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GOVERNMENT GAZETTE

STAATSKOERANT

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No. 19408

OFFICE OF THE PRESIDENT

No. 1388.

30 October 1998

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

No. 84 of 1998: National Forests Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1388.

30 Oktober 1998

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

No. 84 van 1998: Nasionale Wet op Bosse, 1998.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the President.)
(Assented to 20 October 1998.)*

ACT

To reform the law on forests; to repeal certain laws; and to provide for related matters.

PREAMBLE

Parliament recognises that—

- * everyone has the constitutional right to have the environment protected for the benefit of present and future generations;
- * natural forests and woodlands form an important part of that environment and need to be conserved and developed according to the principles of sustainable management;
- * plantation forests play an important role in the economy;
- * plantation forests have an impact on the environment and need to be managed appropriately;
- * the State's role in forestry needs to change; and
- * the economic, social and environmental benefits of forests have been distributed unfairly in the past.

Parliament therefore enacts the following law:

ARRANGEMENT OF ACT

CHAPTER 1

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1. Purposes
2. Interpretation

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 20 Oktober 1998.)*

WET

Om die reg oor bosse te hervorm; om sekere wette te herroep; en om vir verbandhoudende aangeleenthede voorsiening te maak.

AANHEF

Die Parlement erken dat—

- * elkeen die grondwetlike reg het om die omgewing te laat beskerm tot voordeel van huidige en toekomstige geslagte;
- * natuurlike bosse en boomveld 'n belangrike deel van daardie omgewing uitmaak en bewaar en ontwikkel moet word volgens die beginsels van volhoubare bestuur;
- * plantasiebosse 'n belangrike rol in die ekonomie speel;
- * plantasiebosse 'n invloed op die omgewing het en behoorlik bestuur moet word;
- * die Staat se rol in bosbou moet verander; en
- * die ekonomiese, maatskaplike en omgewingsvoordele van bosse in die verlede onbillik versprei is.

Gevolglik verorden die Parlement die volgende wet:

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CHAPTER 1**INTRODUCTORY PROVISIONS**

5

This Chapter sets out the purposes for which this Act is passed. It defines important words and terms used in the Act and guides its interpretation.

Purposes

1. The purposes of this Act are to—
 - (a) promote the sustainable management and development of forests for the benefit of all; 10
 - (b) create the conditions necessary to restructure forestry in State forests;
 - (c) provide special measures for the protection of certain forests and trees;
 - (d) promote the sustainable use of forests for environmental, economic, educational, recreational, cultural, health and spiritual purposes; 15
 - (e) promote community forestry;
 - (f) promote greater participation in all aspects of forestry and the forest products industry by persons disadvantaged by unfair discrimination.

Interpretation

2. (1) In this Act, unless inconsistent with the context— 20
 - (i) “biological diversity” means genetic diversity, species diversity and ecosystem diversity; (iii)
 - (ii) “Committee for Sustainable Forest Management” means the committee established in terms of section 36(3)(a); (xxv)
 - (iii) “Committee on Forest Access” means the committee established in terms of section 36(3)(b); (xxiv) 25
 - (iv) “community” means a coherent, social group of persons with interests or rights in a particular area of land which the members have or exercise communally in terms of an agreement, custom or law; (xix)
 - (v) “community forestry” means forestry by a community in terms of an agreement referred to in sections 30 and 31; (xx) 30
 - (vi) “Council” means the National Forests Advisory Council, established by section 33; (xxxii)
 - (vii) “Department” means the national Department which has responsibility for forests; (xii) 35
 - (viii) “Director-General” means the Director-General of the Department; (xvi)
 - (ix) “ecosystem” means a system made up of a group of living organisms, the relationship between them and their physical environment; (xvii)
 - (x) “forest” includes— 40
 - (a) a natural forest, a woodland and a plantation;
 - (b) the forest produce in it; and
 - (c) the ecosystems which it makes up; (vi)
 - (xi) “forest management unit” means an area of land on all or on part of which there is forest and which is managed as an integrated unit; (viii)
 - (xii) “forest officer” means a person designated or appointed as a forest officer under section 65; (vii) 45
 - (xiii) “forest produce” means anything which appears or grows in a forest, including—
 - (a) any living organism, and any product of it, in a forest; and
 - (b) inanimate objects of mineral, historical, anthropological or cultural value; (x) 50
 - (xiv) “forest product” means an object or substance made from forest produce by a mechanical or chemical process; (xi)

