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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 524.

23 March 1989

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

No. 25 of 1989: Forest Amendment Act, 1989.

No. 524.

23 Maart 1989

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

No. 25 van 1989: Boswysigingswet, 1989.

Act No. 25, 1989

FOREST AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Forest Act, 1984, so as to increase the penalty for the unauthorized cutting, damaging, destroying, collecting, taking or removing of certain ferns in any State forest or private forest; to adjust other penalties; and to grant to the Minister the power to enter into agreements with the governments of self-governing territories.

*(Engelse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Maart 1989.)*

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

Amendment of section 75 of Act 122 of 1984

1. Section 75 of the Forest Act, 1984, is hereby amended—
 - (a) by the substitution for subparagraph (i) of paragraph (a) of subsection (2) 5 of the following subparagraph:

“(i) cuts, damages, destroys, collects, takes or removes—
 (aa) seven-week ferns (*Rumohra adiantiforme*); or
 (bb) any other forest produce.”;
 - (b) by the substitution in subsection (2) for the words following subparagraph 10 (iv) of paragraph (b) of the following words:

“is guilty of an offence and liable on conviction—
 (aa) in the case of an offence referred to in paragraph (a) (i) (aa), to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment; 15
 (bb) in the case of an offence referred to in paragraph (a) (i) (bb), to a fine not exceeding **[R2 500]** R4 000 or to imprisonment for a period not exceeding **[two years]** one year or to both such fine and such imprisonment.”; 20
 - (c) by the substitution in subsections (4), (5) and (8) (c), (d) and (f) for the expression “subsection (2)” of the expression “subsection (2) (a) (i) (bb)”;
and
 - (d) by the substitution in subsection (12) for the expression “R500” of the expression “R2 000”. 25

Insertion of section 87A in Act 122 of 1984

2. The following section is hereby inserted after section 87 of the Forest Act, 1984:

“Minister may enter into agreements

87A. The Minister may, in order to achieve the objects of this Act, enter into agreements with the government of a self-governing territory 30 as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971).”.

Short title

3. This Act shall be called the Forest Amendment Act, 1989.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk in vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Boswet, 1984, ten einde die straf by die ongemagtigde kap, beskadiging, vernietiging, versameling, neem of verwydering van sekere varings in 'n Staatsbos of private bos, te verhoog; ander strawwe aan te pas; en aan die Minister die bevoegdheid te verleen om ooreenkomste met die regerings van selfregerende gebiede aan te gaan.

(English text signed by the acting State President.)
(Assented to 14 March 1989.)

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

Wysiging van artikel 75 van Wet 122 van 1984

1. Artikel 75 van die Boswet, 1984, word hierby gewysig—

- 5 (a) deur subparagraaf (i) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf te vervang:
- “(i) (aa) seweweeksvrings (*Rumohra adiantiforme*); of
(bb) enige ander bosprodukte,
 kap, beskadig, vernietig, versamel, neem of verwyder;”;
- 10 (b) deur in subartikel (2) die woorde wat op subparagraaf (iv) van paragraaf (b) volg deur die volgende woorde te vervang:
- “is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
(aa) in die geval van 'n misdryf bedoel in paragraaf (a) (i) (aa), met 'n
boete van hoogstens R12 000 of met gevangenisstraf vir 'n tydperk
van hoogstens drie jaar of met daardie boete sowel as daardie
gevangenisstraf;
(bb) in die geval van 'n misdryf bedoel in paragraaf (a) (i) (bb), met 'n
boete van hoogstens [R2 500] R4 000 of met gevangenisstraf vir 'n
tydperk van hoogstens [twee] een jaar of met daardie boete sowel
as daardie gevangenisstraf.”;
- 15 (c) deur in subartikels (4), (5) en (8) (c), (d) en (f) die uitdrukking “subartikel (2)” deur die uitdrukking “subartikel (2) (a) (i) (bb)” te vervang; en
- 20 (d) deur in subartikel (12) die uitdrukking “R500” deur die uitdrukking “R2 000” te vervang.

25 Invoeging van artikel 87A in Wet 122 van 1984

2. Die volgende artikel word hierby na artikel 87 van die Boswet, 1984, ingevoeg:

“Minister kan ooreenkomste aangaan

- 30 87A. Die Minister kan, ten einde die oogmerke van hierdie Wet te bereik, ooreenkomste aangaan met die regering van 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971).”.

Kort titel

3. Hierdie Wet heet die Boswysigingswet, 1989.

