tyd, sonder enige verpligting om redes te verstrek, die aanstelling van 'n erebosbeampte intrek indien hy dit wenslik ag.

DEEL II

Beheer oor bebossing

35

Aanwending van grond vir bebossing.

7. (1) Sonder die voorafgaande skriftelike goedkeuring van die direkteur-generaal mag geen grond, met inbegrip van grond in Staatsbesit—

(a) wat nie voorheen vir die aanlê en bestuur van 'n kommersiële houtplantasie benut is nie; of 40

(b) wat vir 'n tydperk van langer as vyf jaar na die verwydering, inoesting of vernietiging van 'n kommersiële houtoes nie aldus aangewend is nie,

vir die aanplant van bome om hout vir handels- of nywerheidsdoeleindes te produseer, aangewend word nie. 45

(2) 'n Eienaar wat van voorneme is om 'n kommersiële houtplantasie op enige grond aan te lê, moet op die voorgeskrewe wyse om die goedkeuring vereis ingevolge subartikel (1) aansoek doen, en die direkteur-generaal kan na goedgefinke die goedkeuring verleen op die voorwaardes wat hy goedvind. 50

(3) 'n Eienaar wat hom veronreg voel deur die weerhouding van goedkeuring of deur enige voorwaarde waarop goedkeuring verleen is, kan op die voorgeskrewe wyse en binne die voorgeskrewe tyd na die Minister appelleer, en hy kan die goedkeuring verleen of die voorwaarde tersyde stel of wysig of die voorwaardes oplê wat hy goedvind. 55

(4) 'n Voorwaarde bedoel in subartikel (2) of opgelê deur die Minister na aanleiding van 'n appèl ingevolge subartikel (3) bind elke opvolger in titel van die eienaar van daardie grond.

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3. (1) The director-general may confer upon a person placed in control of a private forest by the owner thereof any or all of the powers vested in a forest officer in terms of this Act. Granting of powers to persons in control of private forests.
- (2) Such a person may exercise that power or those powers only in respect of the private forest in question and only for as long as he is in control of that private forest.
4. (1) The Minister may on such conditions as he may deem fit delegate to any officer of the department any power conferred upon him by this Act, excluding the power to make regulations. Delegation of powers.
- 10 (2) The director-general may on such conditions as he may deem fit delegate to any officer of the department any power conferred upon him by or in terms of this Act.
5. The director-general may designate posts in the department the incumbents of which are forest officers for the purposes of this Act. Designation of forest officers.
- 15
6. (1) The director-general may appoint any person as an honorary forest officer. Appointment of honorary forest officers.
- (2) An honorary forest officer has in respect of—
- 20 (a) a State forest;
- (b) land in respect of which a notice in terms of section 13 (1) applies;
- (c) an area defined in a notice in terms of section 25; and
- (d) any part of the national hiking way system,
- the same powers as a forest officer, excluding the powers mentioned in sections 76 and 77: Provided that the director-general may in his discretion restrict the powers of an honorary forest officer who is a minor.
- 25 (3) The director-general may at any time, without any obligation to furnish reasons, withdraw the appointment of an honorary forest officer if he considers it desirable.
- 30

PART II

Control over afforestation

7. (1) Without the prior written approval of the director-general no land, including land in the possession of the State— Use of land for afforestation.
- 35 (a) which has not been used previously for the establishment and management of a commercial timber plantation; or
- (b) which for a period of more than five years after the removal, harvesting or destruction of a commercial timber crop, has not been so used,
- 40 may be used for the planting of trees to produce timber for commercial or industrial purposes.
- (2) An owner who intends to establish a commercial timber plantation on any land, shall apply in the prescribed manner for the approval required in terms of subsection (1), and the director-general may in his discretion grant the approval on such conditions as he may deem fit.
- 45 (3) An owner who feels aggrieved by the withholding of the approval or by any condition on which approval was granted, may appeal in the prescribed manner and within the prescribed time to the Minister, and he may grant the approval or set aside or vary that condition or impose such conditions as he may deem fit.
- 50 (4) Any condition contemplated in subsection (2) or imposed by the Minister as a result of an appeal in terms of subsection (3) binds every successor in title of the owner of that land.
- 55

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Beskerming van
natuurlike
waterbronne.

8. (1) Die Minister kan ten opsigte van grond wat ingevolge hierdie Wet gebruik word of kan word vir die aanplant van bome om hout te produseer, by kennisgewing bestel aan die eienaar van daardie grond of by kennisgewing in die *Staatskoerant* die plant van bome in 'n gebied in die kennisgewing omskryf, verbied of die herbebossing van so 'n gebied na die inoest- 5
ting of vernietiging van 'n houtoes verbied of enige ander handeling verbied of die eienaar gelas om enige ander stappe te doen wat na die oordeel van die Minister nodig is vir die beskerming van enige natuurlike waterbron. 10

(2) 'n Eienaar van grond mag nie, nadat 'n bestaande houtoes ingeoes of vernietig is, die verjonging van 'n kommersiële houtplantasie toelaat nie op enige deel van sy grond ten opsigte waarvan 'n kennisgewing kragtens subartikel (1) van toepassing is. 15

Registrasie van
bebossingsregte
teen titelbewyse.

9. (1) Die registrateur van aktes van die registrasiekantoor waarin die titelbewys van grond geregistreer is ten opsigte waarvan aansoek om goedkeuring vereis ingevolge artikel 7 (1) gedoen is, moet op versoek van die direkteur-generaal 'n aantekening in sy registers en op die kantoorafskrif van die betrokke 20
titelbewys laat aanbring van besonderhede van enige goedkeuring wat weerhou of verleen is, en enige voorwaarde waarop goedkeuring verleen is, en geen gelde is ten opsigte van die aanbring van so 'n aantekening betaalbaar nie.

(2) 'n Registrateur van aktes moet 'n aantekening van die besonderhede genoem in subartikel (1) op die oorspronklike titelbewys van die betrokke grond laat aanbring wanneer dit vir 25
enige doel by sy kantoor ingedien word.

DEEL III

Beheer oor Staatsbosse

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Demarkeering van
Staatsbosse.

10. (1) (a) Indien die Minister van oordeel is dat dit vir die beter verwesenliking van die oogmerke van hierdie Wet nodig is dat 'n ongedemarkeerde bos of 'n deel daarvan teen vervreemding verskans moet word deur die omskepping daarvan in gedemarkeerde bos, moet 35
hy—

(i) kennis van sy voorneme om daardie bos of deel te demarkeer in die *Staatskoerant* gee; en

(ii) 'n afskrif van die kennisgewing laat bestel aan die liggaam wat na sy mening die georganiseerde land- 40
bou verteenwoordig in die distrik waarin die bos of deel daarvan geleë is, asook aan die landdros van daardie distrik.

(b) Iemand wat teen die voorgenome demarkeering beswaar wil aanteken, moet binne 30 dae na die publikasie van 45
die kennisgewing in die *Staatskoerant* sy beswaar skriftelik by die Minister indien met vermelding van die gronde waarop hy beswaar maak.

(c) Na verstryking van die tydperk van 30 dae en na oorweging van enige besware wat ingedien is, kan die Minister by kennisgewing in die *Staatskoerant* die betrokke ongedemarkeerde bos of deel daarvan tot gedemarkeerde bos verklaar en 'n naam in die kennisgewing vermeld daaraan toeken. 50

(2) Geen gedemarkeerde bos of enige deel daarvan mag aan 55
demarkeering onttrek word nie behalwe met die goedkeuring, by besluit, van die Volksraad, en die Minister moet by kennisgewing in die *Staatskoerant* kennis van so 'n onttrekking gee.

(3) Ondanks die bepalinge van subartikels (1) en (2) kan die Minister by kennisgewing in die *Staatskoerant*— 60

(a) die omskrywing van 'n gedemarkeerde bos wysig indien dit na 'n opmeting of heropmeting verkeerd blyk te wees;

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8. (1) The Minister may in respect of land which in terms of this Act is being or may be used for the planting of trees to produce timber, by notice served on the owner of that land or by notice in the *Gazette*, prohibit the planting of trees within an area defined in the notice or the reafforestation of such an area after the harvesting or destruction of a timber crop or prohibit any other act or direct the owner to take any other steps which in the opinion of the Minister are necessary for the protection of any natural water source.
- 10 (2) An owner of land shall not permit the regeneration of a commercial timber plantation on any part of his land in respect of which a notice in terms of subsection (1) applies, after an existing timber crop has been harvested or destroyed.
9. (1) At the request of the director-general the registrar of deeds of the deeds registry in which the title deed is registered of land in respect of which application has been made for the approval required in terms of section 7 (1), must cause a note to be made in his registers and on the office copy of the title deed in question of particulars of any approval withheld or granted, and any condition on which it was granted, and no fees are payable in respect of the making of such note.
- (2) A registrar of deeds must cause a note of the particulars mentioned in subsection (1) to be made on the original title deed of the land in question when it is lodged in his office for any purpose.

Protection of natural water sources.

Registration of afforestation rights against title deeds.

PART III

Control over State forests

10. (1) (a) If the Minister is of the opinion that it is necessary for the better achievement of the objects of this Act that an undemarcated forest or a part thereof be entrenched against alienation by being converted into demarcated forest, he must—
- (i) give notice in the *Gazette* of his intention to demarcate that forest or part thereof; and
- (ii) cause a copy of that notice to be served on the body which in his opinion represents organized agriculture in the district in which that forest or part thereof is situated, as well as on the magistrate of that district.
- (b) Any person who wishes to object against the proposed demarcation, shall within 30 days of the publication of the notice in the *Gazette*, lodge his objection in writing with the Minister, setting out the grounds on which he objects.
- (c) After the expiry of the period of 30 days and after having considered any objections lodged, the Minister may by notice in the *Gazette* declare that undemarcated forest or part thereof to be demarcated forest and assign a name mentioned in the notice thereto.
- (2) No demarcated forest or any part thereof shall be withdrawn from demarcation except with the approval, by resolution, of the House of Assembly, and the Minister must by notice in the *Gazette* give notice of such withdrawal.
- (3) Notwithstanding the provisions of subsections (1) and (2), the Minister may by notice in the *Gazette*—
- (a) amend the definition of a demarcated forest if after a survey or resurvey it should appear to be incorrect;

Demarcation of State forests.

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Beperking van regte ten opsigte van Staatsbosse.

- (b) die naam wat aan 'n gedemarkeerde bos toegeken is, wysig of 'n nuwe naam daaraan toeken.

11. (1) Ondanks andersluidende bepalings van die een of ander wet kan geen serwituut of ander reg van enige aard ten opsigte van 'n Staatsbos of enige deel daarvan deur verjaring verkry word nie, maar behoudens die bepalings van subartikel (2) van hierdie artikel en artikels 15 (5) en (6) en 38 (1), kan die Minister 'n serwituut of ander reg van dié aard ten opsigte van 'n Staatsbos of enige deel daarvan verleen met die goedkeuring, by belyd, van die Volksraad en op die voorwaardes wat die Volksraad bepaal.

(2) (a) Die direkteur-generaal kan op die voorgeskrewe wyse ten opsigte van enige deel van 'n Staatsbos—

(i) enige reg, hetsy van 'n tydelike of permanente aard, vir openbare doeleindes verleen aan 'n provinciale administrasie, 'n plaaslike bestuur, die Suid-Afrikaanse Vervoerdienste, die Departement van Pos- en Telekommunikasiewese, die Nasionale Vervoerkommissie of enige ander statutêre liggaam;

(ii) 'n tydelike reg aan enige persoon verleen vir die doel van handel, beweiding, bewerking van grond, opdamming, waterleiding, boorwerk, die oprigting van meulens, fabriekke, wonings of kampeerfasiliteite, die bou en gebruik van paaie en geleidings vir die oorbring of vervoer van elektrisiteit, gas, enige vloeistof of ander goed, en die aanlê en gebruik van fasiliteite vir die deursending van kommunikasies oor land, per radio of op enige ander wyse, of vir die benutting van enige deel van 'n Staatsbos vir enige ander doel, mits die uitoefening van daardie reg nie op enige wyse vir die betrokke Staatsbos of enige bosprodukt wat daarin voorkom skadelik sal wees nie.

(b) Die bepalings van hierdie artikel word nie uitgelê as sou dit die verlening kragtens die een of ander wet van 'n reg in verband met die prospektering na, en die ontginning van, edelmetale, onedele minerale, edelgesteentes, aardolie en bronmateriaal soos omskryf in, onderskeidelik, die Wet op Edelgesteentes, 1964 (Wet No. 73 van 1964), die Wet op Mynregte, 1967 (Wet No. 20 van 1967), en die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), in 'n Staatsbos en die beskikking oor sodanige edelmetale, minerale, edelgesteentes, aardolie en bronmateriaal belet nie, maar geen bosprodukt mag deur die houer van so 'n reg gekap, beskadig, geneem of verwyder word nie, behalwe op gesag van 'n lisensie of permit van die direkteur-generaal.

(3) 'n Serwituut, 'n reg op 'n bosprodukt, 'n reg van beweiding, verbouing, verblyf of kampering, 'n reg op die vervoer of gebruik van water, of enige ander reg ten opsigte van 'n Staatsbos of 'n deel daarvan wat by die inwerkingtreding van hierdie Wet bestaan en wat by die inwerkingtreding van die Boswet, 1941 (Wet No. 13 van 1941), bestaan het, bly van krag, maar mag slegs op die voorgeskrewe wyse uitgeoefen word.

(4) Die direkteur-generaal moet 'n register laat byhou waarin alle serwitute en regte van enige aard ten opsigte van Staatsbosse aangeteken moet word, en wat ten opsigte van elke serwituut of reg moet aandui—

- (a) die aard daarvan;
- (b) die wyse waarop dit tot stand gekom het;
- (c) die naam van die houer daarvan of van die reghebbende in die geval van 'n persoonlike serwituut;
- (d) in die geval van 'n saaklike serwituut, 'n omskrywing van die heersende erf.

Beperking op gebruik van paaie in Staatsbosse.

12. (1) Ondanks andersluidende bepalings van die een of ander wet kan die direkteur-generaal te eniger tyd na goeddunke 'n pad in 'n Staatsbos, uitgesonderd 'n pad gebou of in stand gehou deur 'n persoon wat regtens bevoeg is om dit te bou of in

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- (b) amend the name assigned to a demarcated forest or assign a new name thereto.

11. (1) Notwithstanding anything to the contrary in any law contained, no servitude or other right of any nature in respect of a State forest or any part thereof shall be acquired by prescription, but subject to the provisions of subsection (2) of this section and sections 15 (5) and (6) and 38 (1), the Minister may grant a servitude or other right of that nature in respect of a State forest or any part thereof with the approval, by resolution, of the House of Assembly and on such conditions as the House of Assembly may determine.

Limitation of rights
in respect of State
forests.

(2) (a) The director-general may in the prescribed manner in respect of any part of a State forest—

(i) grant any right, whether of a permanent or temporary nature, for public purposes to a provincial administration, a local authority, the South African Transport Services, the Department of Posts and Telecommunications, the National Transport Commission or any other statutory body;

(ii) grant a temporary right to any person for the purpose of trading, grazing, cultivation of land, abutment, aqueduct, drilling, the erection of mills, factories, residences or camping facilities, the construction and use of roads and conduits for the transmission or conveyance of electricity, gas, any liquid or other thing, and the establishment and use of facilities for the transmission of communications overland, by radio or in any other manner, or for the utilization of any part of a State forest for any other purpose, provided that the exercise of that right will not in any manner be detrimental to the State forest in question or any forest produce occurring in it.

(b) The provisions of this section shall not be construed as prohibiting the granting under any law of a right in connection with the prospecting for, and mining of, precious metals, base minerals, precious stones, natural oil and source material as defined in the Precious Stones Act, 1964 (Act No. 73 of 1964), the Mining Rights Act, 1967 (Act No. 20 of 1967), and the Nuclear Energy Act, 1982 (Act No. 92 of 1982), respectively, in a State forest, and the disposal of such metals, minerals, stones, oil and material, but no forest produce shall be cut, damaged, taken or removed by the holder of such a right, except on the authority of a licence or permit of the director-general.

(3) A servitude, a right to forest produce, a right of grazing, cultivation, residence or camping, a right to the conveyance or use of water, or any other right in respect of a State forest or a part thereof which exists at the commencement of this Act and which existed at the commencement of the Forest Act, 1941 (Act No. 13 of 1941), remains in force, but shall only be exercised in the prescribed manner.

(4) The director-general shall cause a register to be kept in which all servitudes and rights of any nature in respect of State forests must be noted, and which must reflect in respect of each servitude or right—

- (a) the nature thereof;
- (b) the manner in which it came into existence;
- (c) the name of the holder thereof or of the beneficiary in the case of a personal servitude;
- (d) in the case of a praedial servitude, a description of the dominant tenement.

12. (1) Notwithstanding anything to the contrary in any law contained, the director-general may in his discretion at any time temporarily or permanently close any road in a State forest, other than a road constructed or maintained by a person legally

Restriction on use
of roads in State
forests.

stand te hou, tydelik of permanent sluit of toegang tot so 'n pad deur enige persoon of die publiek permanent of gedurende bepaalde tye verbied.

(2) Die direkteur-generaal moet kennis van 'n besluit ingevolge subartikel (1) gee op die wyse wat hy goedvind.

DEEL IV

Beskerming van biota en ekosistels

Beskerming van bome op private grond.

13. (1) Behoudens die bepalings van subartikel (2) kan die Minister ten opsigte van enige grond wat nie deel van 'n Staatsbos uitmaak nie 'n besondere boom, 'n besondere groep bome, of bome wat tot 'n besondere soort behoort wat op daardie grond voorkom, by kennisgewing in die *Staatskoerant* tot 'n beskermde boom of beskermde bome verklaar.

(2) 'n Verklaring ingevolge subartikel (1) word slegs gedoen met die oog op—

- (a) in die geval van 'n besondere boom—
 - (i) die behoud van die natuurskoon;
 - (ii) die behoud van 'n natuurlike besienswaardigheid; of
 - (iii) die bewaring van 'n besondere eksemplaar van enige boomsoort beoog in paragraaf (c) (i), (ii) of (iii);
- (b) in die geval van 'n besondere groep bome—
 - (i) die voorkoming van gronderosie of sandbeweging of die herwinning van grond of waaisand;
 - (ii) die bevordering van enige oogmerk genoem in paragraaf (a) (i) of (ii); of
 - (iii) die bewaring van besondere eksemplare van enige boomsoort beoog in paragraaf (c) (i), (ii) of (iii);
- (c) in die geval van bome wat tot 'n besondere soort behoort—
 - (i) die behoud van die natuurlike soorteverskeidenheid;
 - (ii) die behoud van boomoorheersde biome;
 - (iii) die bewaring en ontwikkeling van natuurlike hulpbronne; of
 - (iv) die bevordering van enige oogmerk genoem in paragraaf (a) (i) of (b) (i).

(3) 'n Kennisgewing kragtens subartikel (1) moet die betrokke boom, groep bome of boomsoort identifiseer, die grond omskryf ten opsigte waarvan die kennisgewing van toepassing is, en die toepaslike oogmerk vermeld in subartikel (2) aangee.

(4) (a) Die Minister kan—

- (i) 'n adviserende komitee instel, saamgestel soos hy bepaal, om hom in enige geval waar hy dit nodig ag, te adviseer oor die uitoefening van sy bevoegdhede kragtens subartikel (1); en
- (ii) 'n plaaslike beheerkomitee instel, saamgestel soos hy bepaal, om met betrekking tot 'n besondere gebied, streek of plek, voorgeskrewe werksaamhede in verband met 'n beskermde boom te verrig.

(b) Die Minister stel die lede van die adviserende komitee en 'n plaaslike beheerkomitee aan, en kan 'n plaasvervangende lid vir enige lid aanwys.

(c) Daar kan aan 'n lid of plaasvervangende lid van die adviserende komitee of 'n plaaslike beheerkomitee wat nie in die heeltydse diens van die Staat is nie, uit geld deur die Parlement vir dié doel bewillig die toelaes betaal word wat die Minister, met die instemming van die Tesourie, in die algemeen of ten opsigte van 'n besondere lid of plaasvervangende lid of 'n besondere komitee bepaal.

(5) (a) Behoudens die bepalings van artikels 22 en 24 en enige toepaslike regulasie mag niemand na die publikasie van 'n kennisgewing ingevolge subartikel (1) enige beskermde boom kap, beskadig, vernietig, versteur of van die betrokke grond verwyder nie, of enige deel of

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competent to construct or maintain it, or prohibit access to such a road by any person or the public permanently or during specified times.

(2) The director-general shall give notice of a decision in terms of subsection (1) in such manner as he may deem fit.

PART IV

Protection of biota and ecosystems

13. (1) Subject to the provisions of subsection (2), the Minister may in respect of any land not forming part of a State forest by notice in the *Gazette* declare a particular tree, a particular group of trees, or trees belonging to a particular species occurring on that land, to be a protected tree or trees.

Protection of trees
on private land.

(2) A declaration in terms of subsection (1) shall only be made with a view to—

- 15 (a) in the case of a particular tree—
 (i) the preservation of the scenic beauty;
 (ii) the preservation of some natural scenic attraction;
 or
 (iii) the conservation of a distinctive specimen of any
20 species of tree contemplated in paragraph (c) (i),
 (ii) or (iii);
- (b) in the case of a particular group of trees—
 (i) the prevention of soil erosion or sand drift or the
 reclamation of the soil or drift sand;
25 (ii) the promotion of any object mentioned in paragraph (a) (i) or (ii); or
 (iii) the conservation of distinctive specimens of any
 species of tree contemplated in paragraph (c) (i),
 (ii) or (iii);
- 30 (c) in the case of trees belonging to a particular species—
 (i) the maintenance of the natural diversity of species;
 (ii) the preservation of tree-dominated biomes;
 (iii) the conservation and development of natural resources; or
35 (iv) the promotion of any object mentioned in paragraph (a) (i) or (b) (i).

(3) A notice under subsection (1) must identify the tree, group of trees or species of tree in question, define the land in respect of which the notice applies, and state the appropriate object mentioned in subsection (2).

(4) (a) The Minister may—

- 45 (i) establish a consultative committee, constituted as he may determine, to advise him in any case he may deem necessary about the exercise of his powers under subsection (1); and
 (ii) establish a local control committee, constituted as he may determine, to perform with regard to a particular area, region or place, prescribed functions in connection with any protected tree.

50 (b) The Minister appoints the members of the consultative committee and a local control committee, and may designate an alternate member for any member.

55 (c) A member or alternate member of the consultative committee or a local control committee who is not in the full-time employment of the State, may be paid from moneys appropriated by Parliament for that purpose such allowances as the Minister, with the concurrence of the Treasury, may determine either generally or in respect of a particular member or alternate member or a particular committee.

60 (5) (a) Subject to the provisions of sections 22 and 24 and any applicable regulation no person shall after the publication of a notice in terms of subsection (1) cut, damage, destroy, disturb or remove any protected tree from the
65 land in question, or collect, remove, transport, export,

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produk daarvan versamel, verwyder, vervoer, uitvoer, koop, verkoop, skenk of op enige ander wyse verkry of van die hand sit nie, behalwe met die skriftelike toestemming van die Minister verleen op aansoek deur die eienaar van daardie grond en op die voorwaardes wat hy bepaal. 5

- (b) Die Minister kan enige persoon, op die voorwaardes wat hy bepaal, van die bepalinge van hierdie subartikel vrystel met betrekking tot 'n gekweekte boom wat tot 'n besondere soort behoort in subartikel (2) (c) behoort. 10

(6) 'n Bosbeampte, 'n natuurbewaringsbeampte in die diens van 'n provinsiale administrasie, 'n beampte van die Departement van Landbou of die Raad vir die Bewaring van Natalse Parke, Wild en Vis en 'n polisiebeampte kan te eniger redelike tyd grond in private besit betree ten einde vas te stel of die bepalinge van subartikel (5) oortree word, en so 'n beampte kan enige voertuig of perseel deursoek ten einde vas te stel of enige deel of produk van 'n beskermde boom in daardie voertuig vervoer word of in of op daardie perseel verkoop word, of vir verkoop uitgestal of aangebied word, of op enige ander manier van die hand gesit word. 20

Benadeling as gevolg van beskerming van bome op private grond.

14. (1) 'n Eienaar van grond ten opsigte waarvan 'n kennisgewing ingevolge artikel 13 (1) van toepassing is, kan enige vermoenskade wat hy gely het as gevolg van die weiering van die Minister om toe te stem tot die kap van 'n beskermde boom op sy grond of die omlê kragtens artikel 13 (5) van 'n voorwaarde, op die Staat verhaal, en indien die eienaar en die direkteur-generaal nie oor die bedrag aan vergoeding kan ooreenkom nie, moet die bedrag deur 'n bevoegde hof ingevolge artikel 14 van die Onteieningswet, 1975 (Wet No. 63 van 1975), vasgestel word, en die bepalinge van daardie artikel en artikel 15 van daardie Wet geld *mutatis mutandis* by die vasstelling van die bedrag. 25

(2) Indien 'n eienaar van grond ten opsigte waarvan 'n kennisgewing ingevolge artikel 13 (1) van toepassing is die direkteur-generaal oortuig dat die uitreiking van die kennisgewing of die omlê van 'n voorwaarde kragtens artikel 13 (5) tot gevolg sal hê dat die voordelige okkupering van sy grond wesenlik belemmer sal word, of dat 'n aansienlike deel daarvan nie langer beskikbaar sal wees vir die doel waarvoor dit gebruik was toe die kennisgewing uitgereik is nie, moet hy daardie grond laat onteien ingevolge die Onteieningswet, 1975, asof dit vir openbare doeleindes nodig was. 35

(3) 'n Eienaar van grond wat van voorneme is om ingevolge subartikel (1) of (2) op te tree, moet dit op die voorgeskrewe wyse en binne die voorgeskrewe tyd doen. 45

Natuurreservate en wildernisgebiede.

15. (1) (a) Die Minister kan by kennisgewing in die *Staatskoerant* 'n Staatsbos of 'n omskrewe deel daarvan—

- (i) as 'n natuurreservaat afsonder vir die behoud van 'n besondere natuurlike bos of besondere plante of diere of vir 'n ander bewaringsdoel in die kennisgewing genoem; 50
- (ii) op aanbeveling van die Raad vir die Omgewing ingestel by artikel 2 van die Wet op Omgewingsbewaring, 1982 (Wet No. 100 van 1982), as 'n wildernisgebied afsonder vir die behoud van 'n ekosistelsel of die natuurskoon. 55

(b) 'n Kennisgewing ingevolge paragraaf (a) moet die gebied wat afgesonder word met behulp van 'n kaart of 'n beskrywing van die grense daarvan omskryf. 60

(c) Die beheer oor, en bestuur van, 'n natuurreservaat of wildernisgebied berus by die direkteur-generaal.

(2) Geen grond wat as 'n natuurreservaat of wildernisgebied afgesonder is of enige deel daarvan mag aan sodanige afsondering onttrek word nie behalwe met die goedkeuring, by besluit, 65

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- purchase, sell, donate or in any other manner acquire or dispose of any part or produce thereof, except with the written consent of the Minister granted on application by the owner of that land and on such conditions as he may determine.
- 5 (b) The Minister may, on such conditions as he may determine, exempt any person from the provisions of this subsection with regard to a cultivated tree belonging to a particular species contemplated in subsection (2) (c).
- 10 (6) A forest officer, a nature conservation officer in the service of a provincial administration, an officer of the Department of Agriculture or the Natal Parks, Game and Fish Preservation Board and a police officer may at any reasonable time enter upon privately owned land in order to determine whether the
- 15 provisions of subsection (5) are being contravened, and such an officer may search any vehicle or premises in order to determine whether any part or product of a protected tree is being transported in that vehicle or is being sold or displayed or offered for sale or is in any other manner disposed of in or upon those
- 20 premises.

14. (1) An owner of land in respect of which a notice in terms of section 13 (1) applies, may recover any patrimonial loss that he has suffered as a result of the refusal of the Minister to consent to the cutting of a protected tree on his land or the imposition under section 13 (5) of a condition, from the State and if the owner and the director-general fail to agree upon the amount of compensation, the amount shall be determined by a competent court in terms of section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), and the provisions of that section and section 15 of that Act apply *mutatis mutandis* in the determination of that amount.

Prejudice as a result of protection of trees on private land.

(2) If an owner of land in respect of which a notice in terms of section 13 (1) applies, satisfies the director-general that the issue of that notice or the imposition of a condition under section 13 (5) will result in a substantial interference with the beneficial occupation of his land, or the rendering of a substantial part thereof unavailable for the purpose for which it was being used when the notice was issued, he shall cause that land to be expropriated in terms of the Expropriation Act, 1975, as if it were required for public purposes.

(3) An owner of land who intends to act in terms of subsection (1) or (2), shall do so in the prescribed manner and within the prescribed time.

15. (1) (a) The Minister may by notice in the *Gazette* set aside any State forest or any defined part thereof—

Nature reserves and wilderness areas.

- 45 (i) as a nature reserve for the preservation of a particular natural forest or particular plants or animals or for some other conservation purpose mentioned in the notice;
- 50 (ii) on the recommendation of the Council for the Environment established by section 2 of the Environment Conservation Act, 1982 (Act No. 100 of 1982), as a wilderness area for the preservation of an ecosystem or the scenic beauty.

55 (b) A notice in terms of paragraph (a) must define the area set aside with the aid of a map or a description of the boundaries thereof.