BYLAES

1. Herroeping van wette by artikel 73
2. Wysigings van Wet 51 van 1994 by artikel 78

HOOFSTUK 1**5 INLEIDENDE BEPALINGS**

Hierdie Hoofstuk sit die oogmerke uiteen waarvoor hierdie Wet aangeneem word. Dit omskryf belangrike woorde en terme wat in die Wet gebruik word en gee leiding vir die uitleg van die Wet.

Oogmerke

- 10 1. Die doel van hierdie Wet is—
 - (a) om die volhoubare bestuur en ontwikkeling van bosse tot voordeel van almal te bevorder;
 - (b) om die omstandighede te skep wat nodig is vir die herstrukturerings van bosbou in Staatsbosse;
 - 15 (c) om spesiale maatreëls te bied vir die beskerming van sekere bosse en bome;
 - (d) om die volhoubare gebruik van bosse vir omgewings-, ekonomiese, opvoedkundige, ontspannings-, kulturele, gesondheids- en geestelike doeleindes te bevorder;
 - (e) om gemeenskapsbosbou te bevorder;
 - 20 (f) om groter deelname aan alle aspekte van bosbou en die bosproduktenwereld deur persone wat deur onbillike diskriminasie benadeel is, te bevorder.

Uitleg

2. (1) In hierdie Wet, tensy dit strydig is met die samehang, beteken—
 - 25 (i) “beskermd boom” ’n boom wat beskermd verklaar is, of behoort tot ’n groep bome, boomveld of spesie wat beskermd verklaar is, kragtens artikel 12(1) of 14(2); (xxvi)
 - (ii) “beskermd gebied” ’n gebied wat deur die Minister opsy gesit is as ’n beskermd gebied in een van die kategorieë bedoel in artikel 8(1); (xxv)
 - 30 (iii) “biologiese verskeidenheid” genetiese verskeidenheid, spesieverskeidenheid en ekosisteenverskeidenheid; (i)
 - (iv) “boom” ook enige boomsaailing, boompie, uitgeplante boom of stomploot van enige ouderdom en enige wortel, tak of ander deel daarvan; (xxxv)
 - (v) “boomveld” ’n groep inheemse bome wat nie ’n natuurlike bos is nie maar waarvan die kroon meer as vyf persent dek van die gebied wat ingesluit word deur die bome wat die perimeter van die groep vorm; (xxxix)
 - 35 (vi) “bos” ook—
 - (a) ’n natuurlike bos, ’n boomveld en ’n plantasie;
 - (b) die bosopbrengs daarin; en
 - (c) die ekosisteme waaruit dit bestaan; (x)
 - 40 (vii) “bosbeampte” ’n persoon aangewys of aangestel as ’n bosbeampte kragtens artikel 65; (xii)
 - (viii) “bosbestuurseenheid” ’n stuk grond waarop of dele daarvan waarop daar bosse is en wat as ’n geïntegreerde eenheid bestuur word; (xi)
 - (ix) “bosbou” die bestuur van bosse, insluitende die bestuur van grond wat nie bebos is nie maar wat deel van ’n bosbestuurseenheid uitmaak; (xv)
 - 45 (x) “bosopbrengs” enigiets wat in ’n bos voorkom of groei, insluitende—
 - (a) enige lewende organisme, en enige produk daarvan in ’n bos; en
 - (b) nie-lewende voorwerpe van minerale, geskiedkundige, antropologiese of kulturele waarde; (xiii)
 - 50 (xi) “bosproduk” ’n voorwerp of stof gemaak van bosopbrengs deur ’n meganiese of chemiese proses; (xiv)
 - (xii) “Departement” die nasionale Departement wat vir bosse verantwoordelik is; (vii)

- (xv) "forestry" means the management of forests, including the management of land which is not treed but which forms part of a forest management unit; (ix)
- (xvi) "habitat" means the place where a plant or animal naturally grows or lives; (xxi)
- (xvii) "indigenous" means indigenous to South Africa; (xxiii) 5
- (xviii) "Minister" means the Minister to whom the President assigns responsibility for forests in terms of section 91(2) of the Constitution; (xxvi)
- (xix) "municipality" means a local council, a metropolitan council, a metropolitan local council, a representative council, a rural council or a district council as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 10 209 of 1993), and any successor to such a council; (xxvii)
- (xx) "natural forest" means a group of indigenous trees—
 - (a) whose crowns are largely contiguous; or
 - (b) which have been declared by the Minister to be a natural forest under section 7(2); (xxviii) 15
- (xxi) "organ of State" means—
 - (a) any department of State or administration in the national, provincial or local sphere of government; and
 - (b) any other functionary or institution exercising a public power or performing a public function in terms of any legislation, 20 but excluding a court or judicial officer; (xxxv)
- (xxii) "person" includes a juristic person and a community; (xxix)
- (xxiii) "plantation" means a group of trees cultivated for exploitation of the wood, bark, leaves or essential oils in the trees; (xxx)
- (xxiv) "prescribe" means prescribe by regulation; (xxxviii) 25
- (xxv) "previous forest legislation" means—
 - (a) the laws referred to in the Schedule to the Forest Act, 1913 (Act No. 16 of 1913);
 - (b) the Forest Act, 1913 (Act No. 16 of 1913);
 - (c) the Forest (Demarcation) Act, 1917 (Act No. 14 of 1917); 30
 - (d) the regulations made in terms of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and published in Government Notice No. 494 of 2 April 1937;
 - (e) the Forest Act, 1941 (Act No. 13 of 1941);
 - (f) the regulations made in terms of the Black Administration Act, 1927 (Act 35 No. 38 of 1927), and the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and published in Government Notice No. R191 of 8 September 1967;
 - (g) the Government Notices referred to in regulation 27 of the Government Notice referred to in paragraph (f); 40
 - (h) the Forest Act, 1968 (Act No. 72 of 1968);
 - (i) the laws referred to in column 1 of Schedule 1 to the Forestry Laws Rationalisation and Amendment Act, 1994 (Act No. 51 of 1994);
 - (j) the laws referred to in Schedule 1 to this Act;
 - (k) any other law which allowed for the demarcation of forests or the 45 acquisition or reservation of land for forestry; and
 - (l) any amendments to the laws referred to in paragraphs (a) to (k); (xxxviii)
- (xxvi) "protected area" means an area set aside by the Minister as a protected area in one of the categories referred to in section 8(1); (ii)
- (xxvii) "protected tree" means a tree declared to be protected, or belonging to a group 50 of trees, woodland or species declared to be protected, under section 12(1) or 14(2); (i)
- (xxviii) "province" means the premier of the province exercising his or her executive authority together with the other members of the executive council referred to in section 132 of the Constitution; (xxxi) 55
- (xxix) "registered owner" means an owner as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); (xx)
- (xxx) "State forest"—
 - (a) means—