(c) The control over, and the management of, a nature reserve or wilderness area vest in the director-general.

60 (2) No land set aside as a nature reserve or wilderness area or any part thereof shall be withdrawn from such setting aside except with the approval, by resolution, of the House of As-

van die Volksraad, en die Minister moet by kennisgewing in die *Staatskoerant* kennis van so 'n onttrekking gee.

- (3) (a) (i) Behoudens die bepalings van subparagraaf (ii) mag niemand in 'n natuurreservaat of wildernisgebied enige bosprodukt kap, versteur, beskadig, neem, versamel, vernietig of verwyder nie. 5
- (ii) Die direkteur-generaal kan in 'n natuurreservaat of wildernisgebied enige handeling verrig en enige maatregel tref wat nie onbestaanbaar is met die oogmerke waarvoor die reservaat of gebied afgesonder is nie. 10
- (b) 'n Handeling of maatregel bedoel in paragraaf (a) kan, ten opsigte van 'n natuurreservaat, gerig wees op—
- (i) die herstel van ekologies versteurde habitate; 15
- (ii) die voorkoming en bestryding van gronderosie;
- (iii) die voorkoming en bestryding van veld-, bos- en bergbrande;
- (iv) die handhawing van die natuurlike genetiese en soorteverskeidenheid;
- (v) die uitoefening van beheer oor plante en diere wat, na die oordeel van die Minister of 'n beambte van die departement of 'n ander persoon deur hom aangewys, ongewens is; 20
- (vi) die verwydering en bemarking van enige bosprodukt; 25
- (vii) die beskikbaarstelling aan die publiek van buiteligontspanningsfasiliteite;
- (viii) navorsing;
- (ix) opvoeding,
- en ten opsigte van 'n wildernisgebied, enige van die oogmerke, uitgesonderd dié genoem in subparagraaf (vii). 30
- (4) (a) Behoudens die bepalings van artikel 11 (2) (b), subartikels (3), (5) en (6) van hierdie artikel en paragraaf (b) van hierdie subartikel, kan die Minister 'n serwituut of 'n ander reg van enige aard ten opsigte van enige natuurreservaat of wildernisgebied of enige deel daarvan verleen met die goedkeuring, by besluit, van die Volksraad en op die voorwaardes wat die Volksraad bepaal. 35
- (b) Indien die Minister oortuig is dat die nasionale veiligheid dit noodsaak, kan hy 'n serwituut of ander reg van 'n tydelike aard aan 'n persoon verleen onderworpe aan die goedkeuring daarvan, by besluit, van die Volksraad so gou doenlik na die verlening daarvan en onderworpe aan die voorwaardes wat die Volksraad dan bepaal. 40
- (5) Elke serwituut of reg wat op die datum van 'n kennisgewing ingevolge subartikel (1) van krag is, bly van krag, en in die geval van 'n tydelike reg kan die direkteur-generaal, indien hy oortuig is dat die voortgesette uitoefening van die reg nie die verwesenliking van die oogmerke waarvoor die betrokke natuurreservaat of wildernisgebied afgesonder is wesenlik sal benadeel nie, daardie reg ingevolge artikel 11 (2) (a) ten gunste van die begunstigde of 'n ander persoon hernieu. 45
- (6) Die direkteur-generaal kan enige tydelike reg waarvan die verlening ingevolge subartikel (4) deur die Volksraad goedgekeur is ingevolge artikel 11 (2) (a) ten gunste van die begunstigde of 'n ander persoon hernieu, indien hy oortuig is dat die voortgesette uitoefening van die reg nie die verwesenliking van die oogmerke waarvoor die betrokke natuurreservaat of wildernisgebied afgesonder is wesenlik sal benadeel nie. 50

DEEL V

Beheer oor gehalte van hout en beslegting van geskille oor pryse

Beheer oor gehalte van hout.

16. (1) Die Minister kan, na oorleg met die Bosbouraad, by kennisgewing in die *Staatskoerant* die verwydering van een plek 65

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sembly, and the Minister must by notice in the *Gazette* give notice of such withdrawal.

- (3) (a) (i) Subject to the provisions of subparagraph (ii), no person shall in a nature reserve or wilderness area cut, disturb, damage, take, collect, destroy or remove any forest produce.
- (ii) The director-general may perform any act and take any measure in a nature reserve or wilderness area which is not inconsistent with the objects for which that reserve or area was set aside.
- (b) An act or measure contemplated in paragraph (a) may, in respect of a nature reserve, be aimed at—
- (i) the restoration of ecologically disturbed habitats;
 - (ii) the prevention and combating of soil erosion;
 - (iii) the prevention and combating of veld, forest and mountain fires;
 - (iv) the maintenance of the natural genetic and species diversity;
 - (v) the exercise of control over plants and animals which are, in the opinion of the Minister or an officer of the department or other person designated by him, undesirable;
 - (vi) the removal and marketing of any forest produce;
 - (vii) the making available to the public of open air recreation facilities;
 - (viii) research;
 - (ix) education,
- and in respect of a wilderness area, any of those objects other than that mentioned in subparagraph (vii).
- (4) (a) Subject to the provisions of section 11 (2) (b), subsections (3), (5) and (6) of this section, and paragraph (b) of this subsection, the Minister may grant a servitude or other right of any nature in respect of any nature reserve or wilderness area or any part thereof with the approval, by resolution, of the House of Assembly and on such conditions as the House of Assembly may determine.
- (b) If the Minister is satisfied that the national security necessitates it, he may grant a servitude or other right of a temporary nature to any person, subject to the approval thereof, by resolution, of the House of Assembly as soon as practicable after the granting thereof and subject to such conditions as the House of Assembly may then determine.
- (5) Every servitude or right which is in force on the date of a notice in terms of subsection (1), remains in force, and in the case of a temporary right the director-general may renew that right in terms of section 11 (2) (a) in favour of the beneficiary or any other person, if he is satisfied that the continued exercise of that right will not materially prejudice the achievement of the objects for which the nature reserve or wilderness area in question was set aside.
- (6) The director-general may in terms of section 11 (2) (a) renew any temporary right the granting of which was approved by the House of Assembly in terms of subsection (4) in favour of the beneficiary or any other person, if he is satisfied that the continued exercise of that right will not materially prejudice the achievement of the objects for which the nature reserve or the wilderness area in question was set aside.

60

PART V

Control over quality of timber and settling of disputes over prices

16. (1) The Minister may, after consultation with the Forestry Council, by notice in the *Gazette* prohibit the removal from one

Control over
quality of timber.

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na 'n ander of die koop, verkoop of vandiehandsetting, van enige hout verbied, behalwe op die voorwaardes wat hy bepaal en wat in die kennisgewing vermeld word.

(2) So 'n kennisgewing kan—

- (a) die gebruik vir handelsdoeleindes, of die verkoop, vandiehandsetting of verwydering van een plek na 'n ander van enige hout wat nie van die voorgeskrewe afmetings, grade of standaard van gehalte is nie, of wat nie op die voorgeskrewe wyse gegradeer, verpak of gemerk is nie, verbied; 5 10
- (b) in die algemeen voorsiening maak vir die verbetering van die gehalte en die metodes van vervaardiging en bemarking van enige hout of houtproduk;
- (c) voorsiening maak vir die ondersoek van enige hout deur enige persoon, met inbegrip van die bekleër van 15 'n pos, deur die Minister aangewys;
- (d) voorskrifte bevat betreffende die plek, tyd en wyse van ondersoek van enige hout wat vir verwydering van een plek na 'n ander bestem is, die persoon aan wie kennis van die voorgenome verwydering gegee moet word, die 20 gelde wat vir die ondersoek betaal moet word, en wanneer en aan wie daardie gelde betaal moet word;
- (e) die wyse voorskryf waarop monsters van enige hout vir ondersoek, ontleding of toetsing geneem moet word, en die omstandighede waaronder en die wyse waarop 25 die hout gegradeer, gemerk, hergradeer of hermerk kan of moet word.

(3) Die voorskrifte van 'n kennisgewing ingevolge subartikel (1) kan 'n bepaling insluit met die strekking dat die grade, standaard van gehalte en verpakking of merk van enige hout aan 30 vermelde spesifikasies van die Suid-Afrikaanse Buro vir Standaardde moet voldoen, en dat elke stuk van die hout gemerk moet wees op 'n wyse wat te kenne sal gee dat dit aan die betrokke spesifikasies voldoen.

Geskille betreffende prys van hout in die ronde maat by private kontrakte en van bosprodukte afkomstig uit Staatsbosse.

17. (1) Waar die partye by 'n ooreenkoms vir die lewering van 35 hout in die ronde maat nie ingevolge die pryshersieningsbepalings van daardie ooreenkoms oor 'n prys kan ooreenkom nie, kan enigeen van die betrokke partye die geskil op die voorgeskrewe wyse na die direkteur-generaal verwys, en kan hy die betrokke prys op die voorgeskrewe wyse vasstel. 40

(2) 'n Prys deur die direkteur-generaal ingevolge subartikel (1) vasgestel, word geag ooreenkomstig die pryshersieningsbepalings van die betrokke kontrak vasgestel te wees.

(3) Ondanks die bepaling van subartikel (1) word 'n geskil nie na die direkteur-generaal verwys nie, en gaan hy nie voort 45 om 'n prys vas te stel nie, in 'n geval waar dit na die oordeel van die Minister onwenslik is dat 'n prys deur die direkteur-generaal vasgestel word, en hy die betrokke partye en die direkteur-generaal van sy besluit verwittig het.

(4) Waar die partye tot 'n ooreenkoms vir die lewering vir 'n 50 tydperk van vyf jaar of langer van bosprodukte afkomstig uit 'n Staatsbos nie ingevolge die toepaslike pryshersieningsbepalings oor 'n prys kan ooreenkom nie, en die Minister aangedui het dat daar na sy oordeel nie 'n ooreenkoms bereik sal word nie, moet die geskil na arbitrasie verwys word. 55

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place to another, or the purchase, sale or disposal, of any timber, except on such conditions as he may determine and which are set out in the notice.

(2) Such a notice may—

- 5 (a) prohibit the use for trade purposes, or the sale, disposal or removal from one place to another, of any timber which is not of the prescribed dimensions, grades or standard of quality, or which has not been graded, packed or marked in the prescribed manner;
- 10 (b) provide generally for the improvement of the quality and the methods of manufacture and marketing of any timber or timber product;
- (c) provide for the inspection of any timber by any person, including the incumbent of a post designated by the Minister;
- 15 (d) contain provisions regarding the place, time and manner of inspection of any timber intended for removal from one place to another, the person to whom notice of any intended removal shall be given, the fees to be paid for that inspection, and when and to whom those fees shall be paid;
- 20 (e) prescribe the manner of taking samples of any timber for examination, analysis or testing, and the circumstances and the manner in which that timber may or must be graded, marked, regraded or remarked.
- 25

(3) The provisions of a notice in terms of subsection (1) may include a stipulation to the effect that the grades, standard of quality and packing or marking of any timber shall comply with stated specifications of the South African Bureau of Standards, and that each piece of that timber shall be marked in such a manner as to convey that it complies with the specifications in question.

17. (1) Where the parties to a contract for the supply of timber in the round are unable to agree on a price in terms of the price review provisions of that contract, any of the parties concerned may refer the dispute to the director-general in the prescribed manner and he may determine the price in question in the prescribed manner.

Disputes regarding price of timber in the round in private contracts and of forest produce derived from State forests.

(2) A price determined by the director-general in terms of subsection (1), is deemed to have been determined in accordance with the price review provisions of the contract in question.

(3) Notwithstanding the provisions of subsection (1), a dispute shall not be referred to the director-general, and he shall not continue to determine a price, in a case where in the opinion of the Minister it is undesirable that a price be determined by the director-general, and he has notified the parties concerned and the director-general of his decision.

(4) Where the parties to a contract for the supply for a period of five years or longer of forest produce derived from a State forest are unable in terms of the applicable price review provisions to agree on a price, and the Minister has indicated that in his opinion agreement will not be reached, the dispute shall be referred to arbitration.

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DEEL VI

*Voorkoming en bestryding van veld-, bos- en bergbrande*Brandbeheerge-
biede en -streke.

18. (1) Die Minister kan, met die instemming van die Minister van Landbou, by kennisgewing in die *Staatskoerant* enige gebied wat in die kennisgewing omskryf word tot 'n brandbeheergebied 5 verklaar en 'n naam aan die gebied toeken, indien hy dit wenslik ag dat die bepalings van artikels 19 tot 23 in die gebied van toepassing moet wees, en kan op dieselfde wyse twee of meer brandbeheergebiede tot 'n brandbeheerstreek verklaar.

(2) Geen grond in die regsgebied van 'n plaaslike bestuur mag 10 sonder die goedkeuring van die plaaslike bestuur in 'n brandbeheergebied ingesluit word nie.

(3) Die Minister kan op dergelike wyse die grense van 'n brandbeheergebied of brandbeheerstreek of die naam daarvan 15 verander.

Brandbeheerkomi-
tees en streek-
brandbeheerkomi-
tees.

19. (1) Die Minister kan by kennisgewing in die *Staatskoerant* ten opsigte van 'n brandbeheergebied 'n brandbeheerkomitee, en ten opsigte van 'n brandbeheerstreek 'n streekbrandbeheerkomitee, instel.

(2) 'n Brandbeheerkomitee en 'n streekbrandbeheerkomitee 20 word op die voorgeskrewe wyse saamgestel, en moet die pligte uitvoer en kan die bevoegdhede uitoefen wat voorgeskryf word.

(3) 'n Lid van 'n brandbeheerkomitee of streekbrandbeheerkomitee of enige persoon wat namens of in opdrag van so 'n komitee optree, kan enige grond ten opsigte waarvan 'n brandbe- 25 strydingsplan van toepassing is, met die nodige werksmense en toerusting betree, en kan op daardie grond enige handeling verrig wat ingevolge die brandbestrydingsplan deur die komitee verrig kan of moet word.

(4) Daar kan aan 'n lid van 'n brandbeheerkomitee of 'n 30 streekbrandbeheerkomitee wat nie in die healtydse diens van die Staat is nie, uit fondse tot die beskikking van die komitee, die toelaes betaal word wat die Minister, met die instemming van die Tesourie, in die algemeen of ten opsigte van 'n besondere lid of 'n besondere komitee bepaal. 35

(5) (a) Indien—

(i) 'n brandbeheerkomitee of 'n streekbrandbeheerkomitee gedurende 12 agtereenvolgende maande geen vergadering gehou het nie; of

(ii) die Minister, na die ondersoek wat hy nodig ag, 40 van oordeel is dat die intrekking van die verklaring van 'n gebied tot 'n brandbeheergebied of brandbeheerstreek wenslik is,

kan die Minister by skriftelike kennisgewing aan die lede van die betrokke komitee hul ampstermyne beëin- 45 dig en by kennisgewing in die *Staatskoerant* die verklaring van die betrokke gebied tot 'n brandbeheergebied of brandbeheerstreek en die instelling van die betrokke komitee intrek.

(b) Die Minister moet 'n komitee instel bestaande uit drie 50 beamptes van die departement, van wie hy een as voorsitter moet aanwys, om hom te adviseer met betrekking tot die likwidasië van die sake van 'n komitee bedoel in paragraaf (a), en na oorweging van die verslag van die komitee, kan hy die bevel wat hy goedgevind met betrek- 55 king tot die aangeleentheid uitreik, en die bevel bind die persone wat daardeur geraak word.

Brandbestrydings-
planne.

20. (1) 'n Brandbeheerkomitee of streekbrandbeheerkomitee moet so gou doenlik 'n brandbestrydingsplan opstel vir die gebied waarvoor dit ingestel is, of verskillende planne vir verskil- 60 lende dele van daardie gebied, wat nie met enige bepaling van

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PART VI

Prevention and combating of veld, forest and mountain fires

18. (1) The Minister may, with the concurrence of the Minister of Agriculture, by notice in the *Gazette* declare any area defined in the notice to be a fire control area and assign a name to that area, if he considers it desirable that the provisions of sections 19 to 23 should be applicable in that area, and may in like manner declare two or more fire control areas to be a fire control region.
- 10 (2) No land in the area of jurisdiction of a local authority shall be included in a fire control area without the approval of that local authority.
- (3) The Minister may in like manner alter the boundaries of a fire control area or a fire control region or change the name thereof.
19. (1) The Minister may by notice in the *Gazette* establish a fire control committee in respect of a fire control area, and a regional fire control committee in respect of a fire control region.
- (2) A fire control committee and a regional fire control committee shall be constituted in the prescribed manner, and shall carry out such duties and may exercise such powers as may be prescribed.
- (3) A member of a fire control committee or regional fire control committee or any person acting for or on the instructions of such a committee, may enter upon any land in respect of which a fire protection scheme is applicable, with the necessary workmen and equipment, and may perform any act on that land which may or must be performed by that committee in terms of the fire protection scheme.
- 30 (4) A member of a fire control committee or a regional fire control committee who is not in the full-time employment of the State, may be paid from funds available to the committee, such allowances as the Minister, with the concurrence of the Treasury, may determine either generally or in respect of a particular member or a particular committee.
- 35 (5) (a) If—
- (i) a fire control committee or a regional fire control committee has not during any consecutive 12 months held any meeting; or
- 40 (ii) the Minister, after such investigation as he may consider necessary, is of the opinion that the withdrawal of the declaration of an area to be a fire control area or fire control region is desirable,
- 45 the Minister may, by notice in writing to the members of the committee in question, terminate their terms of office and by notice in the *Gazette* withdraw the declaration of the area in question to be a fire control area or fire control region and the establishment of the committee in question.
- 50 (b) The Minister must appoint a committee consisting of three officers of the department, one of whom he must designate as chairman, to advise him in connection with the liquidation of the affairs of a committee contemplated in paragraph (a), and after consideration of the report of the committee, make such order relating to the matter as he may deem fit, and that order shall be
- 55 binding on persons affected thereby.
20. (1) A fire control committee and a regional fire control committee shall as soon as practicable prepare a fire protection scheme for the area for which it was established, or different schemes for different parts of that area, which may not be con-

Fire control areas and regions.

Fire control committees and regional fire control committees.

Fire protection schemes.

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hierdie Wet strydig mag wees nie, en wat hy aan die Minister moet voorlê.

(2) 'n Brandbestrydingsplan moet die besonderhede bevat wat die Minister in die algemeen of met betrekking tot die gebied van 'n bepaalde brandbeheerkomitee of streekbrandbeheerkomitee voorskryf. 5

(3) Die Minister kan 'n brandbestrydingsplan opgestel ingevolge subartikel (1) goedkeur, of wysig en goedkeur, en hy moet, behoudens die bepalings van subartikel (4), gelas dat die plan vanaf 'n datum deur hom bepaal in die betrokke gebied van 10 toepassing is.

(4) Na die goedkeuring van 'n brandbestrydingsplan—

(a) moet die direkteur-generaal ten minste een maand voor die datum waarop dit van toepassing word, by kennisgewing in die *Staatskoerant* en in 'n Engelse en Afri- 15 kaanse nuusblad in omloop in die betrokke gebied, kennis van die goedkeuring en die bepaalde datum gee, en vermeld waar die plan ter insae beskikbaar sal wees;

(b) kan die direkteur-generaal te eniger tyd 'n afskrif daarvan aan enige eienaar van grond waarop dit van toepas- 20 sing is of van toepassing staan te word, bestel.

(5) Vanaf die datum bepaal ingevolge subartikel (3) bind 'n goedgekeurde brandbestrydingsplan elke eienaar van grond waarop dit van toepassing is en elke opvolger in titel van so 'n eienaar. 25

(6) Die Minister kan, na oorleg met die betrokke brandbeheerkomitee of streekbrandbeheerkomitee, die bepalings van 'n brandbestrydingsplan met ingang van 'n datum deur hom bepaal, wysig, en die bepalings van subartikel (4) is *mutatis mutandis* van toepassing ten opsigte van so 'n wysiging. 30

(7) (a) Die registrateur van aktes van die registrasiekantoor waarin die titelbewys van grond in 'n brandbeheergebied geregistreer is, moet op versoek van die direkteur-generaal 'n aantekening in sy register en op die kantoorafskrif van die betrokke titelbewys laat aanbring 35 met die strekking dat die betrokke grond in 'n brandbeheergebied geleë is, en die registrateur moet op die oorspronklike titelbewys van daardie grond 'n soortgelyke aantekening laat aanbring wanneer dit vir enige doel by sy kantoor ingedien word. 40

(b) Geen gelde is ten opsigte van die aanbring van so 'n aantekening betaalbaar nie.

Geldelike bystand aan brandbeheerkomitees en streekbrandbeheerkomitees.

21. Die Minister kan, uit geld vir dié doel deur die Parlement bewillig en op die voorwaardes wat hy bepaal, bystand by wyse van 'n geldelike toekenning of andersins aan 'n brandbeheerkomitee of streekbrandbeheerkomitee verleen. 45

Skoonmaak en instandhouding van brandstroke in brandbeheergebiede.

22. (1) (a) Binne ses maande nadat 'n gebied tot 'n brandbeheergebied verklaar is, moet elke eienaar van grond in daardie gebied 'n ooreenkoms aangaan met elke eienaar van grond wat aan sy grond grens, waarin die betrokke eienaars ooreenkom om gesamentlik of afsonderlik 'n brandstrook skoon te maak aan weerskante van die grens tussen hulle eiendomme, of so na aan die grens as wat prakties moontlik is, of aan die een of die ander kant van die grens, en om die brandstrook in 55 stand te hou.

(b) 'n Brandstrook moet van so 'n aard en omvang wees dat dit met inagneming van plaaslike omstandighede redelikerwys voldoende sal wees om te verhoed dat 'n brand op grond aan die een kant daarvan na grond aan 60 die ander kant daarvan versprei.

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trary to any provision of this Act, and which it shall submit to the Minister.

(2) A fire protection scheme shall contain the particulars which the Minister may prescribe in general or relating to the area of a specific fire control committee or regional fire control committee.

(3) The Minister may approve, or amend and approve, a fire protection scheme prepared in terms of subsection (1), and he must, subject to the provisions of subsection (4), direct that from a date determined by him that scheme shall apply in the area in question.

(4) After the approval of a fire protection scheme—

- (a) the director-general shall at least one month before the date on which it becomes applicable, by notice in the *Gazette* and in an English and Afrikaans newspaper circulating in the area in question, give notice of that approval and the date determined by him, and set out where the scheme will be available for inspection;
- (b) the director-general may at any time serve a copy thereof on any owner of land to which it applies or will apply.

(5) From the date determined in terms of subsection (3) an approved fire protection scheme binds every owner of land to which it applies and every successor in title of such an owner.

(6) The Minister may, after consultation with the fire control committee or regional fire control committee concerned, amend the provisions of a fire protection scheme with effect from a date determined by him, and the provisions of subsection (4) apply *mutatis mutandis* in respect of such an amendment.

- (7) (a) At the request of the director-general the registrar of deeds of the deeds registry in which the title deed of land in a fire control area is registered, must cause a note to be made in his registers and on the office copy of the title deed in question to the effect that such land is situated in a fire control area, and the registrar must cause a similar note to be made on the original title deed of that land when it is lodged in his office for any purpose.
- (b) No fees are payable in respect of the making of such a note.

21. The Minister may, from moneys appropriated by Parliament for that purpose and on such conditions as he may determine, render assistance by way of a grant or otherwise to a fire control committee or regional fire control committee.

Financial assistance to fire control committees and regional fire control committees.

22. (1) (a) Within six months after an area has been declared to be a fire control area, every owner of land in that area shall enter into an agreement with every owner of land adjoining his land, in which the owners concerned agree to clear, jointly or individually, a fire belt on both sides of the boundary between their properties, or as close to the boundary as is practically possible, or on the one or the other side of that boundary, and to maintain that fire belt.

Clearing and maintenance of fire belts in fire control areas.

- (b) A fire belt must be of such a nature and extent that it will, having regard to local circumstances, be reasonably sufficient to prevent a fire on land on one side thereof from spreading to land on the other side thereof.

- (c) Sonder om afbreuk te doen aan die bepalings van paragraaf (a), moet 'n eienaar van grond waarvan 'n deel van die grens saamval met die grens van die Republiek of die grens van die betrokke brandbeheergebied, op sy grond en so na aan daardie grens as moontlik, 'n brandstrook skoonmaak en in stand hou. 5
- (d) By die toepassing van hierdie artikel beteken "eienaar", met betrekking tot Staatsgrond of ander grond onder die beheer van die Staat, die beampte in beheer van die Staatsdepartement of provinsiale administrasie wat beheer oor daardie Staatsgrond of ander grond uitoefen, of iemand deur hom gemagtig. 10
- (2) 'n Ooreenkoms bedoel in subartikel (1) moet—
 - (a) die benaderde ligging en roete van die betrokke brandstrook by wyse van 'n sketsplan aandui; 15
 - (b) die wyse beskryf waarop die brandstrook skoongemaak en in stand gehou moet word, en die benaderde wydte daarvan bepaal;
 - (c) bepaal watter een van die betrokke eienaars die werk verbonde aan die skoonmaak en instandhouding van die brandstrook moet verrig of, as hulle van voorneme is om die werk gesamentlik te verrig, die hulp wat deur elkeen bygedra moet word; 20
 - (d) die datum bepaal, wat nie later mag wees nie as 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, waarop die skoonmaak van die brandstrook voltooi moet word; 25
 - (e) bepaal vir watter deel van die koste verbonde aan die skoonmaak en instandhouding van die brandstrook elk van die betrokke eienaars verantwoordelik is; en 30
 - (f) in die geval van 'n brandstrook wat binne of aangrensend aan die padreserwe van 'n openbare pad skoongemaak en in stand gehou moet word, bepaal watter voorsorgmaatreëls ter beskerming van die reisende publiek getref moet word. 35
- (3) Onderhandelinge tussen eienaars bedoel in subartikel (1) met die oog op die aangaan van 'n ooreenkoms of die wysiging van 'n bestaande ooreenkoms, moet binne die voorgeskrewe tyd begin en op die voorgeskrewe wyse gevoer word.
- (4) (a) Waar 'n eienaar ondanks die sorgvuldige nasporing wat onder die omstandighede verwag kan word nie 'n ander eienaar bedoel in subartikel (1) kan opspoor met die oog op die aangaan van 'n ooreenkoms of die wysiging van 'n bestaande ooreenkoms nie, moet hy by die landdroshof binne wie se regsgebied die betrokke grond geleë is aansoek doen om 'n bevel waarkragtens sy voorstel, met inagneming van die aspekte genoem in subartikel (2), vir die skoonmaak en instandhouding van die betrokke brandstrook goedgekeur word. 45
- (b) 'n Landdroshof wat so 'n aansoek oorweeg, moet na die ondersoek wat hy nodig ag die bevel uitreik wat hy billik ag. 50
- (c) Ten einde 'n brandstrook ooreenkomstig 'n plan goedgekeur ingevolge paragraaf (a) skoon te maak of in stand te hou, kan die eienaar die betrokke aangrensende grond betree met die nodige werksmense en toerusting, en die handelinge verrig wat redelikerwys nodig is om, behoudens 'n verbod kragtens artikel 25 (3), die brandstrook skoon te maak en in stand te hou. 55
- (5) (a) 'n Eienaar van grond in 'n brandbeheergebied wat van oordeel is dat die aangaan van 'n ooreenkoms ingevolge subartikel (1) vertraag of onmoontlik gemaak word deur die optrede of eise van die ander eienaar, moet na 14 dae skriftelike kennisgewing aan die eienaar, by die landdroshof binne wie se regsgebied die betrokke grond geleë is, aansoek doen om 'n bevel soos bedoel in subartikel (4) (a). 60
- (b) Die bepalings van subartikels (4) (b) en (c) is *mutatis mutandis* van toepassing ten opsigte van 'n aansoek in-

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- (c) Without prejudice to the provisions of paragraph (a), an owner of land of which a part of the boundary coincides with the border of the Republic or the boundary of the fire control area in question, shall clear and maintain a fire belt on his land as close to that boundary as possible.
- (d) For the purposes of this section "owner", in relation to State land or other land under the control of the State, means the officer in charge of the department of State or provincial administration exercising control over that State land or other land, or a person authorized by him.
- (2) An agreement referred to in subsection (1) must—
- (a) indicate the approximate location and route of the fire belt in question by means of a sketch plan;
- (b) describe the manner in which the fire belt is to be cleared and maintained, and fix the approximate width thereof;
- (c) stipulate which of the owners concerned is to undertake the work involved in the clearing and maintenance of the fire belt or, if they intend to execute the work jointly, the assistance to be rendered by each of them;
- (d) stipulate the date, which may not be later than a date determined by the Minister by notice in the *Gazette*, on which the clearing of the fire belt is to be completed;
- (e) stipulate for what share of the costs involved in the clearing and maintenance of the fire belt each of the owners concerned is responsible; and
- (f) in the case of a fire belt to be cleared and maintained within or adjoining the road reserve of a public road, stipulate the precautionary measures to be taken for the protection of the travelling public.
- (3) Negotiations between owners contemplated in subsection (1) with a view to the entering into of an agreement or the amendment of an existing agreement, shall be commenced within the prescribed time and conducted in the prescribed manner.
- (4) (a) Where an owner is unable despite such diligent search as may be expected in the circumstances to trace any other owner mentioned in subsection (1) with a view to the entering into of an agreement or the amendment of an existing agreement, he shall apply to the magistrate's court within whose area of jurisdiction the land in question is situated for an order under which his proposal for the clearing and maintenance of the fire belt in question, with due regard to the aspects mentioned in subsection (2), is approved.
- (b) A magistrate's court considering such an application shall, after such investigation as it may consider necessary, issue such order as it may deem equitable.
- (c) In order to clear or maintain a fire belt in accordance with the provisions of a plan approved in terms of paragraph (a), the owner may enter upon the adjoining land in question with the necessary workmen and equipment and, subject to any prohibition under section 25 (3), perform such acts as are reasonably necessary to clear or maintain the fire belt.
- (5) (a) An owner of land in a fire control area who is of the opinion that the entering into of an agreement in terms of subsection (1) is being delayed or made impossible by the conduct or demands of the other owner, shall, after 14 days' notice in writing to that owner, apply to the magistrate's court within whose area of jurisdiction the land in question is situated for an order as contemplated in subsection (4) (a).
- (b) The provisions of subsections (4) (b) and (c) apply *mutatis mutandis* in respect of an application in terms of

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gevolge hierdie subartikel, en die hof kan die kostebevel maak wat hy billik ag.

- (6) (a) 'n Eienaar van grond ten opsigte waarvan 'n ooreenkoms ingevolge subartikel (1) of 'n bevel kragtens subartikel (4) of (5) van toepassing is en wat van oordeel is dat 'n bepaling daarvan buitensporig beswarend met betrekking tot hom is, kan, na 14 dae skriftelike kennisgewing aan elke ander betrokke eienaar, by die landdroshof binne wie se regsgebied die grond geleë is, aansoek doen om 'n bevel tot wysiging van die bepaling, en die hof kan, na die ondersoek wat hy nodig ag, die bevel, met inbegrip van 'n kostebevel, uitreik wat hy billik ag.

- (b) Waar 'n eienaar bedoel in paragraaf (a) ondanks die sorgvuldige nasporing wat onder die omstandighede verwag kan word nie in staat is om die ander betrokke eienaar met die oog op die gee van die vereiste kennis op te spoor nie, kan die betrokke landdroshof, op aansoek van die eienaar, gelas dat kennis gegee word op die wyse wat die hof goedvind.

- (7) Elke persoon wat aan 'n ander persoon 'n reg ten opsigte van grond in 'n brandbeheergebied verleen uit hoofde waarvan die beheer oor die grond op die ander persoon oorgaan, moet wanneer hy die reg verleen, hom skriftelik verwittig van die inhoud van enige ooreenkoms ingevolge subartikel (1) of enige bevel kragtens subartikel (4), (5) of (6) wat ten opsigte van daardie grond van krag is.

- (8) (a) Behoudens 'n verbod kragtens artikel 25 (3) bind 'n ooreenkoms ingevolge subartikel (1) of 'n bevel kragtens subartikel (4), (5) of (6) elke opvolger in titel van die betrokke eienaar, en elke persoon bedoel in subartikel (7) aan wie kennis soos vereis in daardie subartikel gegee is of tot wie se kennis die ooreenkoms of bevel daarna op enige wyse gebring is, en so 'n ooreenkoms of bevel word slegs gewysig by skriftelike ooreenkoms aangegaan ooreenkomstig die prosedure voorgeskryf by subartikel (3) of na aanleiding van 'n aansoek ingevolge subartikel (6).

- (b) Niemand mag in 'n brandbeheergebied 'n brandstrook bedoel in subartikel (1) skoonmaak of in stand hou op 'n ander wyse as ooreenkomstig die bepalings van 'n ooreenkoms ingevolge daardie subartikel of 'n bevel kragtens subartikel (4), (5) of (6) nie

Vrystelling van verpligting om brandstroke binne brandbeheergebiede skoon te maak en in stand te hou.

23. Ondanks die bepalings van artikel 22 kan die Minister te eniger tyd—

- (a) twee of meer eienaars van grond wat aan mekaar grens, op hul gesamentlike aansoek, of 'n eienaar bedoel in artikel 22 (4), (5) of (6), op sy aansoek, van die bepalings van artikel 22 (1) vrystel, op die voorwaardes wat hy bepaal;
- (b) by kennisgewing in die *Staatskoerant* en op die voorwaardes wat hy bepaal, al die eienaars van grond in 'n brandbeheergebied of enige omskrewe deel daarvan vrystel van die bepalings van artikel 22 (1).

Brandstroke buite brandbeheergebiede.

24. (1) (a) Ondanks andersluidende bepalings van hierdie Wet, maar behoudens 'n verbod kragtens artikel 25 (3) en die bepalings van hierdie artikel, kan 'n eienaar van grond wat nie in 'n brandbeheergebied geleë is nie en wat vir die beskerming van sy grond 'n brandstrook verlang aan weerskante van die grens tussen sy grond en enige grond wat aan sy grond grens 'n brandstrook soos bedoel in artikel 22 (1) skoonmaak en in stand hou.
- (b) So 'n eienaar moet op die voorgeskrewe wyse aan die eienaar van die betrokke aangrensende grond kennis 65

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this subsection, and the court may make such order as to costs as it may deem equitable.

(6) (a) An owner of land in respect of which an agreement in terms of subsection (1) or an order under subsection (4) or (5) is applicable and who is of the opinion that a provision thereof is excessively burdensome as regards him, may, after 14 days' notice in writing to every other owner concerned, apply to the magistrate's court within whose area of jurisdiction that land is situated for an order amending that provision, and the court may, after such investigation as it may consider necessary, issue such order, including an order as to costs, as it may deem equitable.

(b) Where an owner contemplated in paragraph (a) is unable despite such diligent search as may be expected in the circumstances to trace the other owner concerned with a view to giving him the required notice, the court in question may, on the application of the owner, direct that notice be given in such manner as it may deem fit.

(7) Every person who grants to another person a right in respect of land in a fire control area by virtue of which the control of that land devolves upon that other person, shall when granting that right notify him in writing of the content of any agreement in terms of subsection (1) or any order under subsection (4), (5) or (6) which is in force in respect of that land.

(8) (a) Subject to any prohibition under section 25 (3), an agreement in terms of subsection (1) or an order under subsection (4), (5) or (6) binds every successor in title of the owner concerned and every person contemplated in subsection (7) to whom notice as required in that subsection has been given or to whose notice that agreement or order has subsequently been brought in any manner, and such an agreement or order shall only be amended by an agreement in writing concluded in accordance with the procedure prescribed by subsection (3) or in consequence of an application in terms of subsection (6).

(b) No person shall clear or maintain a fire belt contemplated in subsection (1) in a fire control area in any manner other than in accordance with the provisions of an agreement in terms of that subsection or an order in terms of subsection (4), (5) or (6).

23. Notwithstanding the provisions of section 22, the Minister may at any time—

- (a) exempt two or more owners of land adjoining each other on their joint application, or an owner contemplated in section 22 (4), (5) or (6) on his application, from the provisions of section 22 (1), on such conditions as he may determine;
- (b) by notice in the *Gazette* and on such conditions as he may determine, exempt all owners of land in a fire control area or a defined part thereof from the provisions of section 22 (1).

Exemption from duty to clear and maintain fire belts in fire control areas.

24. (1) (a) Notwithstanding anything to the contrary contained in this Act, but subject to any prohibition under section 25 (3) and the provisions of this section, any owner of land not situated in a fire control area, who for the protection of his land requires a fire belt on both sides of the boundary between his land and any land adjoining his land, may clear and maintain a fire belt as contemplated in section 22 (1).

Fire belts outside fire control areas.

(b) Such an owner shall in the prescribed manner give to the owner of the adjoining land in question notice of

- gee van sy vereistes betreffende die brandstrook wat hy verlang om skoon te maak en in stand te hou.
- (c) Die tyd wanneer en die wyse waarop die brandstrook skoongemaak gaan word, die wyse waarop dit in stand gehou gaan word, die ligging, lengte en wydte daarvan, die aard van die hulp wat deur die eienaars verleen moet word, en die deel van die koste in verband daarmee wat deur elk gedra moet word, moet by ooreenkoms tussen hulle bepaal word, en indien hulle nie kan ooreenkom nie, op aansoek van enig een van hulle na 10 14 dae skriftelike kennisgewing aan die ander, deur die landdroshof binne wie se regsgebied die betrokke grond geleë is, en daardie hof kan die kostebevel maak wat hy goedvind.
- (d) Die werk verbonde aan die skoonmaak en instandhouding van 'n brandstrook moet ooreenkomstig die bepalings van 'n ooreenkoms bedoel in paragraaf (c) uitgevoer word, en indien een van die partye by die ooreenkoms versuim om so 'n bepaling na te kom, kan die ander party voortgaan met die skoonmaak of instandhouding van die brandstrook en die koste verbonde daaraan op eersgenoemde party verhaal.
- (2) (a) Ondanks andersluidende bepalings van hierdie Wet, maar behoudens 'n verbod kragtens artikel 25 (3) en die bepalings van hierdie subartikel, kan 'n eienaar van grond, met inbegrip van Staatsgrond, wat nie in 'n brandbeheergebied geleë is nie en wat vir die beskerming van sy grond 'n brandstrook verlang aan sy kant van die grens tussen sy grond en enige grond wat aan sy grond grens, 'n brandstrook soos bedoel in artikel 22 (1) skoonmaak en in stand hou.
- (b) So 'n eienaar wat die verlangde brandstrook wil skoonmaak deur dit te brand, moet op die voorgeskrewe wyse aan die eienaar van die betrokke aangrensende grond minstens 14 dae voordat hy begin met die werk verbonde aan die skoonmaak of instandhouding van die brandstrook skriftelik kennis gee van sy voorneme om op 'n vermelde dag aldus te begin.
- (c) 'n Eienaar aan wie aldus kennis gegee is en wat 'n brandstrook aan weerskante van die gemeenskaplike grens verlang, kan voor die vermelde dag die betrokke eienaar skriftelik versoek om die prosedure voorgeskryf by subartikel (1) te volg, en in so 'n geval is die bepalings van daardie subartikel van toepassing en word die kennisgewing wat gegee is, geag 'n kennisgewing ingevolge subartikel (1) (b) te wees.
- (3) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van—
- (a) 'n eienaar van grond wat 'n brandstrook geheel en al op sy grond wil skoonmaak en in stand hou op 'n ander wyse as deur dit te brand;
- (b) die Suid-Afrikaanse Vervoerdienste, en geen bepaling van hierdie Wet word uitgelê as sou dit die skoonmaak of instandhouding van 'n brandstrook op 'n ander wyse as om dit te brand, verbied nie.
- (4) By die toepassing van hierdie artikel beteken "eienaar", met betrekking tot Staatsgrond of ander grond onder die beheer van die Staat, die beampte in beheer van die Staatsdepartement of provinsiale administrasie wat beheer oor daardie Staatsgrond of ander grond uitoefen of iemand deur hom gemagtig.

Buitengewone
voorsorgmaatreëls
in tye van brandge-
vaar.

25. (1) Indien die direkteur-generaal van oordeel is dat 'n Staatsbos of private bos, hetsy binne of buite 'n brandbeheergebied, onderhewig is aan 'n buitengewone brandgevaar, kan hy met die oog op die beskerming van die bos by kennisgewing in die *Staatskoerant* gelas dat niemand binne 'n gebied in die kennisgewing omskryf en gedurende die tydperk daarin vermeld 'n vuur in die ope lug mag maak nie of, as so 'n vuur wel gemaak is, toelaat dat dit voortbrand of brandstof daarby gevoeg word nie, behalwe ooreenkomstig die voorwaardes wat hy in die kennisgewing bepaal.

(2) Indien die direkteur-generaal van oordeel is dat die vernietiging deur verbranding van enige grondbedekking, met inbegrip

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his requirements regarding the fire belt which he wishes to clear and maintain.

(c) The time when and the manner in which the fire belt is to be cleared, the manner in which it is to be maintained, the location, length and width thereof, the nature of the assistance to be rendered by the owners, and the share of the costs in connection therewith to be borne by each, must be determined by agreement between them and, if they are unable to agree on application by either of them after 14 days' written notice to the other, by the magistrate's court within whose area of jurisdiction the land in question is situated, and that court may make such order as to costs as it may deem fit.

(d) The work involved in the clearing and maintenance of a fire belt must be done in accordance with the provisions of an agreement contemplated in paragraph (c), and if one of the parties to the agreement fails to comply with such a provision, the other party may proceed to clear or maintain the fire belt and may recover the costs involved from the first-mentioned party.

(2) (a) Notwithstanding anything to the contrary contained in this Act, but subject to any prohibition under section 25 (3) and the provisions of this subsection, an owner of land, including State land, not situated in a fire control area, who for the protection of his land requires a fire belt on his side of the boundary between his land and any land adjoining his land, may clear and maintain a fire belt as contemplated in section 22 (1).

(b) Such an owner who intends to clear the required fire belt by burning shall in the prescribed manner give to the owner of the adjoining land in question at least 14 days before he begins with the work in connection with the clearing or maintenance of the firebelt written notice of his intention so to begin on a stated day.

(c) An owner to whom notice has so been given and who requires a fire belt on both sides of the common boundary may before that stated day in writing require the owner concerned to follow the procedure prescribed by subsection (1), and in that case the provisions of that subsection apply and the notice given is deemed to be a notice in terms of subsection (1) (b).

(3) The provisions of this section do not apply in respect of—

(a) an owner of land who wishes to clear or maintain a fire belt entirely on his land in a manner other than by burning;

(b) the South African Transport Services, and nothing in this Act contained shall be construed as prohibiting the clearing or maintenance of a fire belt in a manner other than by burning.

(4) For the purposes of this section "owner", in relation to State land or other land under the control of the State, means the officer in charge of the department of State or provincial administration exercising control over that State land or other land, or a person authorized by him.

25. (1) If the director-general is of the opinion that any State forest or private forest, whether inside or outside a fire control area, is subject to an extraordinary fire hazard, he may with a view to protecting that forest, by notice in the *Gazette*, direct that in an area defined in that notice and during the period mentioned therein, no person shall make a fire in the open air or, if such a fire has been made, allow it to continue to burn or add fuel thereto, otherwise than in accordance with such conditions as he may determine in that notice.

Extraordinary precautions in times of fire hazard.

(2) If the director-general is of the opinion that the destruction by burning of any ground cover, including slash in any tim-

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van takafval in enige houtplantasie of enige oesreste, hetsy binne of buite 'n brandbeheergebied, gedurende die een of ander tydperk in enige jaar tot 'n verhoogde brandgevaar kan lei, kan hy by kennisgewing in die *Staatskoerant* gelas dat niemand in 'n gebied in die kennisgewing omskryf en gedurende 'n tydperk in enige jaar daarin genoem, vermelde grondbedekking, takafval of oesreste op daardie wyse mag vernietig nie. 5

(3) Indien die direkteur-generaal van oordeel is dat in die een of ander gebied, hetsy binne of buite 'n brandbeheergebied, die skoonmaak of instandhouding van 'n brandstrook deur dit te brand, of die onderneem van blokbrande gedurende die een of ander tydperk in enige jaar tot 'n verhoogde brandgevaar kan lei, kan hy, ondanks andersluidende bepalings van hierdie Wet, by kennisgewing in die *Staatskoerant* die skoonmaak of instandhouding van 'n brandstrook op daardie wyse of die onderneem van blokbrande binne 'n gebied in die kennisgewing omskryf en gedurende 'n tydperk in enige jaar daarin vermeld, verbied. 10 15

(4) 'n Kennisgewing kragtens hierdie artikel is ook van toepassing ten opsigte van Staatsgrond in 'n gebied in die kennisgewing omskryf. 20

Bestryding en blus
van brande.

26. (1) Iemand wat redelike gronde het om te vermoed dat 'n brand wat op enige grond voorkom lewe of eiendom in gevaar kan stel, kan alleen of met 'n ander persoon onder sy beheer, die grond of grond waarna die brand kan versprei, betree ten einde die verspreiding van daardie brand te voorkom of dit te blus. 25

(2) Behoudens die voorwaardes van enige ooreenkoms ingevolge artikel 27 kan enige bosbeampte, tot uitsluiting van enige ander persoon, die beheer oorneem oor die bestryding en blus van 'n brand wat binne 10 kilometer van die grens van 'n Staatsbos of 'n bergopvanggebied beoog in artikel 2 van die Wet op Bergopvanggebiede, 1970 (Wet No. 63 van 1970), voorkom. 30

(3) Iemand wat kragtens subartikel (1) of 'n bosbeampte wat kragtens subartikel (2) optree—

(a) kan die maatreëls tref wat hy onder die omstandighede redelikerwys nodig ag vir die beskerming van lewe of eiendom of ter voorkoming van die verspreiding van die brand of om dit te blus, en kan vir dié doel bome, gras, gewasse of ander plantegroei beskadig of vernietig; 35 40

(b) kan enige persoon wat by die brand aanwesig is of enige persoon wat hom bevind op enige grond waarna die brand kan versprei of enige persoon wat 'n belang by die grond het, die opdragte gee wat redelikerwys nodig is om die verspreiding van die brand te voorkom of om dit te blus; 45

(c) kan enige persoon wie se lewe in gevaar is of in gevaar gestel kan word of wie se aanwesigheid by of in die nabyheid van die brand enige optrede in verband met die brand kan belemmer, gelas om homself te verwyder te same met enige voertuig of ander voorwerp onder sy beheer. 50

(4) Geen persoon wat ingevolge subartikel (1) gehandel het of wat hulp verleen het by die bestryding of blus van 'n brand of wat 'n handeling verrig of 'n diens gelewer het ter voldoening aan 'n opdrag kragtens subartikel (3), is geregtig op enige beloning of vergoeding nie, maar die direkteur-generaal kan aan iemand wat hulp verleen, 'n handeling verrig of 'n diens gelewer het in verband met 'n brand wat 'n Staatsbos of 'n bergopvanggebied bedreig het, die vergoeding betaal wat hy, met die instemming van die Tesourie, bepaal. 55 60

(5) 'n Persoon of bosbeampte wat enige handeling ingevolge subartikel (1) of (3) verrig het, moet so gou doenlik die omstandighede en stappe wat gedoen is, aan 'n polisiebeampte by die naaste polisiekantoor aanmeld. 65

Ooreenkomste vir
wedersydse bystand
by bestryding van
brande.

27. (1) Die direkteur-generaal kan, met die instemming van die Tesourie, 'n ooreenkoms met enige persoon aangaan betreffende die verlening van wedersydse bystand by die bestryding en blus van brande wat voorkom op, of 'n bedreiging uitmaak vir,

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ber plantation or any harvest residue, whether inside or outside a fire control area, during any period in any year can give rise to an increased fire hazard, he may by notice in the *Gazette* direct that no person shall in that manner destroy specified ground cover, slash or harvest residue inside an area defined in the notice and during a period in any year specified therein.

(3) If the director-general is of the opinion that in any area, whether inside or outside a fire control area, the clearing or maintenance of a fire belt by burning or the execution of blockburns during any period in any year could give rise to an increased fire hazard, he may, notwithstanding anything to the contrary contained in this Act, by notice in the *Gazette* prohibit the clearing and maintenance of a fire belt in that manner or the execution of blockburns in an area defined in the notice and during a period in any year specified therein.

(4) A notice in terms of this section also applies to State land in an area defined in the notice.

26. (1) Any person who has reasonable grounds for believing that a fire occurring on any land may endanger life or property, may, either alone or with any other person under his control, enter upon that land or land to which the fire can spread in order to prevent the spreading of that fire or to extinguish it.

Fighting and extinguishing of fires.

(2) Subject to the terms of any agreement in terms of section 27, any forest officer may, to the exclusion of any other person, take over control of the fighting and extinguishing of a fire occurring within 10 kilometres of the boundary of a State forest or a mountain catchment area contemplated in section 2 of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970).

(3) Any person acting under subsection (1) or a forest officer acting under subsection (2)—

(a) may take such measures as he may consider reasonably necessary in the circumstances for the protection of life or property or for preventing the fire from spreading or to extinguish it, and may for that purpose damage or destroy trees, grass, crops or other vegetation;

(b) may give to any person present at the fire or any person present on any land to which the fire is liable to spread or any person having an interest in that land, such orders as are reasonably necessary to prevent the fire from spreading or to extinguish it;

(c) may order any person whose life may be or may become endangered or whose presence at or in the vicinity of the fire may obstruct any action in connection with the fire, to remove himself together with any vehicle or other thing under his control.

(4) No person who acted in terms of subsection (1) or who rendered assistance in the fighting or extinguishing of a fire or who performed any act or rendered any service in pursuance of an order under subsection (3), is entitled to any reward or compensation, but the director-general may pay to any person who has rendered assistance, performed any act or rendered any service in connection with a fire which threatened a State forest or a mountain catchment area, such compensation as he may, with the concurrence of the Treasury, determine.

(5) A person or forest officer who performed any act in terms of subsection (1) or (3), shall as soon as practicable report the circumstances and the steps taken to a police officer at the nearest police station.

27. (1) The director-general may, with the concurrence of the Treasury, enter into an agreement with any person regarding the rendering of mutual assistance in fighting and extinguishing fires occurring on, or constituting a threat to, a State forest or mountain catchment area.

Agreements for mutual assistance in fighting fires.

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'n Staatsbos of bergopvanggebied beoog in artikel 2 van die Wet op Bergopvanggebiede, 1970 (Wet No. 63 van 1970), of grond wat behoort aan, of onder die beheer is van, daardie persoon.

(2) So 'n ooreenkoms kan voorsiening maak vir die betaling van vergoeding vir dienste wat ingevolge daarvan gelewer word. 5

DEEL VII

*Nasionale voetslaanpadstelsel*Nasionale
voetslaanpadstelsel.

28. (1) Die nasionale voetslaanpadstelsel bedoel in artikel 31B van die Boswet, 1968 (Wet No. 72 van 1968), bly, ondanks die bepalings van artikel 89 (1) van hierdie Wet, voortbestaan, en 10 word verdeel in—

(a) voetslaanpaaie, met inbegrip van verbandhoudende bakens, kennisgewingborde en roetewysers, en terreine, kwartiere, skuilings en noodsaaklike geriewe wat vir oornagverblyf bedoel is; en 15

(b) wandelpaaie, met inbegrip van verbandhoudende bakens, kennisgewingborde en roetewysers, en terreine, skuilings en noodsaaklike geriewe wat nie vir oornagverblyf bedoel is nie.

(2) Die Minister kan, op aanbeveling van die raad, by kennis- 20 gewing in die *Staatskoerant* enige voetslaanpad of wandelpad tot deel van die nasionale voetslaanpadstelsel verklaar.

(3) So 'n voetslaanpad of wandelpad kan 'n voetslaanpad of wandelpad insluit wat—

(a) aangelê en bedoel is om ten behoeve van die raad deur 25 beamptes van die departement ingevolge artikel 37 (2) of deur 'n bestuurskomitee ingevolge artikel 41 (4) onderhou en beheer te word;

(b) aangelê en bedoel is om ten behoeve van die raad deur enige liggaam wat ingestem het tot die verklaring van 30 daardie voetslaanpad of wandelpad tot deel van die nasionale voetslaanpadstelsel onderhou en beheer te word.

(4) 'n Voetslaanpad of wandelpad kan uit 'n hoofroete, alternatiewe roetes, verbindingsroetes en noodroetes bestaan. 35

Nasionale
Voetslaanpadraad.

29. Die Nasionale Voetslaanpadraad ingestel ingevolge artikel 31F van die Boswet, 1968 (Wet No. 72 van 1968), bly, ondanks die bepalings van artikel 89 (1) van hierdie Wet, as 'n regs- persoon voortbestaan.

Oogmerke van
raad.

30. Die oogmerke van die raad is om deur middel van die na- 40 sionale voetslaanpadstelsel die geestelike en liggaamlike welsyn van die inwoners van die Republiek te bevorder en tot hul omgewingsopvoeding by te dra.

Samestelling van
raad.

31. (1) Die raad bestaan uit die lede wat die Minister inge- 45 volg subartikel (2) aanstel.

(2) Die Minister moet die volgende persone as lede van die raad aanstel:

(a) Vier beamptes van die departement, van wie een deur die Minister as voorsitter aangewys moet word en een as ondervoorsitter om in die afwesigheid van die voor- 50 sitter as voorsitter op te tree;

(b) een beampte van die Departement van Nasionale Opvoeding;

(c) een persoon genomineer deur die Toerismeraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse 55 Toerismeraad, 1983 (Wet No. 100 van 1983);

(d) een persoon genomineer deur die Raad van Trustees vir Nasionale Parke ingestel kragtens artikel 5 (1) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976); 60

(e) een beampte van die natuurbewaringsowerheid van elk van die vier provinsiale administrasies;

(f) een persoon genomineer deur die Suid-Afrikaanse Landbou-unie;

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tain catchment area contemplated in section 2 of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970), or any land belonging to, or under the control of, that person.

(2) Such an agreement may provide for the payment of compensation for services rendered in terms thereof.

PART VII

National hiking way system

28. (1) The national hiking way system contemplated in section 31B of the Forest Act, 1968 (Act No. 72 of 1968), continues to exist, notwithstanding the provisions of section 89 (1) of this Act, and is divided into—

(a) hiking trails, including appurtenant beacons, notice boards and route indicators, and sites, quarters, shelters and essential amenities intended for overnight stays; and

(b) walks, including appurtenant beacons, notice boards and route indicators, and sites, shelters and essential amenities not intended for overnight stays.

(2) The Minister may, on the recommendation of the board, by notice in the *Gazette* declare any hiking trail or walk to be part of the national hiking way system.

(3) Such a hiking trail or walk may include a hiking trail or walk—

(a) constructed and intended to be maintained and controlled on behalf of the board by officers of the department in terms of section 37 (2) or by a managing committee in terms of section 41 (4);

(b) constructed and intended to be maintained and controlled on behalf of the board by any body which has agreed to the declaration of that hiking trail or walk to be part of the national hiking way system.

(4) A hiking trail or walk may consist of a main route, alternative routes, connecting routes and emergency routes.

29. The National Hiking Way Board established in terms of section 31F of the Forest Act, 1968 (Act No. 72 of 1968), continues, notwithstanding the provisions of section 89 (1) of this Act, to exist as a juristic person.

30. The objects of the board are to promote by means of the national hiking way system the mental and physical welfare of the inhabitants of the Republic and to contribute to their environmental education.

31. (1) The board consists of the members appointed by the Minister in terms of subsection (2).

(2) The Minister must appoint the following persons as members of the board:

(a) Four officers of the department, of whom one must be designated as chairman by the Minister and one as vice-chairman to act as chairman in the absence of the chairman;

(b) one officer of the Department of National Education;

(c) one person nominated by the South African Tourism Board established by section 2 of the South African Tourism Board Act, 1983 (Act No. 100 of 1983);

(d) one person nominated by the National Parks Board of Trustees established under section 5 (1) of the National Parks Act, 1976 (Act No. 57 of 1976);

(e) one officer of the nature conservation authority of each of the four provincial administrations;

(f) one person nominated by the South African Agricultural Union;

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- (g) vier persone genomineer deur die Bergklub van Suid-Afrika;
- (h) soveel ander persone, maar hoogstens nege, as wat die Minister bepaal en wat persone of genomineerdes van organisasies moet wees wat na die oordeel van die Minister die raad kan help om sy oogmerke te verwesenlik.

(3) Die Minister kan enige ander persoon as 'n lid van die raad aanstel in die plek van die persoon of persone beoog in subartikel (2) (c), (d), (f) of (g) indien die betrokke liggaam versuim om binne drie maande vanaf die datum waarop hy skriftelik deur die direkteur-generaal daarom versoek word, die naam of name van 'n genomineerde persoon of persone aan die direkteur-generaal voor te lê.

(4) Behoudens die bepalings van subartikels (2) en (3) kan die Minister 'n plaasvervangende lid vir enige lid van die raad aanstel.

Ampstermyn en ontruiming van amp deur lede van raad.

32. (1) 'n Lid of plaasvervangende lid van die raad beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal, en kan by die verstryking van sy ampstermyn weer aangestel word.

(2) 'n Lid of plaasvervangende lid van die raad moet sy amp ontruim indien hy—

- (a) insolvent raak;
- (b) geestelik versteurd raak;
- (c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (d) by skriftelike kennisgewing aan die Minister bedank;
- (e) sonder verlof van die voorsitter van twee agtereenvolgende vergaderings van die raad afwesig is.

(3) Die Minister kan te eniger tyd 'n lid of plaasvervangende lid van die raad van sy amp onthef indien daar na sy oordeel gegronde redes bestaan om dit te doen.

(4) Indien 'n lid of plaasvervangende lid te sterwe kom of ingevolge subartikel (2) of (3) sy amp ontruim, kan die Minister, behoudens die bepalings van artikels 31 (2) en (3), iemand in sy plek vir die onverstreke deel van sy ampstermyn aanstel.

Vergaderings en prosedure van raad.

33. (1) Die raad moet op die tye en plekke deur die voorsitter bepaal, maar minstens een keer per jaar, vergader.

(2) Die kworum vir, en die prosedure by, vergaderings van die raad is soos voorgeskryf.

(3) 'n Besluit van die raad is nie ongeldig bloot op grond daarvan dat daar 'n vakature in die raad bestaan het toe die besluit geneem is nie.

Toelaes aan lede van raad en van bestuurs- en advieskomitees.

34. Daar kan aan 'n lid of plaasvervangende lid van die raad, of 'n lid van 'n bestuurs- of advieskomitee wat nie in die heeltydse diens van die Staat is nie, uit die fonds die toelaes betaal word wat die Minister, met die instemming van die Tesourie, in die algemeen of ten opsigte van 'n besondere lid of plaasvervangende lid bepaal.