- (xiii) "die Trust" die Nasionale Trust vir Ontspanning in en Toegang tot Bosse, ingestel by artikel 41; (xxxiii)
- (xiv) "die Trustfondse" die fondse bedoel in artikel 41(5) tesame met enige ander geld daarna deur die Trust ontvang; (xxxiv)
- 5 (xv) "die Wet" of "hierdie Wet" die Nasionale Wet op Bosse, 1998, en ook die regulasies ingevolge die Wet uitgevaardig; (xxxii)
- (xvi) "Direkteur-generaal" die Direkteur-generaal van die Departement; (viii)
- (xvii) "ekosisteem" 'n stelsel bestaande uit 'n groep lewende organismes, die verhouding tussen hulle en hulle fisiese omgewing; (ix)
- 10 (xviii) "gemeenskap" 'n samehangende maatskaplike groep persone met belange in of regte op 'n bepaalde stuk grond wat die lede gemeenskaplik besit of uitoefen ingevolge 'n ooreenkoms, gebruik of wet; (iv)
- (xix) "gemeenskapsbosbou" bosbou deur 'n gemeenskap ingevolge 'n ooreenkoms bedoel in artikels 30 en 31; (v)
- 15 (xx) "geregistreerde eienaar" 'n eienaar soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937); (xxviii)
- (xxi) "habitat" die plek waar 'n plant of dier natuurlik groei of lewe; (xvi)
- (xxii) "hout"—
 - (a) stompe; of
 - 20 (b) hout wat gesaag of andersins meganies verwerk is; (xxxv)
- (xxiii) "inheems" inheems in Suid-Afrika; (xvii)
- (xxiv) "Komitee vir Toegang tot Bosse" die komitee ingestel ingevolge artikel 36(3)(b); (iii)
- (xxv) "Komitee vir Volhoubare Bosbestuur" die komitee ingestel ingevolge artikel 36(3)(a); (ii)
- 25 (xxvi) "Minister" die Minister aan wie die President verantwoordelikheid vir bosse opdra ingevolge artikel 91(2) van die Grondwet; (xviii)
- (xxvii) "munisipaliteit" 'n plaaslike raad, 'n metropolitaanse raad, 'n metropolitaanse plaaslike raad, 'n verteenwoordigende raad, 'n landelike raad of 'n distrikraad soos omskryf in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), en enige opvolger van so 'n raad; 30 (xix)
- (xxviii) "natuurlike bos" 'n groep inheemse bome—
 - (a) waarvan die krone grotendeels aanrakend is; of
 - 35 (b) wat deur die Minister tot 'n natuurlike bos verklaar is kragtens artikel 7(2); (xx)
- (xxix) "persoon" ook 'n regspersoon en 'n gemeenskap; (xxi)
- (xxx) "plantasie" 'n groep bome gekweek vir die benutting van die hout, bas, blare of eteriese olies in die bome; (xxii)
- 40 (xxxi) "provinsie" die premier van die provinsie wat sy of haar uitvoerende gesag uitoefen saam met die ander lede van die uitvoerende raad bedoel in artikel 132 van die Grondwet; (xxvii)
- (xxxii) "Raad" die Nasionale Bosadviesraad, ingestel by artikel 33; (vi)
- (xxxiii) "Staatsbos"—
 - 45 (a) (i) Staatsgrond, uitgesonderd trustbosse, wat verkry is of uitgehou word vir bosbou ingevolge hierdie Wet of enige vorige boswetgewing, tensy dit kragtens artikel 50(3) vrygestel is;
 - (ii) Staatsgrond, uitgesonderd trustbosse, wat aangewys is as gedemarkeerde Staatsbos of 'n soortgelyke benaming ingevolge enige 50 vorige boswetgewing, tensy dit aan demarkering onttrek is en nie meer vir bosbou gebruik word nie; en
 - (iii) trustbosse; en
 - (b) ook—
 - (i) Staatsplantasies, Staatsaagmeulens en Staatshoutverduursamings- 55 installasies;
 - (ii) grond wat vir navorsingsdoeleindes of as boomkweekery deur die Departement beheer en bestuur word;
 - (iii) gebiede wat ingevolge artikels 8(1)(a) en (b) en 9 beskerm word;
 - (iv) 'n stuk Staatsgrond wat ingevolge vorige boswetgewing opsy gesit 60 is vir die voorkoming van gronderosie of sandbeweging;