Werksaamhede van raad.

35. (1) Die raad moet met die middele waaroor hy beskik, probeer om die oogmerke waarvoor hy ingestel is, te verwesenlik, en vir dié doel kan die raad—

- (a) beheer uitoefen oor, en die onderhoud waarneem van, die nasionale voetslaanpadstelsel;
- (b) ondersoek instel na die wenslikheid om nuwe voetslaanpaaie en wandelpaaie aan te lê en bestaande voetslaanpaaie en wandelpaaie uit te brei;
- (c) nuwe voetslaanpaaie en wandelpaaie en bestaande voetslaanpaaie en wandelpaaie deur 'n bestuurskomitee of ander liggaam ten behoeve van die raad laat aanlê of uitbrei, en by die Minister aanbeveel dat voetslaanpaaie en wandelpaaie tot deel van die nasionale voetslaanpadstelsel verklaar word;
- (d) by die Minister aanbeveel dat 'n voetslaanpad of wandelpad wat deur 'n ander liggaam aangelê is en onderhou en beheer word, tot deel van die nasionale voetslaanpadstelsel verklaar word, op die voorwaardes waarop die raad en daardie liggaam ooreenkom;

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(g) four persons nominated by the Mountain Club of South Africa;

(h) as many other persons, but not exceeding nine, as the Minister may determine and who must be persons or nominees of organizations which in the opinion of the Minister can assist the board to achieve its objects.

(3) The Minister may appoint any other person as a member of the board in the place of the person or persons contemplated in subsection (2) (c), (d), (f) or (g) if the organization in question fails to submit to the director-general the name or names of a person or persons nominated by it within three months from the date on which it is requested in writing by the director-general to do so.

(4) Subject to the provisions of subsections (2) and (3), the Minister may appoint an alternate member for any member of the board.

32. (1) A member or alternate member of the board holds office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment, and at the expiry of his term of office he may be appointed again.

Term of office and vacating of office by members of board.

(2) A member or alternate member of the board shall vacate his office if he—

- (a) becomes insolvent;
- (b) becomes of unsound mind;
- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (d) resigns by written notice to the Minister;
- (e) is absent from two consecutive meetings of the board without leave of the chairman.

(3) The Minister may at any time remove a member or alternate member of the board from office if in his opinion there are sufficient reasons for doing so.

(4) If a member or alternate member of the board dies or vacates his office in terms of subsection (2) or (3), the Minister may, subject to the provisions of sections 31 (2) and (3), appoint another person in his place for the unexpired part of his term of office.

33. (1) The board shall meet at the times and places determined by the chairman, but at least once per year.

Meetings and procedure of board.

(2) The quorum for, and procedure at, meetings of the board are as prescribed.

(3) A resolution of the board is not invalid only by reason of the fact that a vacancy existed on the board when the resolution was adopted.

34. A member or alternate member of the board or a member of a managing or advisory committee who is not in the full-time employment of the State may be paid from the fund such allowances as the Minister, with the concurrence of the Treasury, may determine in general or in respect of a particular member or alternate member.

Allowances to members of board and of managing and advisory committees.

35. (1) The board shall with the means at its disposal endeavour to achieve the objects for which it was established, and to that end the board may—

Functions of board.

- (a) exercise control over and maintain the national hiking way system;
- (b) investigate the desirability of constructing new and extending existing hiking trails and walks;
- (c) cause new hiking trails and walks to be constructed and existing hiking trails and walks to be extended by a managing committee or other body on behalf of the board, and recommend to the Minister that hiking trails and walks be declared to be part of the national hiking way system;
- (d) recommend to the Minister that a hiking trail or walk constructed, maintained and controlled by any other body be declared to be part of the national hiking way system, on such conditions as the board and that body agree upon;

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(e) die Minister adviseer oor enige aangeleentheid wat die nasionale voetslaanpadstelsel raak of deur die Minister na die raad verwys word;

(f) enige versekeringsooreenkoms aangaan wat die raad vir die verrigting van sy werksaamhede wenslik ag. 5

(2) Die raad kan subkomitees instel en lede van die raad of enige ander persoon wat na die oordeel van die raad 'n bydrae kan lewer, as lede daarvan aanstel om die raad in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede by te staan.

(3) Die raad kan, met die instemming van die Minister, die onderhoud en beheer van 'n voetslaanpad of wandelpad bedoel in artikel 28 (3) (b) van die betrokke liggaam oorneem, of die onderhoud en beheer van 'n voetslaanpad of wandelpad bedoel in artikel 28 (3) (a) aan 'n ander liggaam oordra, op die voorwaardes waarop die raad en daardie liggaam ooreenkom. 10 15

(4) Die raad kan die uitvoering van enige van sy pligte of die uitoefening van enige van sy bevoegdhede aan 'n komitee ingestel kragtens subartikel (2) of aan 'n lid van die raad opdra of delegeer.

(5) Die raad kan geld uit die fonds aan 'n komitee bedoel in artikel 42 (1) beskikbaar stel om hom te help om die koste verbonde aan die ouditering van sy finansiële aantekeninge, sy versekering, sy kartering en reklame deur hom in verband met die voetslaanpad of wandelpad onder sy beheer, te bestry. 20

Nasionale
Voetslaanpadfonds.

36. (1) Die Nasionale Voetslaanpadfonds ingestel by artikel 25 31H (1) van die Boswet, 1968 (Wet No. 72 van 1968), bly, ondanks die bepalings van artikel 89 (1) van hierdie Wet, voortbestaan, en in die fonds moet gestort word—

(a) geld deur die Parlement bewillig vir die doeleindes van die fonds; 30

(b) geld ingevorder ten opsigte van die gebruik van daardie deel van die nasionale voetslaanpadstelsel bedoel in artikel 28 (3) (a); en

(c) geld wat die fonds uit enige ander bron toeval.

(2) Die raad moet die fonds administreer ooreenkomstig die voorskrifte wat die Minister op aanbeveling van die raad goedkeur, en geld in die fonds moet, behoudens die bepalings van subartikel (4), aangewend word ter bestryding van uitgawes wat die raad by die uitvoering van sy pligte en die uitoefening van sy bevoegdhede aangaan. 40

(3) Eenmaal in sy boekjaar, wat op 31 Maart moet eindig, moet die raad voor 'n datum deur die Minister bepaal aan hom vir sy goedkeuring 'n raming van die inkomste en uitgawes van die raad vir die volgende boekjaar voorlê, en die raad kan gedurende die loop van 'n boekjaar aanvullende of hersiene ramings van inkomste en uitgawes vir daardie jaar aan die Minister vir sy goedkeuring voorlê. 45

(4) Die raad mag geen uitgawes aangaan nie, behalwe ooreenkomstig 'n raming van uitgawes wat deur die Minister ingevolge subartikel (3) goedgekeur is. 50

(5) Die raad kan geld in die fonds wat nie vir onmiddellike gebruik nodig is nie by die Staatskuldkommissaris belê of op die ander wyse wat die Minister, met die instemming van die Tesourie, goedkeur.

(6) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar moet as 'n krediet in die fonds na die volgende boekjaar oorgedra word. 55

Aantekeninge en
rekeningstate
van raad.

37. (1) Die raad moet aantekening laat hou van geld ontvang in, en betalings gemaak uit, die fonds, en van die bates, laste en finansiële transaksies van die raad, en moet so gou doenlik na die einde van elke boekjaar rekeningstate en 'n balansstaat laat opstel wat, met gepaste besonderhede, geld deur hom ontvang en uitgawes deur hom gedurende die boekjaar aangegaan, en sy bates en laste aan die begin en die einde van daardie boekjaar, aantoon, en die aantekeninge, rekeningstate en balansstaat moet jaarliks deur die Ouditeur-generaal geouditeer word teen die vergoeding waarop met die raad ooreengekom word of, by ont- 65

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- (e) advise the Minister on any matter affecting the national hiking way system or which the Minister refers to the board;
- 5 (f) enter into any contract of insurance which the board may consider desirable for the performance of its functions.

(2) The board may establish subcommittees and appoint as members thereof members of the board or any other person who in the opinion of the board can make a contribution to assist the
10 board in the carrying out of its duties and the exercise of its powers.

(3) The board may, with the concurrence of the Minister, take over the maintenance and control of a hiking trail or walk contemplated in section 28 (3) (b) from the body in question, or
15 transfer the maintenance and control of a hiking trail or walk contemplated in section 28 (3) (a) to any other body, on such conditions as the board and that body may agree upon.

(4) The board may assign the carrying out of any of its duties or delegate the exercise of any of its powers to a committee established under subsection (2) or to a member of the board.
20

(5) The board may make moneys from the fund available to a committee contemplated in section 42 (1) to assist it in defraying the costs involved in the auditing of its financial records, its insurance, its mapping and publicity by it in connection with the
25 hiking trail or walk controlled by it.

36. (1) The National Hiking Way Fund established by section 31H (1) of the Forest Act, 1968 (Act No. 72 of 1968), continues, notwithstanding the provisions of section 89 (1) of this Act, to exist, and into that fund there must be paid—
National Hiking Way Fund.

- 30 (a) moneys appropriated by Parliament for the purposes of the fund;
- (b) moneys collected in respect of the use of that part of the national hiking way system contemplated in section 28 (3) (a); and
- 35 (c) moneys which may accrue to the fund from any other source.

(2) The board shall administer the fund in accordance with instructions approved by the Minister on the recommendation of the board, and moneys in the fund shall, subject to the provisions of subsection (4), be utilized to defray expenses incurred by
40 the board in the carrying out of its functions and the exercise of its powers.

(3) Once in its financial year, which is to end on 31 March, the board shall before a date determined by the Minister submit to
45 him for his approval an estimate of the revenue and expenditure of the board for the next financial year, and the board may during the course of a financial year submit supplementary or revised estimates of revenue and expenditure for that year to the Minister for his approval.

50 (4) The board shall not incur any expenditure except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (3).

(5) The board may invest moneys in the fund not required for immediate use with the Public Debt Commissioners or in such
55 other manner as the Minister, with the concurrence of the Treasury, may approve.

(6) Any unexpended balance in the fund at the end of a financial year shall be carried forward as a credit in the fund to the next financial year.

60 37. (1) The board shall cause a record to be kept of moneys received by, and disbursements made from, the fund, and of the assets, liabilities and financial transactions of the board, and shall as soon as practicable after the end of each financial year cause accounts and a balance sheet to be drawn up which shall
65 reflect, with appropriate particulars, moneys received and expenditure incurred by it during, and its assets and liabilities at the beginning and end of, that financial year, and such records, accounts and balance sheet shall be audited annually by the Audi-
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stentenis van ooreenkoms, teen die vergoeding wat die Minister van Finansies bepaal.

(2) Die werk van die raad in verband met die beplanning, aanlê, onderhoud en beheer van die nasionale voetslaanpadstelsel, en die rekeningkundige dienste in verband met die fonds moet 5 deur beamptes van die departement verrig word, behoudens die bepalings van hierdie Deel, en die koste verbonde daaraan, soos jaarliks deur die direkteur-generaal bepaal, moet deur die raad aan die Staat uit die fonds betaal word.

(3) Die voorsitter van die raad is die rekenpligtige beampte 10 belas met die verantwoording van geld ontvang en uitgawes aangegaan deur of ten behoeve van die raad.

Voetslaanpaaie en wandelpaaie in Staatsbosse en op Staatsgrond.

38. (1) Ondanks die bepalings van artikels 11 (1) en 15 (4) kan 'n voetslaanpad of wandelpad aangelê word in enige Staatsbos, behalwe 'n Staatsbos wat kragtens artikel 15 (1) (a) (ii) as 'n 15 wildernisgebied afgesonder is: Met dien verstande dat indien daar beoog word om 'n voetslaanpad of wandelpad aan te lê in 'n Staatsbos ten opsigte waarvan 'n oppervlakteregpermit kragtens die Wet op Mynregte, 1967 (Wet No. 20 van 1967), gehou word, die goedkeuring van die Minister van Minerale- en Ener- 20 giesake vooraf verkry moet word.

(2) 'n Voetslaanpad of wandelpad kan op ander Staatsgrond aangelê word ooreenkomstig die bepalings van 'n ooreenkoms tussen die raad en die beampte in beheer van die Staatsdepartement of provinsiale administrasie wat beheer oor daardie Staats- 25 grond uitoefen.

Voetslaanpaaie en wandelpaaie op private grond.

39. (1) Waar die raad verlang om private grond te betree of te okkupeer ten einde 'n voetslaanpad of wandelpad daarop aan te lê, moet die raad die nodige regte by wyse van 'n skriftelike ooreenkoms met die eienaar van daardie grond verkry. 30

(2) So 'n ooreenkoms moet bepalings met die volgende strekking bevat:

- (a) Die reg tot die voetslaanpad of wandelpad is permanent of vir die tydperk waarop ooreengekom word en bind elke opvolger in titel van die eienaar en elke 35 huurder of okkupeerder van die grond;
- (b) die roete van die voetslaanpad of wandelpad word nie opgemeet nie, maar word deur geveerde voetspore of ander gepaste roetewysers aangedui;
- (c) die raad aanvaar aanspreeklikheid vir enige verlies of 40 skade gelyk deur die eienaar wat opsetlik of nalatig deur 'n voetslaner veroorsaak word, en vrywaar die eienaar teen enige eis wat 'n voetslaner teen die eienaar mag instel;
- (d) die ligging van terreine, skuilings, kwartiere en nood- 45 saaklike geriewe, as daar is, word aangedui deur onopgemete bakens wat aan die eienaar uitgewys moet word;
- (e) die raad is verantwoordelik vir die herstel van gronderosie wat deur 'n voetslaanpad of wandelpad of die ge- 50 bruik daarvan veroorsaak word;
- (f) die ander bepalings wat die Minister, na oorleg met die raad, by kennisgewing in die *Staatskoerant* bepaal.

- (3) (a) Die raad moet so gou doenlik na die aangaan van 'n ooreenkoms bedoel in subartikel (1) 'n afskrif daarvan 55 aan die registrateur van aktes van die registrasiekantoor waar die titelbewys van die betrokke private grond geregistreer is, stuur, en die registrateur moet 'n aantekening met betrekking tot daardie ooreenkoms in sy registers en op die kantoorafskrif van die betrokke titelbewys laat aanbring, en moet 'n soortgelyke aantekening op die oorspronklike titelbewys laat aanbring 60 wanneer dit te eniger tyd by sy kantoor ingedien word.
- (b) Geen gelde is ten opsigte van die aanbring van so 'n aantekening betaalbaar nie. 65

(4) 'n Eienaar van private grond wat 'n ooreenkoms bedoel in subartikel (1) met die raad aangegaan het, moet te alle redelike tye 'n lid van die raad, 'n advies- of bestuurskomitee of 'n komitee bedoel in artikel 42 (1), 'n beampte van die departement wat

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tor-General at a fee to be agreed upon by the board or, failing agreement, at a fee determined by the Minister of Finance.

(2) The work of the board in connection with the planning, construction, maintenance and control of the national hiking way system, and the accounting services in connection with the fund, shall be carried out by officers of the department, subject to the provisions of this Part, and the costs involved, as determined annually by the director-general, shall be paid by the board to the State from the fund.

(3) The chairman of the board is the accounting officer charged with the responsibility of accounting for moneys received and expenditure incurred by or on behalf of the board.

38. (1) Notwithstanding the provisions of sections 11 (1) and 15 (4), a hiking trail or walk may be constructed in any State forest, other than a State forest set aside as a wilderness area in terms of section 15 (1) (a) (ii): Provided that if it is proposed to construct a hiking trail or walk in a State forest in respect of which a surface right permit in terms of the Mining Rights Act, 1967 (Act No. 20 of 1967), is held, the permission of the Minister of Mineral and Energy Affairs shall first be obtained.

Hiking trails and walks in State forests and on State land.

(2) A hiking trail or walk may be constructed on other State land in accordance with the provisions of an agreement between the board and the officer in charge of the department of State or provincial administration exercising control over that State land.

39. (1) Where the board desires to enter upon or occupy private land in order to construct a hiking trail or walk, the board must obtain the required rights by way of a written agreement with the owner of that land.

Hiking trails and walks on private land.

(2) Such an agreement must contain stipulations to the following effect:

(a) The right to the hiking trail or walk shall be permanent or for such period as may be agreed upon and shall bind every successor in title of the owner and every lessee or occupier of the land;

(b) the route of the hiking trail or walk shall not be surveyed, but shall be indicated by painted footprints or other suitable route indicators;

(c) the board shall accept liability for any loss or damage suffered by the owner wilfully or negligently caused by a hiker, and shall indemnify the owner against any claim which a hiker may institute against him;

(d) the location of sites, shelters, quarters and essential amenities, if any, shall be indicated by unsurveyed beacons which shall be pointed out to the owner;

(e) the board shall be responsible for the repair of soil erosion caused by the hiking trail or walk or the use thereof;

(f) such other terms as the Minister may, after consultation with the board, determine by notice in the *Gazette*.

(3) (a) The board shall as soon as practicable after the entering into of an agreement contemplated in subsection (1) send a copy thereof to the registrar of deeds of the deeds registry in which the title deed of the private land in question is registered, and the registrar must cause a note relating to the agreement to be made in his registers and on the office copy of the title deed in question, and must cause a similar note to be made on the original title deed if it is at any time lodged in his office.

(b) No fees are payable in respect of the making of such a note.

(4) An owner of private land who has entered into an agreement contemplated in subsection (1) with the board shall at all reasonable times permit any member of the board, an advisory or managing committee or a committee contemplated in section

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'n werksaamheid kragtens hierdie Deel verrig of 'n kontrakteur wat besig is met die aanlê of onderhoud van die voetslaanpad of wandelpad, toelaat om sy grond te betree met die nodige werksmense en toerusting om enige ondersoek of inspeksie te doen of handeling te verrig wat nodig is vir die verrigting van enige werksaamheid ingevolge hierdie Deel. 5

(5) Die bepalings van subartikel (3) is *mutatis mutandis* van toepassing ten opsigte van die verlegging van 'n voetslaanpad of wandelpad ingevolge 'n ooreenkoms bedoel in subartikel (1).

Advieskomitees.

40. (1) Die raad kan soveel advieskomitees instel as wat hy wenslik ag. 10

(2) (a) So 'n advieskomitee bestaan uit vyf lede, van wie een 'n beampte van die departement moet wees en die ander persone wat na die oordeel van die raad enige liggaam of die inwoners van enige gebied wat 'n besondere belang by voetslaan of wandel het, verteenwoordig: Met dien verstande dat indien die raad nie in staat is om genoeg persone te vind wat bereid is om in die komitee te dien nie, hy beamptes van die departement kan aanstel om die vakatures te vul. 20

(b) Die lede moet persone wees wat na die oordeel van die raad besondere kennis van voetslaanpaaie of wandelpaaie uit hoofde van hul opleiding of ervaring het, of wat andersins geskik is om as lede van die komitee te dien. 25

(c) 'n Lid bekleë sy amp vir die tydperk, maar hoogstens drie jaar, wat die raad bepaal, en die raad moet een van die lede as voorsitter van die advieskomitee aanwys.

(d) 'n Lid van die raad kan nie as 'n lid van 'n advieskomitee aangestel word nie. 30

(e) Met die toestemming van die voorsitter van die raad kan die voorsitter van 'n advieskomitee vergaderings van die raad bywoon en aan sy verrigtinge deelneem, maar hy mag nie stem nie. 35

(3) 'n Advieskomitee moet die raad adviseer oor die ontwikkeling en administrasie van daardie deel van die nasionale voetslaanpadstelsel geleë in, of beplan vir, die gebied waarvoor die komitee ingestel is, en die ander werksaamhede verrig wat voorgeskryf mag word. 40

(4) 'n Advieskomitee vergader op die tye en die plekke deur die voorsitter bepaal, en moet sy vergaderings volgens die voorgeskrewe prosedure hou.

Bestuurskomitees.

41. (1) Indien daartoe versoek deur die direkteur-generaal moet die raad 'n bestuurskomitee instel ten opsigte van 'n voetslaanpad of wandelpad bedoel in artikel 28 (3) (a) of enige deel daarvan. 45

(2) (a) So 'n bestuurskomitee bestaan uit minstens vyf lede wat na die oordeel van die raad enige plaaslike bestuur, enige ander liggaam, die inwoners van enige gebied, en die eienaars van enige private grond wat 'n besondere belang by die betrokke voetslaanpad of wandelpad het, verteenwoordig, en wat, na die oordeel van die raad, besondere kennis van die aanlê, onderhoud of beheer van voetslaanpaaie en wandelpaaie uit hoofde van hul opleiding of ervaring het. 55

(b) Tensy die direkteur-generaal anders gelas, moet die raad ook 'n beampte van die departement aanstel om in 'n adviserende hoedanigheid in 'n bestuurskomitee te dien. 60

(c) 'n Lid bekleë sy amp vir die tydperk, maar hoogstens drie jaar, wat die raad bepaal.

(d) Die direkteur-generaal belê die eerste vergadering van 'n bestuurskomitee waarby die lede een uit hul gelede as voorsitter moet kies. 65

(3) 'n Bestuurskomitee vergader op die tye en die plekke deur die voorsitter bepaal, en moet sy vergaderings volgens die voorgeskrewe prosedure hou.

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42 (1), an officer of the department performing any function in terms of this Part or a contractor engaged in the construction or maintenance of the hiking trail or walk, to enter upon his land with the necessary workmen and equipment in order to conduct
5 any investigation or inspection or perform any act which is necessary for the performance of any function in terms of this Part.

(5) The provisions of subsection (3) apply *mutatis mutandis* in respect of the diversion of a hiking trail or walk in terms of an
10 agreement contemplated in subsection (1).

40. (1) The board may establish as many advisory committees as it considers expedient. Advisory committees.

15 (2) (a) Such an advisory committee consists of five members, of whom one must be an officer of the department and the others persons who in the opinion of the board represent any body or the inhabitants of any area which have some special interest in hiking or walking: Provided that if the board is unable to find a sufficient
20 number of persons who are willing to serve on the committee, it may appoint officers of the department to fill the vacancies.

(b) The members must be persons who in the opinion of the board have special knowledge of hiking trails or walks by virtue of their training or experience, or who
25 are otherwise suitable to serve as members of the committee.

(c) A member holds office for such period, but not exceeding three years, as the board may determine and the board must designate one of the members as chairman of the advisory committee.
30

(d) A member of the board may not be appointed as a member of an advisory committee.

(e) With the permission of the chairman of the board the chairman of an advisory committee may attend meetings of the board and participate in its proceedings, but
35 he shall not be entitled to vote.

(3) An advisory committee must advise the board on the development and administration of that part of the national hiking way system situated in, or planned for, the area for which it was
40 established, and perform such other functions as may be prescribed.

(4) An advisory committee meets at the times and places determined by the chairman, and shall conduct its meetings according to the prescribed procedure.

45 41. (1) If requested thereto by the director-general, the board shall establish a managing committee in respect of any hiking trail or walk contemplated in section 28 (3) (a) or any part thereof. Managing committees.

50 (2) (a) Such a managing committee consists of at least five members who in the opinion of the board represent any local authority, any other body, the inhabitants of any area, and the owners of any private land who have some special interest in the hiking trail or walk in question and who, in the opinion of the board, have special
55 knowledge of the construction, maintenance or control of hiking trails and walks by virtue of their training or experience.

(b) Unless the director-general directs otherwise, the board shall also appoint an officer of the department to serve in an advisory capacity on a managing committee.
60

(c) A member holds office for such period, but not exceeding three years, as the board may determine.

(d) The director-general must convene the first meeting of a managing committee, at which the members shall elect one of their number as chairman.
65

(3) A managing committee meets at the times and places determined by the chairman, and shall conduct its meetings according to the prescribed procedure.

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(4) Behoudens die voorskrifte van die raad moet 'n bestuurskomitee namens die raad daardie deel van die nasionale voetslaanpadstelsel wat die raad aanwys, aanlê, onderhou of beheer, en die koste daaraan verbonde moet bestry word uit geld wat die raad uit die fonds aan die bestuurskomitee beskikbaar stel. 5

(5) 'n Bestuurskomitee moet op die voorgeskrewe wyse aantekening laat hou van al sy finansiële transaksies.

Beheer oor en onderhoud van voetslaanpaaie en wandelpaaie deur ander liggame.

42. (1) 'n Voetslaanpad of wandelpad wat beheer word deur 'n liggaam bedoel in artikel 28 (3) (b) moet deur 'n komitee ingestel deur daardie liggaam op die voorgeskrewe wyse en onderworpe aan die voorskrifte van die raad, namens die raad beheer en onderhou word. 10

(2) 'n Liggaam bedoel in subartikel (1) moet aantekening laat hou van geld deur hom ontvang ten opsigte van die gebruik van die betrokke voetslaanpad of wandelpad, of uit enige ander bron, en van uitgawes deur hom aangegaan in verband met die onderhoud en beheer van die voetslaanpad of wandelpad, en moet so gou doenlik na die einde van sy boekjaar, wat op 31 Maart moet eindig, finansiële state laat opstel wat geld ontvang en uitgawes aangegaan deur hom gedurende daardie boekjaar aantoon. 15

(3) Die finansiële state bedoel in subartikel (2) moet deur 'n ouditeur geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), geouditeer word, en 'n afskrif van die geouditeerde finansiële state tesame met 'n verslag oor die werksaamhede van die betrokke liggaam gedurende daardie boekjaar moet so gou doenlik daarna deur die liggaam aan die raad voorgelê word. 20

Gelde vir gebruik van nasionale voetslaanpadstelsel.

43. Die geldetarief vir die gebruik van die terreine, skuilings of kwartiere en noodsaaklike geriewe bedoel vir oornagverblyf— 30

- (a) ten opsigte van 'n voetslaanpad beoog in artikel 28 (3) (a) moet deur die Minister na oorleg met die raad bepaal word, en inkomste verkry uit die invordering van die gelde kom die fonds toe; 35
- (b) ten opsigte van 'n voetslaanpad beoog in artikel 28 (3) (b) moet deur die betrokke ander liggaam bepaal word en deur die raad goedgekeur word, en inkomste verkry uit die invordering van die gelde kom daardie liggaam toe. 40

Tydlike sluiting of verlegging van voetslaanpaaie en wandelpaaie.

44. 'n Voetslaanpad of wandelpad kan te eniger tyd tydelik vir die publiek gesluit word of, met die toestemming van die eienaar van die betrokke grond, tydelik verlê word deur die direkteur-generaal, of die voorsitter van die bestuurskomitee of komitee bedoel in artikel 42 (1) in beheer van die voetslaanpad of wandelpad. 45

Gebruik van nasionale voetslaanpadstelsel.

45. (1) Elke persoon wat 'n voetslaanpad of wandelpad gebruik, moet elke bepaling van 'n gedragskode wat deur die raad voorgeskryf is en ten opsigte van daardie voetslaanpad of wandelpad van toepassing is, gehoorsaam. 50

(2) Niemand wat as gevolg van sy gebruik van 'n voetslaanpad of 'n wandelpad enige verlies of skade ly, het 'n eis ten opsigte daarvan teen iemand anders nie.

(3) Enigiemand wat deur sy gebruik van 'n voetslaanpad of wandelpad op enige wyse 'n ander persoon verlies of skade berokken, kan deur die ander persoon daarvoor aangespreek word. 55

Jaarverslag deur raad.

46. (1) So gou doenlik na die einde van elke boekjaar moet die raad uit besonderhede wat aan hom deur die direkteur-generaal, alle advies- en bestuurskomitees, en alle komitees bedoel in artikel 42 (1) voorsien moet word, 'n verslag saamstel oor alle bedrywighede gedurende daardie boekjaar met betrekking tot die nasionale voetslaanpadstelsel en oor enige ander aangeleent- 60

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(4) Subject to the directions of the board, a managing committee must on behalf of the board construct, maintain or control that part of the national hiking way system designated by the board, and the costs involved must be defrayed from moneys made available to the managing committee from the fund by the board.

(5) A managing committee shall cause a record of all its financial transactions to be kept in the prescribed manner.

42. (1) A hiking trail or walk controlled by a body contemplated in section 28 (3) (b) shall be controlled and maintained on behalf of the board by a committee established by that body in the prescribed manner and subject to the directions of the board.

Control over and maintenance of hiking trails and walks by other bodies.

(2) A body contemplated in subsection (1) shall cause a record to be kept of moneys received by it in respect of the use of the hiking trail or walk in question, or from any other source, and expenditure incurred by it in connection with the maintenance and control of that hiking trail or walk, and shall as soon as practicable after the end of its financial year, which is to end on 31 March, cause accounts to be drawn up which must reflect moneys received and disbursements made by it during that financial year.

(3) The accounts contemplated in subsection (2) shall be audited by an auditor registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and a copy of the audited accounts together with a report dealing with the activities of the body in question during that financial year shall as soon as practicable thereafter be submitted by that body to the board.

43. The tariff of fees for the use of the sites, shelters or quarters and essential amenities intended for overnight stay—

Fees for use of national hiking way system.

(a) in respect of a hiking trail contemplated in section 28 (3) (a) must be determined by the Minister, after consultation with the board, and income derived from the collection of those fees accrues to the fund;

(b) in respect of a hiking trail contemplated in section 28 (3) (b) must be determined by the other body in question and approved by the board, and income derived from the collection of those fees accrues to that body.

44. A hiking trail or walk may at any time temporarily be closed to the public or, with the consent of the owner of the land in question, be diverted by the director-general or the chairman of the managing committee or committee in charge of that hiking trail or walk.

Temporary closing or diversion of hiking trails and walks.

45. (1) Every person who uses a hiking trail or walk shall obey every provision of a code of conduct prescribed by the board and which applies in respect of that hiking trail or walk.

Use of national hiking way system.

(2) No person who suffers any loss or damage as a result of his use of a hiking trail or walk, has any claim in respect thereof against any other person.

(3) Any person who by his use of a hiking trail or walk causes loss or damage in any manner to any other person, is liable therefor to such person.

46. (1) As soon as practicable after the end of each financial year the board shall from information to be supplied to it by the director-general, all advisory and managing committees and all committees contemplated in section 42 (1), compile a report on all activities during that financial year with regard to the national

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heid wat die Minister die raad versoek om in daardie verslag te behandel.

(2) Die verslag moet tesame met die geouditeerde balansstaat en finansiële state ten opsigte van die fonds aan die Minister voorgelê word, en hy moet dit in die Volksraad ter Tafel lê binne 14 dae nadat hy dit ontvang het, indien die Parlement dan sitting het of, indien die Parlement nie dan sitting het nie, binne 14 dae na die aanvang van die volgende sitting. 5

DEEL VIII

Bosbouraad

10

Bosbouraad.

47. Die Bosbouraad ingestel by artikel 10A van die Boswet, 1968 (Wet No. 72 vn 1968), bly, ondanks die bepalings van artikel 89 (1) van hierdie Wet, as 'n regspersoon voortbestaan.

Oogmerke van raad.

48. Die oogmerke van die raad is om die ontwikkeling van die bos- en houtbedryf te bevorder en aan te moedig. 15

Samestelling van raad.

49. (1) Die raad bestaan uit die lede wat die Minister ingevolge subartikel (2) aanstel.

(2) Die Minister moet die volgende persone as lede van die raad aanstel:

- (a) Drie beamptes van die departement, van wie een as voorsitter en een as ondervoorsitter deur die Minister aangewys moet word;
- (b) ses persone gekies deur die Minister uit 'n lys van die name van minstens agt persone genomineer deur verenigings wat na die oordeel van die Minister houtkwekers verteenwoordig; 25
- (c) ses persone gekies deur die Minister uit 'n lys van die name van minstens agt persone genomineer deur verenigings wat na die oordeel van die Minister houtverwerkers verteenwoordig; 30
- (d) vyf ander persone wat na die oordeel van die Minister die raad kan help om sy oogmerke te verwesenlik.

(3) Die direkteur-generaal moet die verenigings bedoel in subartikels (2) (b) en (c) skriftelik versoek om 'n lys van name soos beoog in daardie subartikels aan hom voor te lê, en indien so 'n vereniging by die verstryking van 'n tydperk van drie maande nadat hy aldus versoek is—

- (a) nie so 'n lys aan die direkteur-generaal voorgelê het nie; of
- (b) 'n lys voorgelê het wat nie die name van 'n voldoende getal persone bevat wat na die oordeel van die Minister geskik vir aanstelling is nie, 40

moet die Minister die nodige getal persone wat hy as geskik beskou, aanstel.

(4) Behoudens die bepalings van subartikels (2) en (3) kan die Minister vir elke lid van die raad 'n plaasvervangende lid aanstel.

(5) 'n Lid of plaasvervangende lid van die raad beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal en kan by die verstryking van sy ampstermyn weer aangestel word.

(6) Niemand kan as 'n lid of 'n plaasvervangende lid van die raad aangestel word nie indien hy—

- (a) 'n ongerehabiliteerde insolvent is; of
- (b) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie. 55

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hiking way system and any other matter which the Minister may request the board to deal with in such report.

- (2) That report, together with the audited balance sheet and accounts pertaining to the fund, shall be submitted to the Minister, and he must lay it upon the Table in the House of Assembly within 14 days after he has received it, if Parliament is then in session or, if Parliament is not then in session, within 14 days of the beginning of the next session.

PART VIII

10

Forestry Council

47. The Forestry Council established by section 10A of the Forest Act, 1968 (Act No. 72 of 1968), continues, notwithstanding the provisions of section 89 (1) of this Act, to exist as a juristic person.

Forestry Council.

- 15 48. The objects of the council are to promote and encourage the development of the forest and timber industry.

Objects of council.

49. (1) The council consists of the members appointed by the Minister in terms of subsection (2).

Constitution of council.

- (2) The Minister must appoint the following persons as members of the council:

- 20 (a) Three officers of the department, of whom one must be designated by the Minister as chairman and one as vice-chairman;
- 25 (b) six persons chosen by the Minister from a list of the names of at least eight persons nominated by associations which in the opinion of the Minister represent timber growers;
- 30 (c) six persons chosen by the Minister from a list of the names of at least eight persons nominated by associations which in the opinion of the Minister represent timber processors;
- (d) five other persons who in the opinion of the Minister can assist the council to achieve its objects.

- 35 (3) The director-general must request the associations contemplated in subsections (2) (b) and (c) in writing to submit to him a list of names as contemplated in those subsections, and if upon the expiry of a period of three months after such an association has so been requested it—

- 40 (a) has not submitted such a list to the director-general; or
- (b) has submitted a list which does not contain the names of an adequate number of persons who in the opinion of the Minister are suitable for appointment,

the Minister must appoint the required number of persons considered by him as suitable.

- 45 (4) Subject to the provisions of subsections (2) and (3), the Minister may appoint an alternate member for each member of the council.

- (5) A member or alternate member of the council holds office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment and at the expiry of his term of office, may be appointed again.

(6) No person shall be appointed as a member or alternate member of the council if he—

- 55 (a) is an unrehabilitated insolvent; or
- (b) is not a South African citizen permanently resident in the Republic.

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(7) 'n Lid of plaasvervangende lid van die raad moet sy amp ontruim indien hy—

- (a) aan 'n onbevoegdheid bedoel in subartikel (6) onderhewig raak;
- (b) geestelik versteurd raak;
- (c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (d) sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die raad afwesig is.

(8) Indien 'n lid of plaasvervangende lid van die raad te sterwe kom of by skriftelike kennisgewing aan die Minister bedank of ingevolge subartikel (7) sy amp moet ontruim, kan die Minister, behoudens die bepalings van subartikels (2), (3), (4) en (5), iemand in sy plek vir die onverstreke deel van sy ampstermyn aanstel.

Werkzaamhede van raad.

50. Die raad moet met die middele waaroor hy beskik, doen wat hy nodig ag om die oogmerke waarvoor hy ingestel is, te verwesenlik en vir dié doel kan hy—

- (a) alleen of in samewerking met enige Staatsdepartement of persoon, navorsing doen, navorsingsontwikkeling en houttegnologiebevordering onderneem, of opleiding verskaf ten opsigte van enige aangeleentheid wat na die oordeel van die raad die bos- of houtbedryf raak;
- (b) met die instemming van die Minister en op die voorwaardes wat hy goedkeur, geld in die fonds aanwend om te voldoen aan 'n vereiste gestel deur die Minister van Finansies kragtens artikel 15 van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), in verband met 'n lening ingevolge artikel 10 van daardie Wet vir die vestiging of bestuur van 'n private bos;
- (c) met die instemming van die Minister en op die voorwaardes wat hy goedkeur, geldelike bystand verleen aan enige persoon ten einde die oogmerke bedoel in paragraaf (a) te verwesenlik;
- (d) met die instemming van die Minister, die opmeting van alle kommersiële houtplantasies gelas, en op die voorwaardes wat die Minister goedkeur, geldelike hulp in verband met die opmeting verleen;
- (e) die Minister adviseer ten opsigte van enige aspek rakende die bos- of houtbedryf, met inbegrip van wetgewing wat op die bedryf van toepassing is;
- (f) die Minister adviseer ten opsigte van 'n heffing kragtens artikel 55;
- (g) enige aangeleentheid rakende die bos- en houtbedryf wat die raad nodig ag of wat die Minister na die raad verwys, ondersoek;
- (h) met die instemming van die Minister, komitees of werkgroepe aanstel om die raad by te staan in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede.

Vergaderings van raad.

51. (1) Die raad moet op die tye en plekke vergader wat die voorsitter of, indien hy afwesig is, die ondervoorsitter bepaal, maar minstens twee keer per jaar.

(2) Die kworum vir, en die prosedure by, 'n vergadering van die raad, met inbegrip van die bywoning van, en deelname aan 55 die verrigtinge deur, iemand wat nie 'n lid of plaasvervangende lid van die raad is nie, is soos voorgeskryf.

Toelaes aan lede van raad en sekere ander persone.

52. Daar kan aan 'n lid of plaasvervangende lid van die raad en aan 'n lid van 'n komitee of werkgroep van die raad wat nie in die heeltidse diens van die Staat is nie die toelaes uit die fonds betaal word wat die Minister in die algemeen of in 'n besondere geval, na oorleg met die raad, bepaal.

Bosbouwywerheidsfonds.

53. (1) Die Bosbouwywerheidsfonds ingestel by artikel 10H (1) van die Boswet, 1968 (Wet No. 72 van 1968), bly, ondanks die bepalings van artikel 89 (1) van hierdie Wet, voortbestaan, 65 en in daardie fonds moet gestort word—

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- (7) A member or alternate member of the council shall vacate his office if he—
- (a) becomes subject to a disqualification contemplated in subsection (6);
 - 5 (b) becomes of unsound mind;
 - (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (d) is absent from more than two consecutive meetings of the council without leave of the chairman.
- 10 (8) If a member or alternate member of the council dies, or resigns by notice in writing to the Minister, or has to vacate his office in terms of subsection (7), the Minister may, subject to the provisions of subsections (2), (3), (4) and (5), appoint a person in his place for the unexpired part of his term of office.
- 15 **50.** The council shall with the means at its disposal do what it considers necessary to achieve the objects for which it was established, and to that end it may—
- Functions of council.
- (a) by itself or in co-operation with any department of State or person undertake research, research development and timber technology promotion, and provide training in respect of any matter which, in the opinion of the council, affects the forest or timber industry;
 - 20 (b) with the concurrence of the Minister and on such conditions as he may approve, utilize moneys in the fund to comply with any requirement set by the Minister of Finance under section 15 of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), in connection with a loan under section 10 of that Act for the establishment or management of a private forest;
 - 25 (c) with the concurrence of the Minister and on such conditions as he may approve, grant financial assistance to any person in order to achieve the objects contemplated in paragraph (a);
 - 30 (d) with the concurrence of the Minister, order a survey of all commercial timber plantations, and on such conditions as the Minister may approve, grant financial assistance in connection with that survey;
 - 35 (e) advise the Minister on any aspect affecting the forest or timber industry, including legislation which applies to the industry;
 - 40 (f) advise the Minister in respect of a levy under section 55;
 - 45 (g) investigate any matter affecting the forest or timber industry which the council considers necessary or which the Minister refers to the council;
 - (h) with the concurrence of the Minister, appoint committees and working groups to assist the council in the carrying out of its duties and the exercise of its powers.
- 50 **51.** (1) The council shall meet at the times and places determined by the chairman or, in his absence, the vice-chairman, but not less than twice per year.
- Meetings of council.
- (2) The quorum for, and the procedure at, a meeting of the council, including the attendance of, and the participation in the
- 55 proceedings by, any person who is not a member or alternate member of the council, are as prescribed.
- 52.** A member or alternate member of the council and a member of a committee or working group of the council who is not in the full-time employment of the State may be paid from the fund
- 60 such allowances as the Minister may determine in general or in any particular case, after consultation with the council.
- Allowances to members of council and certain other persons.
- 53.** (1) The Forestry Industry Fund established by section 10H
- (1) of the Forest Act, 1968 (Act No. 72 of 1968), continues, notwithstanding the provisions of section 89 (1) of this Act, to exist,
- 65 and into that fund must be paid—
- Forestry Industry Fund.

- (a) geld wat uit hoofde van die bepalings van artikel 55 ingevorder word;
 - (b) geld wat die Parlement vir die oogmerke van die raad bewillig;
 - (c) rente op beleggings; en
 - (d) geld wat die fonds uit 'n ander bron toeval.
- (2) (a) Die fonds moet deur die raad geadminestreer word ooreenkomstig die voorskrifte wat die Minister op aanbeveling van die raad goedkeur, en geld in die fonds moet, behoudens die bepalings van paragraaf (b) en subartikel (4), aangewend word ter bestryding van die uitgawes wat die raad by die verrigting van sy werksaamhede aangaan.
- (b) Geld of goed wat aan die raad geskenk of bemaak word, mag slegs ooreenkomstig die voorwaardes van die skenking of bemaking aangewend word.
- (3) Een maal in sy boekjaar, wat op 31 Maart moet eindig, moet die raad voor 'n datum deur die Minister bepaal, aan die Minister vir sy goedkeuring 'n raming van die inkomste en uitgawes van die raad vir die volgende boekjaar voorlê, en die raad kan gedurende die loop van 'n boekjaar aanvullende of hersiene ramings van inkomste en uitgawes vir daardie jaar aan die Minister vir sy goedkeuring voorlê.
- (4) Die raad mag geen uitgawes aangaan nie behalwe ooreenkomstig 'n raming van uitgawes wat deur die Minister ingevolge subartikel (3) goedgekeur is.
- (5) Die raad kan, met die instemming van die Minister en op die voorwaardes wat hy bepaal, 'n reserwefonds instel en administreer.
- (6) Die raad kan geld in die fonds of reserwefonds wat nie vir onmiddellike gebruik nodig is nie by die Staatskuldkommissaris belê of op die ander wyse wat die Minister goedkeur.
- (7) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar moet as 'n krediet in die fonds na die volgende boekjaar oorgedra word.

Aantekeninge en
rekeningstate van
raad.

54. (1) Die raad moet aantekening laat hou van geld ontvang in, en betalings gemaak uit, die fonds, en van die bates, laste en finansiële transaksies van die raad, en moet so gou doenlik na die einde van elke boekjaar rekeningstate en 'n balansstaat laat opstel wat, met gepaste besonderhede, geld deur hom ontvang en uitgawes deur hom aangegaan gedurende die boekjaar, en sy bates en laste aan die begin en die einde van daardie boekjaar, aantoon, en die aantekeninge, rekeningstate en balansstaat moet jaarliks deur die Ouditeur-generaal geouditeer word teen die vergoeding waarop ooreengekom word of, by ontstentenis van ooreenkoms, teen die vergoeding wat die Minister van Finansies bepaal.

- (2) (a) Die administratiewe en klerklike werk van die raad en die rekeningkundige dienste verbonde aan die fonds moet deur beamptes van die departement verrig word, 50 en die koste daarvan, soos jaarliks deur die direkteur-generaal bepaal, moet deur die raad uit die fonds aan die Staat betaal word.
 - (b) Ondanks die bepalings van paragraaf (a) kan die raad, met die goedkeuring van die Minister en die instemming van die Tesourie, die aantekening bedoel in subartikel (1) deur enige ander persoon laat hou.
- (3) Die voorsitter van die raad is die rekenpligtige beampte belas met die verantwoording van geld ontvang in, en betalings gemaak uit, die fonds.

Heffing op hout en
ingevoerde houtde-
rivat.

55. (1) Die Minister kan, na oorleg met die raad, by kennisgewing in die *Staatskoerant* ten opsigte van enige hout of ingevoerde houtderivaat 'n heffing opleë.

- (2) So 'n kennisgewing moet besonderhede bevat betreffende die wyse waarop die bedrag van die heffing bepaal word, die persoon of klas persone deur wie dit betaalbaar is en die persoon (met inbegrip van 'n vereniging bedoel in artikel 49 (2))

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- (a) moneys collected by virtue of the provisions of section 55;
- (b) moneys appropriated by Parliament for the objects of the council;
- 5 (c) interest on investments; and
- (d) moneys accruing to the fund from any other source.
- (2) (a) The fund shall be administered by the council in accordance with such instructions as the Minister may approve on the recommendation of the council, and
- 10 moneys in the fund must, subject to the provisions of paragraph (b) and subsection (4), be utilized to defray expenses incurred by the council in the performance of its functions.
- (b) Moneys or assets donated or bequeathed to the council
- 15 shall be utilized only in accordance with the conditions of that donation or bequest.
- (3) Once in its financial year, which is to end on 31 March, the council shall before a date determined by the Minister, submit to the Minister for his approval an estimate of the revenue and expenditure of the council for the next financial year, and the
- 20 council may during the course of a financial year submit to the Minister for his approval supplementary or revised estimates of revenue and expenditure for that year.
- (4) The council shall not incur any expenditure except in
- 25 accordance with an estimate of expenditure approved by the Minister in terms of subsection (3).
- (5) The council may, with the concurrence of the Minister and on such conditions as he may determine, establish and administer a reserve fund.
- 30 (6) The council may invest moneys in the fund or reserve fund not required for immediate use with the Public Debt Commissioners or in such other manner as the Minister may approve.
- (7) Any unexpended balance in the fund at the end of a financial year shall be carried forward as a credit in that fund to the
- 35 next financial year.
- 54.** (1) The council shall cause a record to be kept of moneys received by, and disbursements made from, the fund, and of the assets, liabilities and financial transactions of the council, and shall, as soon as practicable after the end of each financial year,
- 40 cause accounts and a balance sheet to be drawn up which must reflect, with appropriate details, moneys received and expenditure incurred by it during, and its assets and liabilities at the beginning and end of, that financial year, and such records, accounts and balance sheet shall be audited annually by the
- 45 Auditor-General at a fee to be agreed upon or, failing agreement, at a fee determined by the Minister of Finance.
- (2) (a) The administrative and clerical work of the council and the accounting services connected with the fund must be performed by officers of the department, and the cost thereof, as determined annually by the director-general, shall be paid by the council to the State from the fund.
- 50 (b) Notwithstanding the provisions of paragraph (a), the council may, with the approval of the Minister and the concurrence of the Treasury, cause the record contemplated in subsection (1) to be kept by any other person.
- 55 (3) The chairman of the council is the accounting officer charged with the responsibility of accounting for moneys received by, and disbursements made from, the fund.
- 60 **55.** (1) The Minister may, after consultation with the council, by notice in the *Gazette*, impose a levy in respect of any timber or imported timber derivative.
- (2) Such a notice must contain particulars regarding the manner in which the amount of the levy is determined, the person or class of persons by whom or by which it is payable, and
- 65 the person (including an association contemplated in section 49

Records and accounts of council.

Levy on timber and imported timber derivatives.

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wat met die invordering daarvan belas is, en kan die ander voor-
skrifte deur die Minister bevat (met inbegrip van die wyse waar-
op die rondhoutekwivalent van enige hout of ingevoerde hout-
derivaat bereken moet word) wat hy vir die invordering van die
heffing nodig ag.

(3) Verskillende heffings kan opgelê word ten opsigte van ver-
skillende soorte of gebruike van hout of ingevoerde houtderi-
vate of verskillende persone of klasse persone.

(4) Die Minister kan in 'n kennisgewing kragtens subartikel
(1) strawwe voorskryf vir 'n oortreding van, of versuim om te
voldoen aan, die bepalings daarvan wat nie die strawwe by arti-
kel 75 (12) voorgeskryf, te bowe gaan nie.

Verslae deur raad.

56. (1) Die Raad moet so gou doenlik na die einde van elke
boekjaar aan die Minister 'n verslag voorlê met betrekking tot—
(a) sy werksaamhede gedurende daardie boekjaar tesame 15
met 'n geouditeerde balansstaat en 'n volledige staat
van sy inkomste en uitgawes vir daardie boekjaar; en
(b) enige ander aangeleentheid wat die Minister die raad
versoek om in die verslag te behandel.
(2) Die Minister moet die verslag in die Volksraad ter Tafel lê 20
binne 14 dae nadat hy dit ontvang het, indien die Parlement dan
sitting het of, indien die Parlement nie dan sitting het nie, binne
14 dae na die aanvang van die volgende sitting.

DEEL IX

Nasionale botaniese tuine

25

Raad vir Nasionale
Botaniese Tuine.

57. Daar word hierby 'n regspersoon ingestel wat die Raad vir
Nasionale Botaniese Tuine heet.

Oogmerke van
raad.

58. Die oogmerke van die raad is om die bewaring van, en na-
vorsing in verband met, Suider-Afrikaanse flora te bevorder, en
vir dié doel kan die raad—
(a) plante inheems in die subkontinent in nasionale bo- 30
taniese tuine versamel en kweek;
(b) navorsing in verband met plante en verwante aange-
leenthede onderneem en bevorder, en inheemse plant-
materiaal vir navorsing beskikbaar stel; 35
(c) bedreigde plantspesies bestudeer en kweek;
(d) die ekonomiese potensiaal van inheemse plante onder-
soek en benut, en die benutting daarvan bevorder;
(e) 'n waardering van inheemse plante onder die publiek 40
bevorder;
(f) vir vergelykende studies en opvoedingsdoeleindes nie-
inheemse plante vestig.

Samestelling van
raad.

59. (1) Die raad bestaan uit die voorgeskrewe getal lede wat
deur die Minister op die voorgeskrewe wyse aangestel word.
(2) Die Minister moet een lid as voorsitter en een as onder- 45
voorsitter van die raad aanwys om in die afwesigheid van die
voorsitter as voorsitter op te tree.
(3) Die Minister kan op die voorgeskrewe wyse 'n plaasver-
vangende lid vir enige lid van die raad aanstel.

Ampstermyn en
ontruiming van
amp deur lede van
raad.

60. (1) 'n Lid of plaasvervangende lid van die raad bekleë sy 50
amp vir die tydperk, maar hoogstens drie jaar, wat die Minister
bepaal, en kan by die verstryking van sy ampstermyn weer aan-
gestel word.
(2) 'n Lid of plaasvervangende lid van die raad moet sy amp 55
ontruim indien hy—
(a) insolvent raak;
(b) geestelik versteurd raak;
(c) aan 'n misdryf skuldig bevind en tot gevangenisstraf
sonder die keuse van 'n boete gevonnis word;
(d) sonder verlof van die voorsitter van drie agtereenvol- 60
gende vergaderings van die raad afwesig is;
(e) by skriftelike kennisgewing aan die Minister bedank;
(f) kragtens subartikel (3) van sy amp onthef word.

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(2)) charged with the collection thereof, and may contain such other directions by the Minister (including the manner in which the round wood equivalent of any timber or imported timber derivative is to be calculated) as he may consider necessary for the collection of the levy.

(3) Different levies may be imposed in respect of different kinds or uses of timber or imported timber derivatives or different persons or classes of persons.

(4) The Minister may in a notice under subsection (1) prescribe penalties for a contravention of, or a failure to comply with, its provisions not exceeding the penalties prescribed by section 75 (12).

56. (1) The council shall as soon as practicable after the end of each financial year submit to the Minister a report with regard to—

- (a) its activities during that financial year, together with an audited balance sheet and a full account of its revenue and expenditure for that financial year; and
- (b) any other matter which the Minister may request the council to deal with in that report.

(2) The Minister must lay that report upon the Table in the House of Assembly within 14 days after he has received it, if Parliament is then in session or, if Parliament is not then in session, within 14 days of the beginning of the next session.

25

PART IX

National botanic gardens

57. There is hereby established a juristic person called the Board for National Botanic Gardens.

58. The objects of the board are to promote the conservation of, and research in connection with, Southern African flora, and to that end the board may—

- (a) collect and cultivate plants indigenous to the subcontinent in national botanic gardens;
- (b) undertake and promote research in connection with plants and related matters, and make indigenous plant material available for research;
- (c) study and cultivate endangered plant species;
- (d) investigate and utilize, and promote the utilization of, the economic potential of indigenous plants;
- (e) promote an appreciation of indigenous plants among the public;
- (f) establish non-indigenous plants for comparative studies and educational purposes.

59. (1) The board consists of the prescribed number of members appointed by the Minister in the prescribed manner.

(2) The Minister must designate one member as chairman and one as vice-chairman of the board to act as chairman in the absence of the chairman.

(3) The Minister may in the prescribed manner appoint an alternate member for any member of the board.

60. (1) A member or alternate member of the board holds office for such period, but not exceeding three years, as the Minister may determine, and at the expiry of his term of office he may be appointed again.

(2) A member or alternate member of the board shall vacate his office if he—

- (a) becomes insolvent;
- (b) becomes of unsound mind;
- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (d) is absent from three consecutive meetings of the board without leave of the chairman;
- (e) resigns by written notice to the Minister;
- (f) is removed from office under subsection (3).

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(3) Die Minister kan te eniger tyd 'n lid of plaasvervangende lid van die raad van sy amp onthef indien daar na sy oordeel gegronde redes bestaan om dit te doen.

(4) Indien 'n lid of plaasvervangende lid van die raad te sterwe kom of ingevolge subartikel (2) of (3) ophou om 'n lid of plaasvervangende lid te wees, kan die Minister op die voorgeskrewe wyse iemand in sy plek vir die onverstreke deel van sy ampstermyn aanstel.

(5) 'n Besluit van die raad is nie ongeldig bloot op grond daarvan dat daar 'n vakature in die raad bestaan het toe die besluit geneem is nie.

Werksaamhede van raad.

61. (1) Ten einde sy oogmerke te verwesenlik, kan die raad—
- (a) nasionale botaniese tuine aanlê, bestuur en in stand hou;
 - (b) behoudens die bepalings van artikel 69 die werknemers in diens neem wat hy nodig ag om sy werksaamhede te verrig;
 - (c) die stappe doen wat hy nodig ag om 'n nasionale botaniese tuin of enige plant, dier of voorwerp daarin te beskerm of te bewaar;
 - (d) maaltje of verversings of enige ander diens teen 'n geldetarief deur die raad bepaal aan besoekers aan nasionale botaniese tuine verskaf, en vir dié doel enige bouwerk, depot of perseel oprig, instel, uitrus en in stand hou, en, met die instemming van die Minister, verhuur;
 - (e) met die instemming van die Minister 'n ooreenkoms met enige persoon aangaan om, op die voorwaardes en teen betaling van die bedrag wat die raad bepaal, enige bedrywigheid genoem in paragraaf (d) in 'n nasionale botaniese tuin te onderneem;
 - (f) toegang deur die publiek tot 'n nasionale botaniese tuin of enige deel daarvan reël, beheer of belet, en gelde by verordening vasgestel vir sulke toegang vra;
 - (g) met die instemming van die Minister en die Minister van Finansies geld vir die verrigting van sy werksaamhede leen;
 - (h) onvoorwaardelike skenkings van geld of roerende goed aanvaar;
 - (i) eksemplare van plante uit 'n nasionale botaniese tuin verkoop, verruil of skenk, of deur aankoop, ruil of op enige ander wyse enige plant bekom om dit in 'n nasionale botaniese tuin te vestig;
 - (j) ondersoek instel na die wenslikheid om grond tot 'n nasionale botaniese tuin te verklaar;
 - (k) alleen of in samewerking met enige persoon navorsing in verband met inheemse plante of verwante aangeleenthede onderneem of bevorder;
 - (l) inligting met betrekking tot plante versamel, verwerk en versprei;
 - (m) komitees van die raad bestaande uit lede van die raad en werkgroepe bestaande uit persone deur die raad aangestel, instel om die raad met die verrigting van sy werksaamhede by te staan of die raad oor enige aangeleentheid te adviseer;
 - (n) die ander handelinge verrig wat die raad vir die verwesenliking van sy oogmerke nodig ag.

(2) Die raad kan met die instemming van die Minister geld of roerende goed wat op die een of ander voorwaarde geskenk is, aanvaar, en daardie geld of goed moet ooreenkomstig die betrokke voorwaarde gebruik of aangewend word.

Vergaderings van raad.

62. Die raad, 'n komitee van die raad en 'n werkgroep moet op die voorgeskrewe wyse vergader en by hulle vergaderings die voorgeskrewe prosedure volg.

Toelaes aan lede van raad.

63. Daar kan aan 'n lid of plaasvervangende lid van die raad wat nie in die heeltidse diens van die Staat is nie uit die fonds die toelaes betaal word wat die Minister, met die instemming van die Tesourie, in die algemeen of ten opsigte van 'n besondere lid of plaasvervangende lid bepaal.

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(3) The Minister may at any time remove a member or alternate member of the board from office if in his opinion there are sufficient reasons for doing so.

(4) If a member or alternate member of the board dies or ceases to be a member or alternate member in terms of subsection (2) or (3), the Minister may in the prescribed manner appoint a person in his place for the unexpired part of his term of office.

(5) A resolution of the board is not invalid only by reason of the fact that a vacancy existed on the board when the resolution was adopted.

61. (1) In order to achieve its objects the board may—

Functions of board.

- (a) establish, manage and maintain national botanic gardens;
- 15 (b) subject to the provisions of section 69, engage such employees as it may deem necessary to enable it to perform its functions;
- (c) take such steps as it may consider necessary to protect or conserve a national botanic garden and any plant, animal or object in it;
- 20 (d) supply meals or refreshments or render any other service to visitors to a national botanic garden at a tariff of fees determined by the board, and for that purpose construct, establish, furnish and maintain and, with the approval of the Minister, let any structure, depot or site;
- 25 (e) with the concurrence of the Minister, enter into an agreement with any person to undertake any activity mentioned in paragraph (d) on such conditions and upon payment of such sum as the board may determine;
- 30 (f) regulate, control or prohibit access by the public to any national botanic garden or any part thereof, and charge moneys determined by by-law for such access;
- 35 (g) with the concurrence of the Minister and the Minister of Finance, borrow moneys for the performance of its functions;
- (h) accept unconditional donations of money or movable property;
- 40 (i) sell, exchange or donate specimens of plants from a national botanic garden, or by purchase, exchange or in any other manner acquire any plant to establish it in a national botanic garden;
- 45 (j) investigate the desirability of declaring land to be a national botanic garden;
- (k) by itself or in co-operation with any person undertake or promote research in connection with indigenous plants and related matters;
- 50 (l) collate, process and disseminate information relating to plants;
- (m) establish committees of the board consisting of members of the board and working groups consisting of persons appointed by the board to assist the board with the performance of its functions or to advise the board on any matter;
- 55 (n) perform such other acts as the board may consider necessary for the achievement of its objects.