- (i) State land, other than trust forests, acquired or reserved for forestry in terms of this Act or any previous forest legislation, unless it has been released under section 50(3);
- (ii) State land, other than trust forests, designated as demarcated State forest or a similar designation in terms of any previous forest legislation, unless it was withdrawn from demarcation and is no longer used for forestry; and
- (iii) trust forests; and
- (b) includes—
 - (i) State plantations, State sawmills and State timber preservation plants;
 - (ii) land controlled and managed by the Department for research purposes or as a tree nursery;
 - (iii) areas protected in terms of sections 8(1)(a) and (b) and 9;
 - (iv) an area of State land which has been set aside in terms of previous forest legislation for the prevention of soil erosion or sand drift;
 - (v) an area referred to in paragraph (a) or paragraph (b)(i) to (iv), the ownership or control of which is transferred to a person or organ of State contemplated in section 53(2)(g)(i); (xxxiii)
- (xxxi) “State land” means land which vests in the national or a provincial government—
 - (a) including land held in trust by the Minister of Land Affairs or the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994); but
 - (b) excluding land belonging to a municipality; (xxxiv)
- (xxxii) “the Act” or “this Act” means the National Forests Act, 1998, and includes the regulations made in terms of the Act; (xv)
- (xxxiii) “the Trust” means the National Forest Recreation and Access Trust, established by section 41; (xiii)
- (xxxiv) “the Trust funds” means the funds referred to in section 41(5) together with any money subsequently received by the Trust; (xiv)
- (xxxv) “timber” means—
 - (a) logs; or
 - (b) wood that has been sawn or otherwise mechanically processed; (xxii)
- (xxxvi) “tree” includes any tree seedling, sapling, transplant or coppice shoot of any age and any root, branch or other part of it; (iv)
- (xxxvii) “trust forest” means State land which—
 - (a) was reserved for forestry or declared as demarcated State forest or a similar status in terms of any previous forest legislation; and
 - (b) has at any time vested in—
 - (i) the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);
 - (ii) the government of any area for which a legislative assembly was established in terms of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971); or
 - (iii) the governments of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, despite any subsequent withdrawal, retraction or amendment of the status of the forest as reserved or demarcated, the boundaries being those which applied when the forest was first demarcated or, failing demarcation, first reserved for forestry; (xxxvi)
- (xxxviii) “vehicle” includes any vessel or aircraft; (xxxvii)
- (xxxix) “woodland” means a group of indigenous trees which are not a natural forest, but whose crowns cover more than five per cent of the area bounded by the trees forming the perimeter of the group. (v)
- (2) Words derived from the words defined have corresponding meanings, unless the context indicates otherwise.
- (3) A reasonable interpretation of a provision which is consistent with the purposes of this Act must be preferred over an alternative interpretation which is not.
- (4) Neither—
 - (a) a reference to a duty to consult specific persons or authorities; nor

- (v) 'n gebied in paragraaf (a) of paragraaf (b)(i) tot (iv) bedoel, waarvan eienaarskap of beheer oorgedra word na 'n persoon of Staatsorgaan beoog in artikel 53(2)(g)(i); (xxx)
- 5 (xxxiv) "Staatsgrond" grond wat by die nasionale of 'n provinsiale regering berus—
 (a) insluitende grond wat in trust gehou word deur die Minister van Grondsake of die Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994); maar
 (b) uitgesonderd grond wat aan 'n munisipaliteit behoort; (xxxi)
- 10 (xxxv) "Staatsorgaan"—
 (a) 'n Staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike regeringsfeer; en
 (b) 'n ander funksionaris of instelling wat 'n openbare bevoegdheid uitoefen of 'n openbare funksie verrig ingevolge enige wetgewing, maar uitgesonderd 'n hof of regterlike beampte; (xx)
- 15 (xxxvi) "trustbos" Staatsgrond wat—
 (a) uitgehou is vir bosbou of verklaar is tot gedemarkeerde Staatsbos of 'n soortgelyke status ingevolge enige vorige boswetgewing; en
 (b) te eniger tyd berus het by—
 (i) die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van
 20 die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936);
 (ii) die regering van enige gebied waarvoor daar 'n wetgewende vergadering ingestel is ingevolge die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971); of
 25 (iii) die regerings van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei, ondanks enige latere herroeping, intrekking of wysiging van die status van die bos as uitgehou of gedemarkeer, en die grense is dié wat gegeld het toe die bos die eerste keer gedemarkeer of, by ontstentenis van demarkeering, die eerste keer uitgehou is vir bosbou; (xxxvii)
- 30 (xxxvii) "voertuig" ook enige vaartuig of lugvaartuig. (xxxviii)
 (xxxviii) "voorskryf" by regulasie voorskryf; (xxiv)
 (xxxix) "vorige boswetgewing"—
 (a) die wette bedoel in die Bylae by die Boswet, 1913 (Wet No. 16 van
 35 1913);
 (b) die Boswet, 1913 (Wet No. 16 van 1913);
 (c) die Bos (Demarkasie) Wet, 1917 (Wet No. 14 van 1917);
 (d) die regulasies uitgevaardig ingevolge die Ontwikkelingstrust en Grond
 40 Wet, 1936 (Wet No. 18 van 1936), en afgekondig in Goewermentskennisgewing No. 494 van 2 April 1937;
 (e) die Boswet, 1941 (Wet No. 13 van 1941);
 (f) die regulasies uitgevaardig ingevolge die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), en die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), en afgekondig in Goewermentskennisgewing No. R191 van 8 September 1967;
 45 (g) die Goewermentskennisgewings bedoel in regulasie 27 van die Goewermentskennisgewing bedoel in paragraaf (f);
 (h) die Boswet, 1968 (Wet No. 72 van 1968);
 (i) die wette bedoel in kolom 1 van Bylae 1 by die Rasionaliserings- en
 50 Wysigingswet op Bosbouwette, 1994 (Wet No. 51 van 1994);
 (j) die wette bedoel in Bylae 1 by hierdie Wet;
 (k) enige ander wet wat voorsiening gemaak het vir die demarkeering van bosse of die verkryging of uithou van grond vir bosbou; en
 (l) enige wysigings van die wette bedoel in paragrawe (a) tot (k). (xxiv)
- 55 (2) Woorde wat afgelei is van die omskrewe woorde het ooreenstemmende betekenisse, tensy die samehang anders aandui.
 (3) 'n Redelike uitleg van 'n bepaling wat versoenbaar is met die oogmerke van hierdie Wet moet verkies word bo 'n alternatiewe uitleg wat nie daarmee versoenbaar is nie.
- 60 (4) Nóg—
 (a) 'n verwysing na 'n plig om bepaalde persone of owerhede te raadpleeg; nóg

(b) the absence of any reference to a duty to consult or give a hearing, in this Act exempts the official or authority exercising a power or performing a duty from the duty to proceed fairly in respect of all persons entitled to be heard.

(5) Explanatory notes, printed in bold italics, at the beginning of Chapters and Parts must not be used to interpret this Act.

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CHAPTER 2

SUSTAINABLE FOREST MANAGEMENT

The purpose of this Chapter is to promote the sustainable management of forests.

Part 1

Management

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Part 1 lists principles of sustainable forest management, which apply to all official decisions affecting forests, whether in terms of this Act or other laws. The Minister is given the power to—

- * *set criteria, indicators and standards for assessing and enforcing sustainable forest management; and*
 - * *create incentives to manage forests sustainably,*
- on the advice of the Committee for Sustainable Forest Management.*

15

Principles to guide decisions affecting forests

3. (1) The principles set out in subsection (3) must be considered and applied in a balanced way—

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- (a) in the exercise of any power or the performance of any duty in terms of this Act;
- (b) in the development and implementation of government policies affecting forests;
- (c) in the exercise of any power or the performance of any duty in terms of any other legislation where the exercise of that power or the performance of that duty will impact on a natural forest or woodland;
- (d) in the issuing of a licence or other authorisation relating to the use of water for afforestation or forestry in terms of section 39(1) or 40(1) of the National Water Act, 1998; and
- (e) by any person required in terms of any legislation to carry out an environmental impact assessment in respect of any activity which will or may have an effect on natural forests or woodlands.