(2) The board may, with the concurrence of the Minister, accept money or movable property donated on some condition, and such money or assets must be used or employed in accordance with the condition in question.

62. The board, a committee of the board and a working group shall meet in the prescribed manner and shall follow the prescribed procedure at their meetings. Meetings of board.

63. A member or alternate member of the board who is not in the full-time employment of the State may be paid from the fund such allowances as the Minister, with the concurrence of the Treasury, may determine in general or in respect of a particular member or alternate member. Allowances to members of board.

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Nasionale Botani-
niese Tuinefonds.

64. (1) Daar word hierby 'n fonds ingestel wat die Nasionale Botani-
niese Tuinefonds heet en waarin gestort moet word—
- (a) lenings aan die raad toegestaan uit geld deur die Parlement vir dié doel bewillig op die voorwaardes wat die Minister, met die instemming van die Minister van 5
Finansies, bepaal;
 - (b) jaarlikse hulptoelaes uit geld deur die Parlement vir dié
doel bewillig, wat die Minister aan die raad kan uitbe-
taal in die bedraë, vir die doeleindes en op die voor-
waardes wat hy bepaal; 10
 - (c) geld verkry uit die verhuur van bouwerke of terreine
deur die raad;
 - (d) rente op beleggings;
 - (e) geld by wyse van skenking ontvang;
 - (f) geld by wyse van toegangsgelde tot nasionale botaniese 15
tuine ontvang of vir dienste gelewer aan besoekers;
 - (g) geld wat onmiddellik voor die inwerkingtreding van
hierdie Wet beskikbaar was aan die Raad wat inge-
volg artikel 6 van die Wet op Kulturele Inrigtings,
1969 (Wet No. 29 van 1969), die inrigtings genoem in 20
Goewermentskennisgewings R.1022 van 26 Junie 1970
en 773 van 15 April 1983 beheer en bestuur het;
 - (h) geld uit enige ander bron ontvang.
- (2) Die fonds moet deur die raad geadmistreer word oor-
eenkomstig die voorskrifte wat die Minister, op aanbeveling van 25
die raad, goedkeur en geld in die fonds moet, behoudens die
bepalings van subartikel (5), aangewend word ter bestryding van
uitgawes wat die raad by die verrigting van sy werksaamhede
aangaan.
- (3) Die direkteur moet geld in die fonds wat nie vir onmiddel- 30
like gebruik of as 'n redelike bedryfsaldo nodig is nie by die
Staatskuldkommissaris of, met die instemming van die Tesou-
rie, op vaste deposito teen rente by 'n bankinrigting of
bougenootskap in die Republiek wat deur die raad goedgekeur
is, belê, of die raad kan die geld op die ander wyse wat die 35
Minister, met die instemming van die Tesourie, goedkeur, belê.
- (4) Een maal in sy boekjaar, wat op 31 Maart moet eindig,
moet die raad voor 'n datum deur die Minister bepaal aan die
Minister vir sy goedkeuring 'n raming van die inkomste en uit-
gawes van die raad vir die volgende boekjaar voorlê, en die raad 40
kan in die loop van 'n boekjaar aanvullende of hersiene ramings
van inkomste en uitgawes vir daardie jaar aan die Minister vir sy
goedkeuring voorlê.
- (5) Die raad mag geen uitgawes aangaan nie, behalwe oor-
eenkomstig 'n raming van uitgawes wat deur die Minister inge- 45
volg subartikel (4) goedgekeur is.
- (6) 'n Onbestede saldo in die fonds aan die einde van 'n boek-
jaar moet as 'n krediet in die fonds na die volgende boekjaar oor-
gedra word.

Aantekeninge en
rekeningstate van
raad.

65. (1) Die raad moet aantekening laat hou van geld deur hom 50
ontvang of bestee, en van sy bates, laste en finansiële transak-
sies, en moet so gou doenlik na die einde van elke boekjaar 'n
staat van inkomste en uitgawes en 'n balansstaat laat opmaak
wat, met gepaste besonderhede, geld deur hom ontvang en uit-
gawes deur hom aangegaan gedurende, en sy bates en laste aan 55
die begin en einde van, daardie boekjaar aantoon.
- (2) Die aantekening, staat van inkomste en uitgawes en ba-
lansstaat bedoel in subartikel (1) moet deur die Ouditeur-gene-
raal geouditeer word teen die vergoeding waarop met die raad
ooreengekom word of, by ontstentenis van ooreenkom, teen 60
die vergoeding wat die Minister van Finansies bepaal.
- (3) Die direkteur is die rekenpligtige beampte belas met die
verantwoording van geld ontvang en uitgawes aangegaan deur
die raad.

Nasionale botaniese
tuine.

66. (1) Elke gebied in Bylae 1 van hierdie Wet omskryf, is 'n 65
nasionale botaniese tuin met die naam in die Bylae daaraan toe-
geken.

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64. (1) There is hereby established a fund called the National Botanic Gardens Fund, into which must be paid—

National Botanic
Gardens Fund.

- (a) loans to the board from moneys appropriated by Parliament for that purpose, on such conditions as the Minister, with the concurrence of the Minister of Finance, may determine;
- (b) annual grants-in-aid from moneys appropriated by Parliament for that purpose, which the Minister may pay to the board in such amounts, for such purposes and on such conditions as he may determine;
- (c) moneys derived from the letting of structures or sites by the board;
- (d) interest on investments;
- (e) moneys received by way of donation;
- (f) moneys received by way of entrance fees to national botanic gardens or for services rendered to visitors;
- (g) moneys which immediately before the commencement of this Act were available to the Council which in terms of section 6 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), controlled and managed the institutions named in Government Notices R.1022 of 26 June 1970 and 773 of 15 April 1983;
- (h) moneys received from any other source.

(2) The fund shall be administered by the board in accordance with such instructions as the Minister, on the recommendation of the board, may approve, and moneys in the fund shall, subject to the provisions of subsection (5), be utilized to defray expenses incurred by the board in the performance of its functions.

(3) The director shall invest moneys in the fund not required for immediate use or as a reasonable operating balance with the Public Debt Commissioners or, with the concurrence of the Treasury, on fixed deposit at interest with a banking institution or building society in the Republic approved by the board, or the board may invest such moneys in such other manner as the Minister, with the concurrence of the Treasury, may approve.

(4) Once in its financial year, which is to end on 31 March, the board shall before a date determined by the Minister submit to him for his approval an estimate of the revenue and expenditure of the board for the next financial year, and the board may in the course of a financial year submit supplementary or revised estimates of revenue and expenditure for that year to the Minister for his approval.

(5) The board shall not incur any expenditure save in accordance with an estimate of expenditure approved by the Minister in terms of subsection (4).

(6) Any unexpended balance in the fund at the end of a financial year shall be carried forward as a credit in the fund to the next financial year.

65. (1) The board shall cause a record to be kept of moneys received or expended by it, and of its assets, liabilities and financial transactions, and shall as soon as practicable after the end of each financial year cause a statement of income and expenditure and a balance sheet to be drawn up which must reflect, with appropriate particulars, moneys received and expenditure incurred by it during, and its assets and liabilities at the beginning and end of, that financial year.

Records and ac-
counts of board.

(2) The record, statement of income and expenditure and balance sheet contemplated in subsection (1) shall be audited by the Auditor-General at a fee to be agreed upon with the board or, failing agreement, at a fee determined by the Minister of Finance.

(3) The director is the accounting officer charged with the responsibility of accounting for moneys received and expenditure incurred by the board.

66. (1) Every area defined in Schedule 1 to this Act is a national botanic garden with the name assigned to it in the Schedule.

National botanic
gardens.

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(2) Die Staatspresident kan by proklamasie in die *Staatskoerant*—

- (a) (i) Staatsgrond wat vir die doeleindes van hierdie Deel verkry is of met die instemming van die Minister van Gemeenskapsontwikkeling vir daardie doeleindes voorbehou is; of 5
- (ii) enige grond wat deur die eienaar daarvan by ooreenkoms met die Minister van Gemeenskapsontwikkeling vir die doeleindes van 'n nasionale botaniese tuin beskikbaar gestel is vir die tydperk en op die voorwaardes wat die Minister, na oorleg met die raad, goedkeur, 10
- tot 'n nasionale botaniese tuin verklaar met 'n naam wat in daardie proklamasie daaraan toegeken moet word, en Bylae 1 wysig deur die naam en 'n omskrywing van die betrokke grond by te voeg; 15
- (b) grond bedoel in paragraaf (a) tot deel van 'n nasionale botaniese tuin verklaar of, behoudens die bepalinge van subartikel (3) en die voorwaardes van 'n ooreenkoms bedoel in paragraaf (a) (ii), grond uit 'n nasionale botaniese tuin wegneem en Bylae 1 dienoreenkomstig wysig. 20

(3) Behalwe met die goedkeuring, by besluit, van die Volksraad, mag grond bedoel in subartikel (2) (a) (i) wat deel van 'n nasionale botaniese tuin uitmaak of grond bedoel in artikel (2) nie vervreem of vir 'n ander doel aangewend word nie. 25

(4) Die Staatspresident kan by proklamasie in die *Staatskoerant* Bylae 1 wysig ten einde—

- (a) die omskrywing van grond wat tot 'n nasionale botaniese tuin verklaar is, te wysig indien die omskrywing daarvan verkeerd blyk te wees; of 30
- (b) 'n ander naam aan 'n nasionale botaniese tuin toe te ken of 'n naam te wysig. 35

Registrasie van grond en onroerende goed aan raad geskenk.

67. (1) Skenkings van grond of ander onroerende goed aan die raad kan slegs deur die Minister van Gemeenskapsontwikkeling aanvaar word, en moet in naam van die Staat geregistreer word. 35

(2) Grond, uitgesonderd grond bedoel in artikel 66 (2) (a) (ii), wat tot 'n nasionale botaniese tuin verklaar is en nie in naam van die Staat geregistreer is nie, word geag aldus geregistreer te wees, en die registrateur van aktes van die registrasiekantoor waar die betrokke grond geregistreer is, moet op versoek van die Minister van Gemeenskapsontwikkeling die nodige aantekening op die betrokke titelbewyse en in sy registers aanbring, en geen gelde is ten opsigte van die aanbring van so 'n aantekening betaalbaar nie. 40 45

Beskikbaarstelling aan raad van grond en geboue.

68. Die Minister van Gemeenskapsontwikkeling kan, op die grondslag en voorwaardes wat hy bepaal, enige grond of gebou aan die raad beskikbaar stel ten einde die raad in staat te stel om sy werksaamhede te verrig, en kan vir werke en dienste ten opsigte van sulke grond of vir die instandhouding van so 'n gebou voorsiening maak. 50

Direkteur en beamptes van raad.

69. (1) Vir die verrigting van die werksaamhede van die raad—

- (a) bepaal die Minister sy diensstaat; 55
- (b) kan die raad persone as beamptes in die poste op sy diensstaat aanstel wat die Minister aanwys; 60
- (c) moet die Minister, na oorleg met die raad, iemand as Direkteur van Nasionale Botaniese Tuine aanstel om in beheer van die ander beamptes van die raad te wees en om teenoor die raad vir die uitvoering van hul pligte verantwoordelik te wees. 65

(2) Die diensvoorwaardes van die direkteur en die ander beamptes van die raad moet deur die Minister, met die instemming van die Minister van Finansies, bepaal word.

(3) Die raad kan te eniger tyd die dienste van 'n beampte beëindig indien daar na sy mening gegronde redes bestaan om dit te doen, maar die dienste van die direkteur kan slegs deur die Minister, na oorleg met die raad, beëindig word. 65

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(2) The State President may by proclamation in the *Gazette* declare—

- (a) (i) State land procured for the purposes of this Part or which has been reserved for those purposes with the approval of the Minister of Community Development; or
- (ii) any land made available by the owner thereof by agreement with the Minister of Community Development for the purposes of a national botanic garden for such period and on such conditions as the Minister, after consultation with the board, may approve,
- to be a national botanic garden with a name assigned to it in that proclamation, and amend Schedule 1 by adding thereto the name and a definition of the land in question;
- (b) land contemplated in paragraph (a) to be part of a national botanic garden or, subject to the provisions of subsection (3) and the conditions of an agreement contemplated in paragraph (a) (ii), exclude land from a national botanic garden and amend Schedule 1 accordingly.

(3) Except with the approval, by resolution, of the House of Assembly, land contemplated in subsection (2) (a) (i) which forms part of a national botanic garden or land contemplated in section 67 (2) shall not be alienated or employed for any other purpose.

(4) The State President may by proclamation in the *Gazette* amend Schedule 1 in order to—

- (a) amend the definition of land declared to be a national botanic garden if the definition thereof is found to be incorrect; or
- (b) assign another name to a national botanic garden or amend a name.

67. (1) Donations of land or other immovable property to the board may only be accepted by the Minister of Community Development, and must be registered in the name of the State.

Registration of land and immovable property donated to board.

(2) Land, other than land contemplated in section 66 (2) (a) (ii), declared to be a national botanic garden and not registered in the name of the State, is deemed to be so registered, and the registrar of deeds of the deeds registry where the land in question is registered must at the request of the Minister of Community Development cause the necessary note to be made on the title deeds in question and in his registers, and no fees are payable in respect of the making of such a note.

68. The Minister of Community Development may on such basis and conditions as he may determine, make any land or building available to the board to enable the board to perform its functions, and may provide for works and services in respect of that land or the maintenance of that building.

Making land and buildings available to board.

69. (1) For the performance of the functions of the board—

- (a) the Minister determines its establishment;
- (b) the board may appoint persons as officers in the posts on its establishment designated by the Minister;
- (c) the Minister must, after consultation with the board, appoint a person as Director of National Botanic Gardens to be in charge of the other officers of the board, and responsible to the board for the carrying out of their duties.

Director and officers of board.

(2) The conditions of service of the director and the other officers of the board shall be determined by the Minister, with the concurrence of the Minister of Finance.

(3) The board may at any time terminate the services of any officer if in its opinion there exist sound reasons for doing so, but the services of the director may only be terminated by the Minister, after consultation with the board.

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Verslae deur raad.

70. (1) Die raad moet so gou doenlik na die einde van elke boekjaar aan die Minister 'n verslag voorlê met betrekking tot—
- (a) sy werksaamhede gedurende daardie jaar tesame met 'n geouditeerde balansstaat en 'n staat van sy inkomste en uitgawes gedurende daardie jaar; en 5
 - (b) enige ander aangeleentheid wat die Minister die raad versoek om in die verslag te behandel.
- (2) Die Minister moet die verslag binne 14 dae nadat hy dit ontvang het in die Volksraad ter Tafel lê indien die Parlement dan sitting het of, indien die Parlement nie dan sitting het nie, binne 14 dae na die aanvang van die volgende sitting. 10

Delegering van bevoegdhede.

71. (1) (a) Die Minister kan enige bevoegdheid by hierdie Deel aan hom verleen aan 'n beampte van die departement of aan die direkteur of aan 'n ander beampte van die raad deleger. 15
- (b) Die Minister van Gemeenskapsontwikkeling kan enige bevoegdheid by hierdie Deel aan hom verleen aan 'n beampte van die Departement van Gemeenskapsontwikkeling of aan die direkteur of aan 'n ander beampte van die raad deleger. 20
- (2) Die raad kan 'n bevoegdheid by hierdie Deel aan hom verleen aan die direkteur of 'n ander beampte van die raad of 'n komitee van die raad kragtens artikel 61 (1) (m) ingestel, deleger.
- (3) Die Minister, die Minister van Gemeenskapsontwikkeling of die raad word nie ontdoen van 'n bevoegdheid wat hy kragtens subartikel (1) of (2), na gelang van die geval, gedelegeer het nie, en kan enige beslissing van die betrokke beampte of komitee intrek of wysig. 25

Verordeninge van raad.

72. (1) Die raad kan, met die instemming van die Minister, 30 verordeninge uitvaardig betreffende—
- (a) die bevoegdhede en pligte van beamptes van die raad ten aansien van—
 - (i) die uitsluiting van lede van die publiek van sekere dele van 'n nasionale botaniese tuin; 35
 - (ii) die vandiehandsetting of verkryging van enige inheemse plant uit of vir 'n nasionale botaniese tuin;
 - (b) die voorwaardes waarop, en die tye wanneer, 'n nasionale botaniese tuin deur die publiek besoek kan word;
 - (c) die beskerming of bewaring van enige dier, plant of eiendom in 'n nasionale botaniese tuin of van die raad; 40
 - (d) die beskerming van enige boom, plant, gebou, rots, heining, sitplek of ander voorwerp in 'n nasionale botaniese tuin teen ontsiering deur geskrif of op enige ander wyse; 45
 - (e) enige ander aangeleentheid wat by verordening voorgeskryf moet of kan word, of wat na die oordeel van die raad nodig is vir die beheer en bestuur van 'n nasionale botaniese tuin.
- (2) Verskillende verordeninge kan ten opsigte van verskillende nasionale botaniese tuine uitvaardig word. 50
- (3) 'n Verordening kan vir 'n oortreding van 'n bepaling daarvan of 'n versuim om aan 'n bepaling daarvan te voldoen, strawwe voorskryf van 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens drie maande of daardie boete sowel as daardie gevangenisstraf. 55

DEEL X

Regulasies, tariewe en gelde

Regulasies.

73. (1) Die Minister kan regulasies uitvaardig—
- (a) met betrekking tot Staatsbosse in die algemeen of 'n besondere Staatsbos of 'n deel daarvan betreffende— 60
 - (i) die vestiging van houtplantasies, die vandiehandsetting van bosprodukte en die kap, bewerking en verwydering daarvan;

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70. (1) The board shall as soon as practicable after the end of each financial year submit to the Minister a report with regard to— Reports by board.

- 5 (a) its functions during that year together with an audited balance sheet and a statement of its income and expenditure during that year; and
 (b) any other matter which the Minister may request the board to deal with in that report.

(2) The Minister must lay that report upon the Table in the House of Assembly within 14 days after he has received it, if Parliament is then in session or, if Parliament is not then in session, within 14 days of the beginning of the next session.

71. (1) (a) The Minister may delegate any power vested in him by this Part to an officer of the department or to the director or to any other officer of the board. Delegation of powers.

15 (b) The Minister of Community Development may delegate any power vested in him by this Part to an officer in the Department of Community Development or to the director or to any other officer of the board.

20 (2) The board may delegate any power vested in it by this Part to the director or to any other officer of the board or to a committee of the board established by the board under section 61 (1) (m).

25 (3) The Minister, the Minister of Community Development or the board is not divested of any power which he or it has delegated under subsection (1) or (2), as the case may be, and may rescind or amend any decision of the officer or committee concerned.

72. (1) The board may, with the concurrence of the Minister, make by-laws relating to— By-laws of board.

30 (a) the powers and duties of officers of the board with respect to—

(i) the exclusion of members of the public from certain parts of a national botanic garden;

35 (ii) the disposal or acquisition of any indigenous plant from or for a national botanic garden;

(b) the conditions on which, and the times when, a national botanic garden may be visited by the public;

40 (c) the protection or conservation of any animal, plant or property in a national botanic garden or belonging to the board;

(d) the protection of any tree, plant, building, rock, fence, seat or other object in a national botanic garden against defacement by writing or in any other manner;

45 (e) any other matter which may or must be prescribed by by-law or which, in the opinion of the board, is necessary for the control and management of a national botanic garden.

(2) Different by-laws may be made in respect of different national botanic gardens.

(3) A by-law may prescribe penalties for any contravention of, or any failure to comply with, its provisions, of a fine not exceeding R1 000 or imprisonment not exceeding three months or both such fine and such imprisonment.

55

PART X

Regulations, tariffs and charges

73. (1) The Minister may make regulations—

60 (a) with regard to State forests in general or a particular State forest or a part thereof relating to—

(i) the establishment of timber plantations, the disposal of forest produce and the felling, working and removal thereof;

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- (ii) die verlening van regte in of oor Staatsbosse of in verband met bosprodukte en die prosedure in verband daarmee;
- (iii) die wyse waarop gehandel moet word met bome, hout of ander bosprodukte wat van die hand gesit is, of die wyse waarop dit verwerk moet word, en die wyse waarop produkte wat daarvan verkry word, van die hand gesit moet word; 5
- (iv) die oprigting en bestuur deur die departement van saagmeulens en ander installasies en toebehore vir die saag of verwerking van bosprodukte, en die dryf deur die departement van handel in bosprodukte en enige ander werksaamhede wat daarmee in verband staan; 10
- (v) die gebruik van weiding in Staatsbosse; 15
- (vi) die skoonmaak, ploeg of bewerking van grond;
- (vii) die gebruik van grond vir nywerheids-, handels-, woon-, kampeer- of ontspanningsdoeleindes;
- (viii) die jag of vang van wild, voëls of vis;
- (ix) die beheer of vernietiging van diere of plante waar dit na sy oordeel nodig is; 20
- (x) die uitreiking van lisensies, permitte of ander magtigings ten opsigte van die verlening van regte in of oor Staatsbosse of in verband met bosprodukte;
- (xi) toegang tot Staatsbosse, met inbegrip van die voorwaardes waarop voertuie wat nie aan die Staat behoort nie op 'n pad in 'n Staatsbos, uitgesonderd 'n pad gebou of in stand gehou deur 'n persoon wat regtens bevoeg is om dit te doen, gebruik mag word, en die omstandighede waaronder so 'n pad nie tot die beskikking van gebruikers van sulke voertuie is nie;
- (xii) die uitoefening van enige serwituut of reg bedoel in artikel 11 (3), met inbegrip van die aangeleenthede bedoel in subparagrafe (xiii) tot (xviii); 35
- (xiii) die soorte bosprodukte en die hoeveelhede daarvan wat gekap, geneem of verwyder kan word, en die seisoen waarin of tye wanneer dit gekap, geneem of verwyder kan word;
- (xiv) 'n verbod op die beweiding deur vee of die kap of neem van bosprodukte in, of die verwydering van bosprodukte uit, 'n omskrewe gebied vir bepaalde tydperke met die doel om 'n bos te verjong of om bosprodukte of weiding te bewaar, of om gronderosie of sandbeweging te voorkom, of om grond of waaissand te herwin; 45
- (xv) die gebiede waarin, en die tydperke waartydens, regte van beweiding of van kap, neem of verwydering van bosprodukte uitgeoefen kan word, met die doel om die bos te verjong, jong bome te be- 50 waar, of die opbrengs van bosprodukte te reël;
- (xvi) die beperking van die kap, neem of verwydering van bosprodukte tot huishoudelike of boerderybenodigdhede, en 'n verbod op die verkoop daarvan;
- (xvii) die gebiede waarin, en die tydperke waartydens, 'n reg van verblyf of kampering uitgeoefen kan word; 55
- (xviii) die verpligting van die reghebbende in die geval van 'n serwituut of ander reg om van die direkteur-generaal 'n permit te verkry wat die aard van daardie serwituut of reg omskryf en die plekke waar, 60 die tye wanneer en die wyse waarop dit uitgeoefen kan word, uiteensit.
- (b) met betrekking tot 'n boom of bome wat ingevolge artikel 13 (1) tot 'n beskermde boom of bome verklaar is, die adviserende komitee ingestel kragtens artikel 13 (4) 65
 - (a) (i), en plaaslike beheerkomitees ingestel kragtens artikel 13 (4) (a) (ii), betreffende—
 - (i) die ampsduur van lede van die adviserende komitee en die wyse waarop die komitee sy werksaamhede moet verrig;

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- (ii) the granting of rights in or over State forests or in connection with forest produce and the procedure in connection therewith;
- 5 (iii) the manner in which trees, timber or other forest produce which has been sold, shall be dealt with or the manner in which it shall be processed, and the manner in which products derived therefrom shall be disposed of;
- 10 (iv) the establishment and management by the department of sawmills and other plant and appurtenances for the sawing or processing of forest produce, and the carrying on by the department of trade in forest produce and any other activities incidental thereto;
- 15 (v) the use of grazing in State forests;
- (vi) the clearing, ploughing or cultivation of land;
- (vii) the use of land for industrial, trading, residential, camping or recreational purposes;
- 20 (viii) the hunting or catching of game, birds or fish;
- (ix) the control or destruction of animals or plants where it is necessary in his opinion;
- (x) the issue of licences, permits or other authorizations in respect of rights in or over State forests or in respect of forest produce;
- 25 (xi) access to State forests, including the conditions on which vehicles not owned by the State may be operated on any road in a State forest, other than a road constructed or maintained by a person who by law is entitled to do so, and the circumstances in which such a road shall not be available to the operators of such vehicles;
- 30 (xii) the exercise of any servitude or right contemplated in section 11 (3), including the matters contemplated in subparagraphs (xiii) to (xviii);
- 35 (xiii) the kinds of forest produce and the quantities thereof which may be cut, taken or removed, and the season in which or the times when it may be cut, taken or removed;
- 40 (xiv) a prohibition for specified periods on the grazing of stock or the cutting or taking of forest produce in, or the removal of forest produce from, any defined area for the purpose of regenerating a forest or of conserving forest produce or pasturage, or for the prevention of soil erosion or sand drift, or for the reclamation of soil or drift sand;
- 45 (xv) the areas in which, and the periods during which, rights of grazing or of cutting, taking or removing of forest produce may be exercised for the purpose of regenerating a forest, of conserving young trees, or of regulating the yield of forest produce;
- 50 (xvi) the limiting of the cutting, taking or removal of forest produce to domestic or farming requirements, and a prohibition on the sale thereof;
- 55 (xvii) the areas in which and the periods during which a right of residence or camping may be exercised;
- (xviii) the obligation of the beneficiary in the case of a servitude or other right to obtain from the director-general a permit defining the nature of that servitude or right and specifying where, when and in what manner it may be exercised;
- 60 (b) with regard to a tree or trees declared to be a protected tree or trees in terms of section 13 (1), the consultative committee established in terms of section 13 (4) (a) (i), and local control committees established in terms of section 13 (4) (a) (ii), relating to—
- 65 (i) the term of office of members of the consultative committee and the manner in which the committee shall perform its functions;

- (ii) die ampsduur van lede van plaaslike beheerkomitees, die werksaamhede van die komitees in verband met enige beskermde boom of bome, en die wyse waarop die komitees hulle werksaamhede moet verrig; 5
- (iii) die bewerking en beweiding van grond in die nabyheid van enige beskermde boom, die verlening van geldelike bystand vir die oprigting van veewerende heinings, en die skoonmaak en instandhouding van brandstroke ter beskerming van so 'n boom; 10
- (iv) die uitoefening van beheer oor die versameling, verwydering, vervoer, uitvoer, koop, verkoop of skenking of die verkryging of vandiehandsetting op enige ander wyse van dele of produkte van beskermde bome; 15
- (v) die aanplant van bome van dieselfde soort ter vervanging van beskermde bome met die oog op die bevordering van enige doelstelling in artikel 13 (2) (b) (i) of 13 (2) (c) vermeld en as 'n voorwaarde vir die kap of vernietiging van daardie bome; 20
- (vi) die oogmerke en bestek van bestuursplanne vir beskermde bome, die opstel van sulke planne en toepassing van enige bepaling daarvan ten opsigte van 'n eienaar, okkupeerder of huurder van grond waarop 'n kennisgwing kragtens artikel 13 (1) van toepassing is; 25
- (vii) enige ander aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ter verwesenliking van die oogmerke genoem in artikel 13;
- (c) met betrekking tot brandbeheerkomitees of streekbrandbeheerkomitees in die algemeen of 'n besondere brandbeheerkomitee of streekbrandbeheerkomitee, betreffende—
 - (i) die samestelling van so 'n komitee en die aanstelling van sy lede deur die direkteur-generaal; 35
 - (ii) die pligte en bevoegdhede van so 'n komitee, met inbegrip van die besonderhede wat in 'n brandbestrydingsplan vervat moet wees;
 - (iii) die prosedure wat op vergaderings van so 'n komitee gevolg moet word en die wyse waarop hy sy werksaamhede moet verrig; 40
 - (iv) die wyse waarop die uitgawes van so 'n komitee bestry moet word, met inbegrip van die bevoegdheid van so 'n komitee om, met die instemming van die Minister, jaarliks of andersins gelde op 'n eenvormige of gedifferensieerde grondslag te hef op eienaars van grond binne die betrokke gebied of op 'n klas van sulke eienaars; 45
- (d) met betrekking tot die bestuur en beheer van die nasionale voetslaanpadstelsel, die Nasionale Voetslaanpadraad, en advies- en bestuurskomitees, of 'n besondere advies- of bestuurskomitee, betreffende—
 - (i) die kworum vir, en die prosedure wat gevolg moet word op, vergaderings van genoemde Raad en advies- en bestuurskomitees; 55
 - (ii) die samestelling van advies- en bestuurskomitees, en die aanstelling van lede van die komitees;
 - (iii) die pligte en bevoegdhede van advies- en bestuurskomitees;
 - (iv) bepalinge wat 'n ooreenkoms bedoel in artikel 39 (1) moet bevat; 60
 - (v) die uitreiking van permitte of ander magtigings in verband met die gebruik van enige voetslaanpad of wandelpad;
 - (vi) enige ander aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van genoemde Raad te verwesenlik; 65
- (e) met die instemming van die Minister van Staatkundige Ontwikkeling, met betrekking tot die maak van opnames en die insameling van inligting betreffende die behoeftes ten opsigte van bosprodukte, die opbrengs

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- (ii) the term of office of members of local control committees, the functions of those committees in connection with any protected tree or trees, and the manner in which those committees shall perform their functions;
- (iii) the cultivation and grazing of land in the vicinity of any protected tree, the granting of financial assistance for the erection of stock-proof fences, and the clearing and maintenance of fire belts for the protection of such a tree;
- (iv) the exercise of control over the collection, removal, transport, export, purchase, sale or donation or the acquisition or disposal in any other manner of parts or produce of protected trees;
- (v) the planting of trees of the same species to replace protected trees with a view to the promotion of any object mentioned in section 13 (2) (b) (i) or 13 (2) (c) and as a condition for the cutting or destruction of those trees;
- (vi) the objects and scope of management plans for protected trees, the framing of such plans and the application of any provision thereof in respect of an owner, occupier or lessee of land to which a notice in terms of section 13 (1) applies;
- (vii) any other matter which the Minister may deem necessary or expedient to prescribe in order to achieve the objects mentioned in section 13;
- (c) with regard to fire control committees or regional fire control committees in general or a particular fire control committee or regional fire control committee relating to—
- (i) the constitution of such a committee and the appointment of its members by the director-general;
- (ii) the duties and powers of such a committee, including the particulars to be contained in a fire protection scheme;
- (iii) the procedure to be followed at meetings of such a committee and the manner in which it is to perform its functions;
- (iv) the manner in which the expenditure of such a committee is to be defrayed, including the power of such a committee to levy, with the concurrence of the Minister, charges annually or otherwise on a uniform or differential basis on owners of land within the area concerned or on a class of such owners;
- (d) with regard to the administration and control of the national hiking way system, the National Hiking Way Board, and advisory and managing committees, or a particular advisory or managing committee, relating to—
- (i) the quorum for, and the procedure to be followed at, meetings of the said Board and advisory and managing committees;
- (ii) the constitution of advisory and managing committees, and the appointment of members of those committees;
- (iii) the duties and powers of advisory or managing committees;
- (iv) stipulations which an agreement contemplated in section 39 (1) must contain;
- (v) the issue of permits or other authorizations in connection with the use of any hiking trail or walk;
- (vi) any other matter which the Minister may consider necessary or expedient to prescribe in order to achieve the objects of the said Board;
- (e) with the concurrence of the Minister of Constitutional Development, with regard to the making of surveys and the gathering of information relating to the requirements in respect of forest produce, the production

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en potensiële opbrengs van houtplantasies en bosse, houtvoorrade en die ander inligting wat hy vir die ontwikkeling van die bos- en houtbedryf nodig ag, met inbegrip van regulasies betreffende—

- (i) die registrasie van eienaars van houtplantasies of bosse, persone wat van voorneme is om houtplantasies aan te lê of uit te brei, en persone wat betrokke is by, of wat van voorneme is om betrokke te raak by, die saag, verwerking of verkoop van bosprodukte; 5 10
- (ii) die inspeksie van enige houtplantasie of bos, of van die persele van persone wat betrokke is by die saag, verwerking of verkoop van bosprodukte; 10
- (iii) die versameling van gegewens deur eienaars van houtplantasies of bosse, en persone wat betrokke is by die saag, verwerking, verspreiding of verkoop van enige bosprodukte, die aantekeninge wat gehou moet word en die opgawes (uitgesonderd opgawes betreffende verwerkingstegnieke) wat verstrekk moet word aan die direkteur-generaal deur daardie eienaars of persone, en die tye wanneer die opgawes verstrekk moet word; 15 20
- (f) met betrekking tot die bestryding van enige swam- of bakteriese siekte of insekte- of parasitiese plaag wat enige soort bosboom of timmerhout in enige Staatsbos of private bos of op ander grond of in enige skip, voertuig, vaartuig, vliegtuig, gebou, depot of plek waar timmerhout bewaar, opgestapel, drooggemaak of bewerk word, aantass of kan aantass, die voorkoming van die invoer of verspreiding in die Republiek van enige sodanige siekte of plaag, en die inspeksie van bosbome of timmerhout deur enige persoon of die bekleër van 'n pos deur die Minister aangewys; 25 30
- (g) met betrekking tot nasionale botaniese tuine betreffende— 35
 - (i) die wyse waarop gestem moet word by vergaderings van die Raad vir Nasionale Botaniese Tuine of 'n komitee van die Raad, en die getal stemme vereis vir 'n beslissing van die Raad of 'n komitee; 35
 - (ii) die veiligheid, versorging en bewaring van eiendom van die Raad; 40
 - (iii) die beheer oor, en aanwending van, geld deur die Raad ontvang; 40
 - (iv) die hou van aantekeninge, en die tye wanneer, die vorm waarin, en die persone aan wie, finansiële state en verslae ten opsigte van nasionale botaniese tuine verstrekk moet word; 45
 - (v) enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van die Raad te verwesenlik; 50
- (h) wat enige ander aangeleentheid wat ingevolge 'n ander bepaling van hierdie Wet by regulasie voorgeskryf of andersins mee gehandel moet of kan word, voorskryf of andersins daarmee handel; 50
- (i) in die algemeen, ten einde die bepalings en oogmerke van hierdie Wet beter uit te voer. 55

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende streke van die Republiek, verskillende plantasies of bosse of klasse plantasies of bosse, verskillende eienaars of klasse eienaars van plantasies of bosse, verskillende nasionale botaniese tuine, of die ander aangeleenthede wat die Minister nodig ag. 60

(3) Geen regulasie betreffende die wyse waarop 'n geskil bedoel in artikel 17 (1) na die direkteur-generaal verwys kan word, en die wyse waarop die prys bedoel in daardie artikel vasgestel moet word, mag uitgevaardig word nie, behalwe na oorleg met die Bosbouraad vermeld in artikel 47. 65

(4) Regulasies kragtens subartikel (1) kan voorsiening maak vir strawwe vir 'n oortreding van 'n bepaling daarvan of 'n ver-

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and potential production of timber plantations and forests, timber supplies and such other information as he may consider necessary for the development of the forest and timber industry, including regulations relating to—

- 5 (i) the registration of owners of timber plantations or forests, persons intending to establish or expand timber plantations, and persons who are engaged in, or who intend to become engaged in, the sawing, processing or sale of forest produce;
- 10 (ii) the inspection of any timber plantation or forest, or of the premises of persons engaged in the sawing, processing or sale of any forest produce;
- 15 (iii) the collection of data by owners of timber plantations or forests, and persons engaged in the sawing, processing, distribution or sale of any forest produce, the records to be kept and the returns (other than returns regarding processing techniques) to be rendered to the director-general by those owners or persons, and the times when those returns are to be rendered;
- 20 (f) with regard to the combating of any fungus or bacterial disease or insect or parasitic pest which affects or may affect any kind of forest tree or timber in any State forest or private forest or on other land or in any ship, vehicle, vessel, aircraft, building, depot or place where timber is stored, stacked, seasoned, or processed, the prevention of the introduction into, or the spreading within the Republic, of any such disease or pest, and the inspection of any forest trees or timber by any person or the incumbent of a post designated by the Minister;
- 25 (g) with regard to national botanic gardens relating to—
- 30 (i) the manner in which voting shall take place at meetings of the Board for National Botanic Gardens or a committee of the Board, and the number of votes required for a decision of the Board or a committee;
- 35 (ii) the safety, care and preservation of property of the Board;
- 40 (iii) the control over, and use of, moneys received by the Board;
- 45 (iv) the keeping of records and the times when, the form in which, and the persons to whom, financial statements and reports in respect of national botanic gardens are to be furnished;
- (v) any matter which the Minister may consider necessary or expedient to prescribe in order to achieve the objects of the Board;
- 50 (h) prescribing or otherwise dealing with any matter which in terms of any other provision of this Act is required to be or may be prescribed or otherwise dealt with by regulation;
- 55 (i) generally for the better carrying out of the provisions or objects of this Act.

(2) Different regulations may be made under subsection (1) in respect of different regions of the Republic, different plantations or forests or classes of plantations or forests, different owners or classes of owners of plantations or forests, different national botanic gardens, or such other matters as the Minister may consider necessary.

(3) No regulation concerning the manner in which a dispute contemplated in section 17 (1) may be referred to the director-general, and the manner in which the price contemplated in that section must be determined, shall be made except after consultation with the Forestry Council referred to in section 47.

(4) Regulations under subsection (1) may provide for penalties for any contravention of, or any failure to comply with, its

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suim om aan 'n bepaling daarvan te voldoen wat nie die strawwe voorgeskryf by artikel 75 (2) oorskry nie.

Tariewe en gelde.

74. Die Minister kan, met die instemming van die Minister van Finansies—

- (a) ten opsigte van enige Staatsbos 'n geldetarief bepaal 5
wat kan wissel volgens omstandighede betreffende—
 - (i) die vandiehandsetting van bosprodukte;
 - (ii) die gebruik en okkupasie van grond vir nywer-
heids- of handelsdoeleindes of vir woon-, bewer-
kings-, weidings-, kamperings-, picknick- of ander 10
doeleindes;
 - (iii) die gebruik en okkupasie van geboue;
- (b) die geldetarief bepaal vir enige diens deur 'n beamppte
of werknemer van die departement gelewer;
- (c) die omstandighede bepaal waaronder, en die voor- 15
waardes waarop, die gelde betaalbaar ingevolge 'n gel-
detarief bedoel in artikel 43 (a) verminder kan word of
vrystelling van betaling daarvan verleen kan word deur
'n beamppte in die departement of die bekleër van 'n
aangewese pos. 20

DEEL XI

*Misdrywe, bevoegdhede van bos- en polisiebeamptes en van land-
droshowe en verwante aangeleenthede*

Misdrywe.

75. (1) (a) Iemand—

- (i) wat 'n bepaling van artikel 7 (1) of 8 (2) oortree; 25
- (ii) wat versuim om te voldoen aan 'n voorwaarde op-
gelê kragtens artikel 7 (2) of 7 (3);
- (iii) wat 'n verbod ingevolge 'n kennisgewing kragtens
artikel 8 (1) oortree of versuim om aan 'n lasge-
wing kragtens genoemde artikel te voldoen, 30
is aan 'n misdryf skuldig.

(b) Die direkteur-generaal kan by skriftelike kennisgewing
aan 'n eienaar van grond bedoel in artikel 7 (1) of 8 (1)
ten opsigte waarvan iemand aan 'n oortreding inge-
volge subartikel (1) (a) (i) of (1) (a) (iii) van hierdie ar- 35
tikel skuldig bevind is, daardie eienaar gelas om binne
die tydperk in die kennisgewing vermeld die betrokke
bome of natuurlike verjonging, na gelang van die ge-
val, van daardie grond te verwyder.

(c) 'n Eienaar van grond wat versuim om aan 'n kennisge- 40
wing kragtens paragraaf (b) te voldoen, is aan 'n mis-
dryf skuldig en by skuldigbevinding strafbaar met 'n
boete van hoogstens R10 vir elke dag waarop hy aldus
versuim.

(2) Iemand wat— 45

(a) sonder magtiging in 'n Staatsbos of private bos—

- (i) bosprodukte kap, beskadig, vernietig, versamel
neem of verwyder;
- (ii) 'n baken, grensmerk, heining, kennisgewingbord
of ander bouwerk beskadig, verander, verskuif, 50
verwyder of daarmee peuter;
- (iii) 'n vuur maak of gebruik of brandstof by 'n vuur
voeg of versuim om 'n vuur wat hy gemaak of ge-
bruik het of waarby hy brandstof gevoeg het, te
blus; 55
- (iv) enige ontplofbare stof, brandstof of ander ont-
vlambare stof in sy besit het;

(b) in die ope lug—

- (i) 'n vuur wat hy met of sonder magtiging gemaak of
gebruik het of waarby hy brandstof gevoeg het, 60
onbewaak laat voordat die vuur geblus is;
- (ii) met of sonder magtiging 'n vuur maak of gebruik
of brandstof by 'n vuur voeg wat versprei en 'n an-
der skade of verlies berokken;
- (iii) hetsy opsetlik of nalatig 'n brandende vuurhou- 65
tjie of ander brandende materiaal of enige ma-
teriaal wat tot selfontbranding of selfontsteking in

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provisions not exceeding the penalties prescribed by section 75 (2).

74. The Minister may, with the concurrence of the Minister of Finance—

- 5 (a) in respect of any State forest determine a tariff of fees which may vary according to circumstances, relating to—
 - (i) the disposal of forest produce;
 - 10 (ii) the use and occupation of land for industrial or trading purposes or for residential, cultivation, grazing, camping, picnicking or other purposes;
 - (iii) the use and occupation of buildings;
- (b) determine the tariff of charges to be paid for any service rendered by an officer or employee of the department;
- 15 (c) determine the circumstances under which, and the conditions on which, the fees payable in terms of a tariff of fees contemplated in section 43 (a) may be decreased or exemption from payment thereof may be granted by an officer of the department or the incumbent of a designated post.
- 20

PART XI

Offences, powers of forest and police officers and of magistrate's courts and related matters

- 25 75. (1) (a) Any person who—
 - (i) contravenes a provision of section 7 (1) or 8 (2);
 - (ii) fails to comply with a condition imposed under section 7 (2) or 7 (3);
 - 30 (iii) contravenes a prohibition in terms of a notice under section 8 (1) or fails to comply with a direction under the said section,
 is guilty of an offence.
- (b) The director-general may by notice in writing to an owner of land contemplated in section 7 (1) or 8 (1) in respect of which any person has been convicted of an offence in terms of subsection (1) (a) (i) or (1) (a) (iii) of this section, direct that owner to remove the trees or natural regeneration in question, as the case may be, from that land within a period stated in the notice.
- 40 (c) An owner of land who fails to comply with a notice under paragraph (b), is guilty of an offence and liable on conviction to a fine not exceeding R10 for each day on which he so fails.
- (2) Any person who—
- 45 (a) without authority—
 - (i) cuts, damages, destroys, collects, takes or removes any forest produce;
 - (ii) damages, alters, shifts, removes or interferes with any beacon, boundary mark, fence, notice board or other structure;
 - 50 (iii) lights or uses a fire or adds fuel to a fire or fails to extinguish a fire which he has lighted or used or to which he has added fuel;
 - (iv) is in possession of any explosive, fuel or other inflammable substance,
 - 55 in any State forest or private forest;
- (b) in the open air—
 - (i) leaves unattended a fire which he, with or without authority, has lighted or used or to which he has added fuel, before that fire is extinguished;
 - 60 (ii) with or without authority, lights or uses a fire or adds fuel to a fire which spreads and causes damage or injury to another;
 - (iii) wilfully or negligently throws down, puts down or drops a burning match or other burning material or any material capable of spontaneous combustion.
 - 65

Offences.

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staat is, neergooi, neerplaas of laat val, of 'n vuur aan die gang sit, of veld aan die brand steek en daardeur 'n brand veroorsaak wat versprei en waardeur weiveld afgebrand of plantmateriaal verbrand word, of wat skade aan, of verlies van, enige ander roerende of onroerende goed veroorsaak;

- (iv) binne die padreserwe van enige pad 'n vuur maak of gebruik op 'n ander plek as 'n vuurmaakplek wat deur 'n bevoegde instansie aangewys is en in stand gehou word, of vir 'n ander doel as die maak van 'n brandstrook ooreenkomstig die bepalings van hierdie Wet,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 500 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met 15 daardie boete sowel as daardie gevangenisstraf.

- (3) (a) Iemand wat in 'n Staatsbos of 'n private bos—

(i) sonder magtiging grond skoonmaak, ploeg of bewerk;

(ii) sonder magtiging op enige wyse enige wild, voëls of ander diere jag of doodmaak, of enige insekte vang of doodmaak, of hengel, of vergesel is van 'n hond, of 'n vuurwapen in sy besit het;

(iii) sonder magtiging 'n byekorf of byenes uithaal of 'n byeswerm steur of verwyder;

(iv) sonder magtiging 'n deel van die bos betree waar toegang by kennisgewing verbode is, of deur of oor 'n heining of hek klim;

(v) rook waar rook by kennisgewing verbode is;

(vi) 'n kennisgewing of kennisgewingsbord beskdig, verander, verskuif of op 'n ander wyse daarmee peuter;

(vii) rommel stort of strooi, is aan 'n misdryf skuldig.

(b) Iemand wie se hond of vee sonder magtiging in 'n Staatsbos of private bos aanwesig is, is aan 'n misdryf skuldig.

(c) Iemand wat 'n voorwaarde van 'n lisensie, permit of ander magtiging uitgereik ingevolge hierdie Wet in verband met 'n Staatsbos of private bos of die gebruik van 'n voetslaanpad of wandelpad oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(4) Iemand wat 'n bepaling van artikel 13 (5) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(5) Iemand wat 'n bepaling van 'n kennisgewing kragtens artikel 16 (1) oortree of versuim om aan 'n voorwaarde daarin vermeld te voldoen, of wat 'n persoon deur die Minister aangewys ingevolge artikel 16 (2) (c) by die uitvoering van sy pligte of die uitoefening van sy bevoegdhede hinder of in die weg staan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(6) Iemand wat—

(a) sonder magtiging aan 'n bosprodukt 'n merk maak of heg wat deur die departement gebruik word om aan te dui dat die bosprodukt die eiendom van die Staat is, of aan 'n bosprodukt in 'n Staatsbos 'n merk maak of heg om aan te dui dat die bosprodukt gekap of van die Staatsbos verwyder mag word;

(b) sonder magtiging 'n merk verander of uitwis wat op 'n bosprodukt aangebring is ingevolge hierdie Wet of ingevolge 'n lisensie, permit of ander magtiging uitgereik ingevolge hierdie Wet;

(c) 'n bosbeampte, polisiebeampte of ander persoon by die uitvoering van sy pligte of die uitoefening van sy bevoegdhede ingevolge hierdie Wet hinder of in die weg staan,

is aan 'n misdryf skuldig.

(7) (a) Iemand wat 'n lid van 'n brandbeheer Komitee of ander persoon bedoel in artikel 19 (3) by die uitvoering van

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- tion or self-ignition, or starts a fire, or sets alight
veld, and thereby causes a fire which spreads and
by which pasturage is burnt down or plant material
is burnt, or which causes damage to, or loss of, any
other movable or immovable property;
- (iv) within the road reserve of any road, makes or uses
a fire in a place other than a fire-place which has
been designated and is being maintained by a com-
petent authority, or for a purpose other than the
burning of a fire belt in accordance with the provi-
sions of this Act,
- is guilty of an offence and liable on conviction to a fine
not exceeding R2 500 or to imprisonment for a period
not exceeding two years or to both such fine and such
imprisonment.
- (3) (a) Any person who—
- (i) without authority clears, ploughs or cultivates
land;
- (ii) without authority in any manner hunts or kills any
game, birds or other animals, or catches or kills
any insects, or angles, or is accompanied by a dog,
or has a fire-arm in his possession;
- (iii) without authority robs any beehive or bees' nest or
disturbs or removes a swarm of bees;
- (iv) without authority enters a part of a forest where
entry is by notice prohibited, or climbs through or
over a fence or gate;
- (v) smokes where smoking is by notice prohibited;
- (vi) damages, alters, shifts or in any other way inter-
feres with a notice or notice board;
- (vii) dumps or scatters litter,
in a State forest or private forest, is guilty of an of-
fence.
- (b) Any person whose dog or stock is present without auth-
ority in a State forest or a private forest, is guilty of an
offence.
- (c) Any person who contravenes or fails to comply with a
condition of a licence, permit or other authorization is-
sued in terms of this Act in connection with a State
forest or private forest or the use of a hiking trail or
walk, is guilty of an offence.
- (4) Any person who contravenes a provision of section 13 (5)
is guilty of an offence and liable on conviction to the penalties
prescribed by subsection (2).
- (5) Any person who contravenes a provision of a notice under
section 16 (1) or fails to comply with a condition stipulated
therein, or who hinders or obstructs a person appointed by the
Minister in terms of section 16 (2) (c) in the performance of his
duties or the exercise of his powers, is guilty of an offence and li-
able on conviction to the penalties prescribed by subsection (2).
- (6) Any person who—
- (a) without authority makes upon, or affixes to, any forest
produce a mark used by the department to indicate that
such produce is the property of the State, or makes
upon, or affixes to, any forest produce in a State forest
a mark to indicate that such forest produce may be cut
or removed from that forest;
- (b) without authority alters or erases a mark placed upon
any forest produce in terms of this Act or in terms of a
licence, permit or other authorization issued in terms of
this Act;
- (c) hinders or obstructs a forest officer, police officer or
other person in the performance of his duties or the
exercise of his powers in terms of this Act,
- is guilty of an offence.
- (7) (a) Any person who hinders or obstructs a member of a
fire control committee or any other person contem-

- sy pligte of die uitoefening van sy bevoegdheid hinder of in die weg staan, is aan 'n misdryf skuldig.
- (b) Iemand wat 'n bepaling van 'n brandbstrydingsplan oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 vir elke dag waarop hy aldus oortree of versuim. 5
- (8) (a) 'n Eienaar van grond bedoel in artikel 22 (1) wat—
- (i) versuim om binne ses maande na die instelling van 'n brandbeheergebied ingevolge artikel 18 (1) 'n ooreenkoms vereis deur artikel 22 (1) aan te gaan of 'n bevel bedoel in artikel 22 (4) of (5) te verkry; 10
 - (ii) versuim om voor die datum bepaal in so 'n ooreenkoms of hofbevel, of 'n hofbevel bedoel in artikel 22 (6), 'n brandstrook te voltooi, of 'n brandstrook ooreenkomstig die voorskrifte van die ooreenkoms of bevel in stand te hou, 15
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 vir elke dag wat hy aldus versuim. 20
- (b) 'n Eienaar van grond bedoel in artikel 22 (1) wat versuim om te voldoen aan 'n bepaling van daardie artikel of enige voorskrif van 'n ooreenkoms daardeur vereis of 'n hofbevel kragtens artikel 22 (4), (5) of (6), uitgesonderd 'n bepaling waarop subartikel (8) (a) van hierdie artikel van toepassing is, is aan 'n misdryf skuldig. 25
- (c) 'n Eienaar van grond bedoel in artikel 24 (1) of (2) wat 'n brandstrook vermeld in daardie artikel skoonmaak sonder om die vereiste kennis te gee, en 'n eienaar bedoel in artikel 24 (1) aan wie die vereiste kennis gegee is en wat versuim om hulp te verleen soos ooreengekom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2). 30
- (d) Iemand wat 'n bepaling van 'n kennisgewing uitgereik kragtens artikel 25 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2). 35
- (e) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens artikel 26 (3) is aan 'n misdryf skuldig. 40
- (f) Enige eienaar, okkupeerder of persoon in beheer van grond waarop 'n veld-, bos- of bergbrand voorkom, wat versuim om die stappe te doen wat onder die omstandighede redelikerwys nodig is om die brand te blus of dit tot daardie grond te beperk of te verhoed dat dit skade aan eiendom op aanliggende grond berokken, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2). 45
- (9) Iemand wat—
- (a) kwartiere, noodsaaklike geriewe, 'n roetewyser, kennisgewingbord, of skuiling wat ingevolge Deel VII tot stand gebring of aangebring is, beskadig, verwyder, verander, versper, verskuif of daarmee peuter, of toegang tot 'n voetslaanpad of wandelpad belemmer, of voetslaners op 'n voetslaanpad of wandelpad steur; 50
 - (b) 'n baken, grensmerk, oorklimtrap of heining op grond waarop 'n voetslaanpad of wandelpad aangelê is, beskadig, vernietig, verander, verskuif, verwyder of daarmee peuter; 55
 - (c) lewende hawe, 'n bouwerk, gesaaides of gewasse op grond waarop 'n voetslaanpad of wandelpad aangelê is, neem, verwyder, beskadig, vernietig of daarmee peuter; 60
 - (d) 'n vuur langs of op 'n voetslaanpad of wandelpad maak of gebruik of brandstof by 'n vuur voeg op 'n ander plek as 'n plek vir dié doel aangewys; 65
 - (e) langs of op 'n voetslaanpad of wandelpad op enige wyse wild, voëls of ander diere vang, jag of doodmaak, of enige insekte vang of doodmaak, of hengel;

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plated in section 19 (3) in the performance of his duties or the exercise of his powers is guilty of an offence.

- 5 (b) Any person who contravenes a provision of a fire protection scheme or fails to comply therewith, is guilty of an offence and liable on conviction to a fine not exceeding R10 for each day on which he so contravenes or fails.
- (8) (a) An owner of land contemplated in section 22 (1) who—
- 10 (i) fails to conclude an agreement required by section 22 (1) or to obtain an order contemplated in section 22 (4) or (5) within six months after the establishment of a fire control area in terms of section 18 (1);
- 15 (ii) fails to complete a fire belt before the date determined in that agreement or order, or a court order contemplated in section 22 (6), or to maintain a fire belt in accordance with the provisions of the agreement or order,
- 20 is guilty of an offence and liable on conviction to a fine not exceeding R10 for each day on which he so fails.
- (b) An owner of land contemplated in section 22 (1) who fails to comply with a provision of that section or any provision of an agreement required by it or a court order under section 22 (4), (5) or (6), other than a provision to which subsection (8) (a) of this section applies, is guilty of an offence.
- 25 (c) Any owner of land contemplated in section 24 (1) or (2) who clears a fire belt referred to in that section without giving the required notice, and any owner contemplated in section 24 (1) to whom the required notice was given and who fails to render the assistance agreed upon, is guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).
- 30 (d) Any person who contravenes a provision of a notice issued under section 25, is guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).
- 35 (e) Any person who fails to comply with an order under section 26 (3) is guilty of an offence.
- 40 (f) Any owner, occupier or person in control of land on which a veld, forest or mountain fire occurs who fails to take such steps as are under the circumstances reasonably necessary to extinguish the fire or to confine it to that land or to prevent it from causing damage to property on adjoining land, is guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).
- 45 (9) Any person who—
- 50 (a) damages, removes, alters, obstructs, shifts or interferes with any quarters, essential amenities, route indicator, notice board or shelter established in terms of Part VII, or obstructs access to a hiking trail or walk or disturbs hikers on a hiking trail or walk;
- 55 (b) damages, destroys, alters, shifts, removes or interferes with any beacon, boundary mark, stile or fence on land on which a hiking trail or walk has been constructed;
- (c) takes, removes, damages, destroys, or interferes with livestock, a structure, crops or harvests on land on which a hiking trail or walk has been constructed;
- 60 (d) lights, uses or adds fuel to any fire next to or on a hiking trail or walk, at a place other than a place designated for that purpose;
- (e) in any manner catches, hunts or kills any game, birds or other animals, or catches or kills any insects, or angles next to or on a hiking trail or walk;
- 65

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- (f) langs of op 'n voetslaanpad of wandelpad enige bome, struik of ander plantegroei kap, beskadig, vernietig, versamel of verwyder;
- (g) met 'n voertuig of enige dier onder sy beheer op 'n voetslaanpad of wandelpad aanwesig is; 5
- (h) op enige wyse opsetlik 'n merk of teken op of aan 'n rots, gebou, boom of plantegroei langs of op 'n voetslaanpad of wandelpad aanbring;
- (i) rommel, afval of leë houers op 'n voetslaanpad of wandelpad of op grond waarop dit aangelê is, agterlaat of 10 neergooi, behalwe in 'n houer of op 'n plek vir dié doel aangewys;
- (j) enige bepaling van 'n gedragskode deur die Nasionale Voetslaanpadraad voorgeskryf, oortree of versuim om daaraan te voldoen, 15
- is aan 'n misdryf skuldig.
- (10) Iemand wat—
- (a) weier of versuim om 'n lisensie, permit of ander magtiging te toon aan die persoon wat dit ingevolge artikel 78 aanvra; 20
- (b) 'n bosbeampte toegang tot grond bedoel in artikel 79 (a) weier;
- (c) in besit gevind word van enige bosproduk ten opsigte waarvan daar redelike verdenking bestaan dat dit wederregtelik uit 'n Staatsbos of private bos verkry is en 25 wat nie in staat is om voldoende rekenskap van sy besit te gee nie,
- is aan 'n misdryf skuldig.
- (11) 'n Bosbeampte of werknemer van die departement wat—
- (a) enige betaling, voordeel of beloning, hetsy van gelde- 30 like 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 die versuim om sy plig uit te voer;
- (b) 'n betaling, voordeel of beloning van geldelike of ander 35 aard vra of ontvang, of instem om dit te ontvang, as beloning vir die verrigting van sy ampspligte;
- (c) handel dryf in bosprodukte, uitgesonderd bosprodukte op sy eie grond verbou of geproduseer, of as agent op- 40 tree vir iemand wat in bosprodukte handel dryf,
- is aan 'n misdryf skuldig.
- (12) Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet waarvoor geen straf uitdruklik voorgeskryf word nie, is strafbaar met 'n boete van hoogstens R500 of gevangenis- 45 straf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Inhegtenisnemings-
bevoegdheids van
bos- en polisie-
beamptes.

76. 'n Bosbeampte of polisiebeampte kan sonder lasbrief iemand in hegtenis neem—

- (a) wat in besit gevind word van enige bosproduk ten opsigte waarvan daar redelike verdenking bestaan dat dit 50 wederregtelik uit 'n Staatsbos of private bos verkry is en wat nie in staat is om voldoende rekenskap van sy besit te gee nie;
- (b) wat hy op redelike gronde verdink dat hy 'n misdryf vermeld in artikel 75 (2) gepleeg het of deelgeneem het 55 aan die pleeg van so 'n misdryf;
- (c) wat hy op redelike gronde verdink dat hy enige misdryf vermeld in hierdie Wet gepleeg het of deelgeneem het aan die pleeg van so 'n misdryf en wat na sy oordeel nie 60 op 'n dagvaarding sal verskyn nie.

Beslagleggingsbe-
voegdheids van bos-
en polisiebeamptes.

77. (1) 'n Bosbeampte of polisiebeampte kan beslag lê op enige—

- (a) bosproduk ten opsigte waarvan hy op redelike gronde vermoed dat 'n misdryf vermeld in hierdie Wet gepleeg 65 is;
- (b) wapen, voertuig, toerusting of dier wat hy op redelike gronde vermoed gebruik is by die pleeg van enige misdryf vermeld in hierdie Wet.

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- (f) cuts, damages, destroys, collects or removes any trees, shrubs or other vegetation next to or on a hiking trail or walk;
- 5 (g) is present on a hiking trail or walk with a vehicle or any animal under his control;
- (h) in any manner wilfully makes a mark or sign on or upon a rock, building, tree or other vegetation next to or on a hiking trail or walk;
- 10 (i) leaves or deposits any litter, refuse or empty containers on a hiking trail or walk or on land on which it has been constructed, except in a container or at a place designated for that purpose;
- (j) contravenes or fails to comply with a provision of a code of conduct prescribed by the National Hiking Way Board,

15 is guilty of an offence.

(10) Any person who—

- (a) refuses or neglects to produce a licence, permit or other authorization to a person who demands it in terms of section 78;
- 20 (b) refuses a forest officer entry upon land contemplated in section 79 (a);
- (c) is found in possession of any forest produce in respect of which there is reasonable suspicion that it was obtained unlawfully from a State forest or private forest and who is unable to give a satisfactory account of his possession,

25 is guilty of an offence.

(11) A forest officer or employee of the department who—

- 30 (a) solicits or receives, or agrees to receive, whether for himself or another person, any payment, advantage or reward, whether of a pecuniary or other nature, in consideration of his doing anything in conflict with his duty or of his refraining from doing his duty;
- 35 (b) solicits or receives, or agrees to receive, any payment, advantage or reward, whether of a pecuniary or other nature, in consideration of his doing his duty;
- (c) trades in forest produce, other than forest produce grown or produced on his own land, or acts as an agent for any person trading in forest produce,

40 is guilty of an offence.

(12) Any person convicted of an offence in terms of this Act for which no penalty is expressly provided, is liable to a fine not exceeding R500 or to imprisonment for a period not exceeding 45 six months or to both such fine and such imprisonment.

76. A forest officer or police officer may without warrant arrest any person—

Powers of arrest of forest and police officers.

- (a) who is found in possession of any forest produce in respect of which there is reasonable suspicion that it was obtained unlawfully from a State forest or private forest and who is unable to give a satisfactory account of his possession;
- 50 (b) whom he suspects on reasonable grounds of having committed any offence mentioned in section 75 (2) or of having taken part in the commission of such an offence;
- 55 (c) whom he suspects on reasonable grounds of having committed any offence mentioned in this Act or of having taken part in the commission of such an offence and who in his opinion will fail to appear in answer to a summons.
- 60

77. (1) A forest officer or police officer may seize any—

Powers of seizure of forest and police officers.

- (a) forest produce in respect of which he suspects on reasonable grounds an offence mentioned in this Act to have been committed;
- 65 (b) weapon, vehicle, equipment or animal which he suspects on reasonable grounds to have been used in the commission of any offence mentioned in this Act.

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(2) Die beampte wat 'n beslaglegging kragtens subartikel (1) uitvoer, moet so spoedig doenlik die tersaaklike feite rapporteer aan 'n landdros binne wie se regsgebied die beslaglegging plaasgevind het, en die landdros kan ten opsigte van die aanhouding of beskikking oor die betrokke bosproduk, goed of dier die bevel uitreik wat hy, met inagneming van die feite aan hom voorgelê, billik of raadsaam ag. 5

Oorlegging van dokumente.

78. 'n Persoon wat ingevolge hierdie Wet in besit van 'n lisensie, permit of ander magtiging moet wees, moet dit op versoek van 'n landdros, vrederegt, bosbeampte, polisiebeampte of ander gemagtigde beampte toon. 10

Ander bevoegdhede van bosbeamptes.

79. 'n Bosbeampte—

- (a) kan by die verrigting van enige werksaamheid ingevolge hierdie Wet— 15
 - (i) na redelike kennisgewing aan die eienaar of okkupeerder van grond, daardie grond betree met die nodige werksmense en toerusting, en daarop enige ondersoek of inspeksie uitvoer of handeling verrig wat vir die verrigting van daardie werksaamheid 20 nodig is;
 - (ii) vir sover dit nodig is om toegang tot die grond bedoel in paragraaf (a) (i) te verkry, enige ander grond na redelike kennisgewing aan die betrokke eienaar of okkupeerder betree met die nodige 25 werksmense en toerusting en daarvoor gaan;
- (b) het ten opsigte van enige misdryf ingevolge hierdie Wet al die bevoegdhede waarmee 'n polisiebeampte regtens bekleed is. 30

Onwettige plakery, kampering of bewerking in Staatsbosse.

80. Wanneer 'n bosbeampte 'n beëdigde verklaring met die strekking dat vir sover hy kan vasstel 'n persoon sonder magtiging in 'n Staatsbos plak, kampeer, woon, 'n bouwerk oprig of grond skoonmaak of bewerk, indien by die klerk van die landdroshof in wie se regsgebied die betrokke Staatsbos geleë is, moet die klerk daardie persoon dagvaar om voor die hof te verskyn om redes aan te voer waarom hy nie gelas moet word om die Staatsbos te verlaat of die betrokke bouwerk of aangeplante gewasse te verwyder nie, na gelang van die geval, en as daardie persoon versuim om aldus te verskyn of versuim om te bewys dat hy die nodige magtiging besit, kan die hof gelas dat hy binne 'n tydperk deur die hof bepaal die Staatsbos moet verlaat en nie daarheen terugkeer nie, of die bouwerk of gewasse daaruit moet verwyder, en die hof kan ook die bosbeampte of 'n ander beampte deur die hof aangewys, magtig om die bouwerk of gewasse te verwyder, te vernietig of andersins daarvoor te beskik indien daardie persoon versuim om dit te doen binne die tydperk deur die hof bepaal. 35 40 45

Beskikking oor bosprodukte betrokke by misdrywe en betaling van skadevergoeding.

- 81. (1) (a) 'n Hof wat by die verhoor van iemand op 'n aanklag ingevolge hierdie Wet, 'n ander wet of die gemene reg bevind dat 'n bosproduk wederregtelik uit 'n Staatsbos of private bos verwyder is, kan, sonder om afbreuk aan enige ander bevoegdheid van daardie hof te doen, gelas dat die betrokke bosproduk aan die persoon wat daarop geregtig is, terugbesorg word, of dat skadevergoeding, soos deur die hof vasgestel, deur die beskuldigde aan die betrokke persoon betaal word. 50 55
- (b) 'n Hof wat by die verhoor van iemand op 'n aanklag ingevolge hierdie Wet, 'n ander wet of die gemene reg bevind dat bosprodukte of ander eiendom wederregtelik in 'n Staatsbos of private bos gekap of beskadig is, hetsy opsetlik of nalatig, kan, sonder om afbreuk aan enige ander bevoegdheid van daardie hof te doen, gelas dat skadevergoeding, soos deur die hof vasgestel, deur die beskuldigde aan die betrokke persoon betaal word. 60
- (c) 'n Hof wat by die verhoor van iemand op 'n aanklag ingevolge artikel 75 (4) bevind dat ten opsigte van 'n be- 65

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(2) An officer who carries out a seizure under subsection (1), shall as soon as practicable report the relevant facts to a magistrate within whose area of jurisdiction the seizure took place, and the magistrate may make such order as to the retention or disposal of the forest produce, property or animal as he may, with due regard to the facts reported to him, consider equitable or expedient.

78. Any person who in terms of this Act is required to be in possession of a licence, permit or other authorization shall produce it on demand of a magistrate, justice of the peace, forest officer, police officer or other authorized officer.

Production of documents.

79. A forest officer—

Other powers of forest officers.

- (a) may in the performance of any function in terms of this Act—
- (i) after reasonable notice to the owner or occupier of land, enter upon that land with the necessary workmen and equipment, and conduct thereon any investigation or inspection or perform any act which is necessary for the performance of that function;
- (ii) in so far as it may be necessary to gain access to any land mentioned in paragraph (a) (i), after reasonable notice to the owner or occupier concerned, enter upon and go across any other land with the necessary workmen and equipment;
- (b) has in respect of any offence under this Act all the powers vested by law in a police officer.

80. When a forest officer lodges an affidavit to the effect that as far as he can ascertain a person is without authority squatting, camping, residing, building a structure, or clearing or cultivating land, in a State forest, with the clerk of the magistrate's court within whose area of jurisdiction the State forest in question is situated, the clerk shall summon that person to appear before the court to show cause why he should not be ordered to leave the State forest or to remove the structure or planted crop in question, as the case may be, and if that person fails so to appear or fails to prove that he has the necessary authority, the court may order that he shall, within a period fixed by the court, leave the State forest and not return thereto, or that he shall remove therefrom that structure or crop, and the court may also authorize the forest officer or any other officer designated by the court, to remove, destroy or otherwise dispose of that structure or crop if that person fails to do so within the period fixed by the court.

Illegal squatting, camping or cultivation in State forests.

81. (1) (a) A court which at the trial of any person on a charge in terms of this Act, any other law or the common law finds that forest produce has been removed unlawfully from a State forest or private forest, may, without prejudice to any other power of that court, order that the forest produce in question be returned to the person entitled thereto or that damages, as determined by the court, be paid by the accused to the person concerned.
- (b) A court which at the trial of any person on a charge in terms of this Act, any other law or the common law finds that forest produce or other property in a State forest or private forest has been unlawfully cut or damaged, whether wilfully or negligently, may, without prejudice to any other power of that court, order that damages, as determined by the court, be paid by the accused to the person concerned.
- (c) A court which at the trial of any person on a charge under section 75 (4) finds that an act has been

Disposal of forest produce involved in offences and payment of compensation.

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skermde boom of enige deel of produk daarvan 'n handeling verrig is in stryd met die bepalings van artikel 13 (5), kan, sonder om afbreuk aan enige ander bevoegdheid van daardie hof te doen, gelas dat die persoon in besit van enige verwyderde deel of produk van die beskermde boom of van enige hout verkry uit die kap of beskadiging daarvan, dit aan die direkteur-generaal moet oorhandig vir beskikking daarvoor tot die voordeel van die Staat, of die hof kan gelas dat die betrokke persoon 'n bedrag gelyk aan die bedrag waarmee hy na die oordeel van die hof as gevolg van sy handeling bevoordeel is, aan die Staat betaal.

(2) 'n Bevel van 'n hof bedoel in subartikel (1) word ten uitvoer gelê op dieselfde wyse as 'n vonnis van daardie hof in 'n siviele geding.

Toekenning van deel van verhaalde boete aan informant.

82. 'n Hof wat 'n boete weens 'n misdryf ingevolge hierdie Wet oplê, kan gelas dat 'n bedrag gelyk aan hoogstens een vierde van die verhaalde boete betaal word aan enige persoon wat nie 'n beampte in diens van die Staat is nie en wat die inligting verstrek het waarop die veroordeling weens daardie misdryf verkry is of wat wesenlik bygedra het om die oortreder voor die gereg te bring.

Vermoedens by strafregtelike gedinge.

83. (1) Wanneer by 'n vervolging weens 'n misdryf ingevolge hierdie Wet daar in die aanklag beweer word dat enige bosprodukt of hout die eiendom van die Staat of van 'n bepaalde persoon is, word daar vermoed, totdat die teendeel bewys word, dat die bosprodukt of hout die eiendom van die Staat of daardie persoon is, na gelang van die geval.

(2) Wanneer by 'n vervolging weens 'n misdryf ingevolge artikel 75 (5), daar in die aanklag beweer word dat konstruksiehout geproduseer is van bome wat in die Republiek gekweek is, word daar vermoed, totdat die teendeel bewys word, dat die konstruksiehout aldus geproduseer is.

Vermoede van nalatigheid.

84. Wanneer in enige geding uit hoofde van die bepalings van hierdie Wet of van die gemene reg die vraag van nalatigheid ontstaan in verband met 'n veld-, bos- of bergbrand wat op grond geleë buite 'n brandbeheergebied voorgekom het, word daar vermoed dat daar nalatigheid was totdat die teendeel bewys word.

DEEL XII

40

Diverse

Regte betreffende sekere openbare dienste.

85. Ondanks andersluidende bepalings van die een of ander wet, mag geen reg om 'n Staatsbos of private bos vir die doeleindes van die Poswet, 1958 (Wet No. 44 van 1958), of die aanlê of instandhouding van elektriese kragleidings, paaie of spoorweë, met inbegrip van die neem van klip, sand, grond of water, te betree, sonder voorafgaande oorleg met die direkteur-generaal of die eienaar, na gelang van die geval, uitgeoefen word nie, behalwe in die geval waar—

(a) die direkteur-generaal of die eienaar, na gelang van die geval, geskikte en voldoende grond of plekke vir die uitoefening van die betrokke reg aangewys het;

(b) verbindings deur bome onderbreek of in gevaar gestel word en die beoogde stappe noodsaaklik is om die onderbreking of gevaar te verwyder, maar in so 'n geval moet die betrokke gesag so spoedig doenlik die direkteur-generaal of eienaar, na gelang van die geval, in kennis stel van die stappe wat gedoen is.

Bestelling van stukke.

86. 'n Kennisgewing of ander stuk, of 'n mededeling wat ingevolge hierdie Wet aan 'n persoon bestel of gestuur moet of kan word, word, behalwe waar daar in hierdie Wet anders bepaal word, geag behoorlik bestel of gestuur te wees—

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5 committed in respect of any protected tree or any part thereof or product derived therefrom, contrary to the provisions of section 13 (5), may, without prejudice to any other power of the court, order that the person in possession of any part removed from or a product derived from that protected tree or of any timber obtained from the cutting or damaging thereof hand it over to the director-general for disposal thereof to the benefit of the State, or the court may order that the person concerned pay an amount which, in the opinion of the court, is equal to the amount by which he has benefited as a result of his act to the State.

10 (2) Any order of a court contemplated in subsection (1) shall be executed in the same manner as a judgment of that court in a civil case.

82. A court which imposes a fine for an offence in terms of this Act, may order that a sum not exceeding one-fourth of the fine recovered, be paid to any person, not being an officer in the service of the State, upon whose information the conviction for that offence was obtained or who assisted materially in bringing the offender to justice.

Award of part of fine recovered to informant.

83. (1) When in a prosecution for an offence in terms of this Act it is alleged in the charge that any forest produce or timber is the property of the State or of a particular person, it is presumed, until the contrary is proved, that such forest produce or timber is the property of the State or of that person, as the case may be.

Presumptions in criminal proceedings.

25 (2) When in a prosecution for an offence in terms of section 75 (5), it is alleged in the charge that structural timber was produced from trees grown in the Republic, it is presumed, until the contrary is proved, that such structural timber was so produced.

84. When in any action by virtue of the provisions of this Act or the common law the question of negligence in respect of a veld, forest or mountain fire which occurred on land situated outside a fire control area arises, negligence is presumed, until the contrary is proved.

Presumption of negligence.

PART XII

Miscellaneous

85. Notwithstanding anything to the contrary in any law contained, no right of entry upon any State forest or private forest for the purposes of the Post Office Act, 1958 (Act No. 44 of 1958), or the construction or maintenance of electrical power lines, roads or railways, including the taking of stone, sand, earth or water, shall be exercised without prior consultation with the director-general or the owner, as the case may be, except in the case where—

Rights regarding certain public services.

- 45 (a) the director-general or the owner, as the case may be, has pointed out suitable and adequate land or places for the exercise of the right in question;
- 50 (b) communications are interfered with or endangered by trees and the contemplated steps are essential for the removal of the interference or danger, but in such a case the authority concerned shall as soon as practicable notify the director-general or owner, as the case may be, of the steps which have been taken.

55 86. A notice or other document or communication required or authorized in terms of this Act to be served upon or sent to any person, is deemed, except where otherwise provided in this Act, to have been effectually served or sent—

Service of documents.

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- (a) indien 'n afskrif aan hom afgelewer word; of
- (b) indien 'n afskrif gelaat word by 'n volwasse persoon wat oënskynlik by sy laaste bekende woonplek of kantoor of sakeplek in die Republiek woon of dit okkupeer of aldaar in diens is; of
- (c) indien 'n afskrif per aangetekende pos gestuur word wat aan hom gerig is by sy laaste bekende adres, wat 'n plek of kantoor bedoel in paragraaf (b) kan wees.

Beperking van aanspreeklikheid.

87. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen is by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat by of kragtens hierdie Wet verleen of opgedra word.

Werking van Wet met betrekking tot ander wette.

88. Die bepalinge van hierdie Wet geld benewens die bepalinge van enige ander wet wat nie met hierdie Wet strydig of onbestaanbaar is nie, en dien nie ter vervanging daarvan nie.

Herroeping van wette, en voorbehoude.

89. (1) Behoudens die bepalinge van hierdie artikel word die wette in Bylae 2 genoem hierby herroep vir sover in die derde kolom daarvan aangedui word.

(2) 'n Gebied wat ingevolge artikel 12 (1) (a) van die Grondwet, 1969 (Wet No. 76 van 1969), tot 'n brandbestrydingsgebied verklaar is, 'n brandbestrydingskomitee ingestel kragtens artikel 12 (1) (b) van daardie Wet, en 'n brandbestrydingsplan wat ingevolge artikel 13 (3) van daardie Wet goedgekeur is, word geag onderskeidelik 'n gebied wat kragtens artikel 18 (1) van hierdie Wet tot 'n brandbeheergebied verklaar is, 'n brandbeheerkomitee ingestel kragtens artikel 19 (1) van hierdie Wet, en 'n plan goedgekeur ingevolge artikel 20 (3) van hierdie Wet, te wees.

(3) (a) By die toepassing van hierdie subartikel beteken "Raad" die raad wat ingevolge artikel 6 van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), die inrigtings genoem in Goewermentskennisgewings R.1022 van 26 Junie 1970 en 773 van 15 April 1983 beheer en bestuur het.

(b) Die persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van die Raad was, word geag kragtens artikel 59 met ingang van die datums waarop hulle onderskeidelik as lede van die Raad aangestel is, as lede van die Raad vir Nasionale Botaniese Tuine aangestel te wees.

(c) (i) Elke persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n werknemer van die Raad was, word geag ingevolge artikel 69 (1) as 'n beampte van die Raad vir Nasionale Botaniese Tuine aangestel te wees, sy diensvoorwaardes (met inbegrip van besoldiging) word geag ingevolge artikel 69 (2) bepaal te wees, en enige voordele of regte opgeloopte uit hoofde van sy diens by die Raad word geag opgeloopte te wees uit hoofde van diens by die Raad vir Nasionale Botaniese Tuine.

(ii) Behalwe ingevolge tugmaatreëls deur die Raad vir Nasionale Botaniese Tuine word die besoldiging van 'n persoon bedoel in subparagraaf (i) nie sonder sy toestemming verminder bloot as gevolg van die bepalinge van hierdie subartikel nie.

(d) By die inwerkingtreding van hierdie Wet gaan die bates, laste, regte en verpligtinge van die Raad op die Raad vir Nasionale Botaniese Tuine oor.

(4) Enigiets wat gedoen is kragtens 'n bevoegdheid verleen deur of ingevolge 'n bepaling van 'n wet by subartikel (1) herroep, word geag kragtens 'n bevoegdheid verleen deur of ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

(5) Die bepalinge van hierdie Wet raak nie enige ooreenkoms in verband met die bestuur van 'n Staatsbos, die vandiehandsetting van bosprodukte, die verlening van regte ten opsigte van beweiding, bewerking, die oprigting van saagmeulens en fa-

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- (a) if a copy is delivered to him; or
 (b) if a copy is left with some adult person apparently residing at or occupying or employed at his last known abode or office or place of business in the Republic; or
 5 (c) if a copy is despatched by registered post addressed to him at his last known address, which may be any place or office contemplated in paragraph (b).

87. No person, including the State, is liable in respect of anything done in good faith in the exercise of a power or the carrying out of a duty conferred or imposed by or under this Act.

Restriction of liability.

88. The provisions of this Act apply in addition to, and not in substitution for, the provisions of any other law which are not in conflict with or inconsistent with the provisions of this Act.

Operation of Act with regard to other laws.

89. (1) Subject to the provisions of this section, the laws mentioned in Schedule 2 are hereby repealed to the extent indicated in the third column thereof.

Repeal of laws, and savings.

(2) An area declared to be a fire protection area in terms of section 12 (1) (a) of the Soil Conservation Act, 1969 (Act No. 76 of 1969), a fire protection committee established under section 12 (1) (b) of that Act, and a fire protection scheme approved in terms of section 13 (3) of that Act, are deemed to be an area declared to be a fire control area under section 18 (1) of this Act, a fire control committee established under section 19 (1) of this Act, and a scheme approved in terms of section 20 (3) of this Act, respectively.

(3) (a) For the purposes of this subsection "Council" means the council which in terms of section 6 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), controlled and managed the institutions named in Government Notices R. 1022 of 26 June 1970 and 773 of 15 April 1983.

(b) The persons who immediately before the commencement of this Act were members of the Council are deemed to have been appointed under section 59 as members of the Board for National Botanic Gardens with effect from the respective dates on which they were appointed as members of the Council.

(c) (i) Every person who immediately before the commencement of this Act was an employee of the Council, is deemed to have been appointed in terms of section 69 (1) as an officer of the Board for National Botanic Gardens, his conditions of service (including remuneration) are deemed to have been determined in terms of section 69 (2), and any benefits or rights accrued by virtue of his service with the Council are deemed to have accrued by virtue of service with the Board for National Botanic Gardens.

(ii) Save in accordance with disciplinary measures by the Board for National Botanic Gardens, the remuneration of a person contemplated in subparagraph (i) shall not without his consent be reduced solely as a result of the provisions of this subsection.

(d) At the commencement of this Act the assets, liabilities, rights and obligations of the Council devolve upon the Board for National Botanic Gardens.

(4) Anything done under a power conferred by or in terms of a provision of a law repealed by subsection (1), is deemed to have been done under a power conferred by or in terms of the corresponding provision of this Act.

(5) The provisions of this Act do not affect any agreement in connection with the management of a State forest, the disposal of forest produce, the granting of rights in respect of grazing, cultivation, the erection of sawmills and factories, trading,

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brieke, handeldryf, kampering, bewoning, of die aanlê van verbindings oor land, per radio of andersins, tussen die Staat en iemand anders wat by die inwerkingtreding van hierdie Wet van krag is nie.

Kort titel en
inwerkingtreding.

90. Hierdie Wet heet die Boswet, 1984, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 5

Bylae 1

OMSKRYWING VAN NASIONALE BOTANIESE TUINE

Kirstenbosch Nasionale Botaniese Tuin

Lot BH van Kirstenbosch Estate, Kirstenbosch 875, Klaassenbosch 883, en Lubberts Gift 871.

Karoo Nasionale Botaniese Tuin

Gedeeltes 41 en 92 van Hartebeeste Rivier, afdeling Worcester, Gedeelte 1 van Brewels Kloof, afdeling Worcester en Erf 3755, Worcester Dorpsgronde.

Harold Porter Nasionale Botaniese Tuin

Erf 607, Bettys Bay Dorpsgronde, afdeling Caledon, en Gedeeltes 37 en 167 van Hangklip, Bettys Bay Dorpsgronde, afdeling Caledon.

Natal Nasionale Botaniese Tuin

Resterende Gedeeltes van Lotte 212 en 795 van Pietermaritzburg Dorpsgronde, Gedeelte 26 van Exchange of Ordinance Land, Pietermaritzburg Dorpsgronde, en Gedeelte 1 van A van Lot 629, Pietermaritzburg Dorpsgronde.

Laeveld Nasionale Botaniese Tuin

Gedeelte 30 van Boschrand 283 JT, en Gedeelte 73 van Nelspruit 312 JT.

Drakensberg Nasionale Botaniese Tuin

Gedeelte 88 van Harrismith 131.

Transvaal Nasionale Botaniese Tuin

Gedeeltes 5, 22, 82, 107 en 119 van die Resterende Gedeelte van Roodekrans 183 IQ, Roodepoort Dorpsgronde, en Hoewes 1, 2 en 3 van Die Poortview Landbouhoewes, Roodepoort Dorpsgronde.

Oranje-Vrystaat Nasionale Botaniese Tuin

Lilyvale 2313.

Tinie Versfeld Veldblommereservaat

Gedeelte 4 van die Plaas Slangkop, afdeling Malmesbury.

Edith Stephens Kaapse Vlakte Veldblommereservaat

Gedeelte 28 ('n gedeelte van Gedeelte 5) van Sweet Home 609, Afdeling Kaap.

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camping, residence, or the construction of communications by land, radio or otherwise, between the State and any other person which is in force at the commencement of this Act.

90. This Act is called the Forest Act, 1984, and comes into operation on a date determined by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule 1

DEFINITION OF NATIONAL BOTANIC GARDENS

Kirstenbosch National Botanic Garden

Lot BH of Kirstenbosch Estate, Kirstenbosch 875, Klaassenbosch 883, and Lubberts Gift 871.

Karoo National Botanic Garden

Portions 41 and 92 of Hartebeeste Rivier, division of Worcester, Portion 1 of Brewels Kloof, division of Worcester and Erf 3755, Townlands of Worcester.

Harold Porter National Botanic Garden

Erf 607, Bettys Bay Townlands, division of Caledon, and Portions 37 and 167 of Hangklip, Bettys Bay Townlands, division of Caledon.

Natal National Botanic Garden

Remaining Portions of Lots 212 and 795 of Townlands of Pietermaritzburg, Portion 26 of Exchange of Ordinance Land, Townlands of Pietermaritzburg, and Portion 1 of A of Lot 629, Townlands of Pietermaritzburg.

Lowveld National Botanic Garden

Portion 30 of Boschrand 283 JT, and Portion 73 of Nelspruit 312 JT.

Drakensberg National Botanic Garden

Portion 88 of Harrismith 131.

Transvaal National Botanic Garden

Portions 5, 22, 82, 107 and 119 of the Remaining Portion of Roodekrans 183 IQ, Townlands of Roodepoort, and Holdings 1, 2 and 3 of The Poortview Agricultural Holdings, Townlands of Roodepoort.

Orange Free State National Botanic Garden

Lilyvale 2313.

Tinie Versfeld Wild Flower Reserve

Portion 4 of the Farm Slangkop, division of Malmesbury.

Edith Stephens Cape Flats Wild Flower Reserve

Portion 28 (a portion of Portion 5) of Sweet Home 609, division Cape.

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Bylae 2

WETTE HERROEP

Nommer en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 72 van 1968	Boswet, 1968	Die geheel
Wet No. 76 van 1969	Grondbewaringswet, 1969	Deel IV
Wet No. 37 van 1971	Boswysigingswet, 1971	Die geheel
Wet No. 46 van 1972	Boswysigingswet, 1972	Die geheel
Wet No. 45 van 1973	Boswysigingswet, 1973	Die geheel
Wet No. 57 van 1974	Boswysigingswet, 1974	Die geheel
Wet No. 36 van 1975	Boswysigingswet, 1975	Die geheel
Wet No. 63 van 1975	Ontcieningswet, 1975	Artikel 76
Wet No. 58 van 1976	Boswysigingswet, 1976	Die geheel
Wet No. 87 van 1978	Boswysigingswet, 1978	Die geheel
Wet No. 58 van 1979	Boswysigingswet, 1979	Die geheel
Wet No. 12 van 1982	Boswysigingswet, 1982	Die geheel
Wet No. 29 van 1983	Boswysigingswet, 1983	Die geheel

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Schedule 2

LAWS REPEALED

Number and year of law	Short title	Extent of repeal
Act No. 72 of 1968	Forest Act, 1968	The whole
Act No. 76 of 1969	Soil Conservation Act, 1969	Part IV
Act No. 37 of 1971	Forest Amendment Act, 1971	The whole
Act No. 46 of 1972	Forest Amendment Act, 1972	The whole
Act No. 45 of 1973	Forest Amendment Act, 1973	The whole
Act No. 57 of 1974	Forest Amendment Act, 1974	The whole
Act No. 36 of 1975	Forest Amendment Act, 1975	The whole
Act No. 63 of 1975	Expropriation Act, 1975	Section 76
Act No. 58 of 1976	Forest Amendment Act, 1976	The whole
Act No. 87 of 1978	Forest Amendment Act, 1978	The whole
Act No. 58 of 1979	Forest Amendment Act, 1979	The whole
Act No. 12 of 1982	Forest Amendment Act, 1982	The whole
Act No. 29 of 1983	Forest Amendment Act, 1983	The whole