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(2) An organ of State applying these principles must—

- (a) take into account the differences between natural forests, woodlands and plantations;
- (b) recognise that conservation of biological diversity within plantations should be promoted in a way which is consistent with the primary economic purpose for which the plantation was established;
- (c) only apply those principles which it considers relevant to the decision or action which is contemplated; and
- (d) give such weight to each principle as it considers appropriate.

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(3) The principles are that—

- (a) natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits;
- (b) a minimum area of each woodland type should be conserved; and
- (c) forests must be developed and managed so as to—
 - (i) conserve biological diversity, ecosystems and habitats;
 - (ii) sustain the potential yield of their economic, social and environmental benefits;

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- (b) die afwesigheid van enige verwysing na 'n plig om te raadpleeg of aan te hoor,
in hierdie Wet stel die beampte of owerheid wat 'n bevoegdheid uitoefen of 'n plig verrig, vry van die plig om billik op te tree ten opsigte van alle persone wat daarop
5 geregtig is om aangehoor te word.
- (5) Verduidelikende aantekeninge, in vetdruk en kursief gedruk, aan die begin van Hoofstukke en Dele moet nie gebruik word om hierdie Wet uit te lê nie.

HOOFTUK 2

VOLHOUBARE BOSBESTUUR

- 10 *Die doel van hierdie Hoofstuk is om die volhoubare bestuur van bosse te bevorder.*

Deel 1

Bestuur

- Deel 1 noem beginsels van volhoubare bosbestuur, wat van toepassing is op alle amptelike besluite rakende bosse, hetsy ingevolge hierdie Wet of ander wette. Die*
15 *Minister word die bevoegdheid verleen om—*
- * maatstawwe, aanwysers en standarde te stel vir die evaluering en afdwinging van volhoubare bosbestuur; en*
 - * aansporings te voorsien om bosse volhoubaar te bestuur, op advies van die Komitee vir Volhoubare Bosbestuur.*

- 20 **Beginnels om leiding te gee aan besluite rakende bosse**

3. (1) Die beginsels in subartikel (3) uiteengesit, moet op 'n gebalanseerde wyse oorweeg en toegepas word—
- (a) by die uitoefening van enige bevoegdheid of die verrigting van enige plig ingevolge hierdie Wet;
 - 25 (b) by die ontwikkeling en implementering van regeringsbeleid rakende bosse;
 - (c) by die uitoefening van enige bevoegdheid of die verrigting van enige plig ingevolge enige ander wetgewing waar die uitoefening van daardie bevoegdheid of die verrigting van daardie plig 'n uitwerking op 'n natuurlike bos of boomveld sal hê;
 - 30 (d) by die uitreiking van 'n lisensie of ander magtiging betreffende die gebruik van water vir bebossing of bosbou ingevolge artikel 39(1) of 40(1) van die Nasionale Waterwet, 1998; en
 - (e) deur enige persoon wat ingevolge enige wetgewing 'n omgewingsinvloed-evaluering moet doen ten opsigte van enige bedrywigheid wat 'n uitwerking op natuurlike bosse of boomveld sal of kan hê.
 - 35 (2) 'n Staatsorgaan wat hierdie beginsels toepas, moet—
 - (a) die verskille tussen natuurlike bosse, boomveld en plantasies in aanmerking neem;
 - (b) besef dat die bewaring van biologiese verskeidenheid binne plantasies bevorder moet word op 'n wyse wat versoenbaar is met die primêre ekonomiese doel waarvoor die plantasie gevestig is;
 - 40 (c) slegs die beginsels toepas wat na sy mening tersaaklik is vir die besluit of handeling wat beoog word; en
 - (d) die gewig aan elke beginsel heg wat hy geskik ag.
 - 45 (3) Die beginsels is dat—
 - (a) natuurlike bosse nie vernietig moet word nie behalwe in uitsonderlike omstandighede waar, na die mening van die Minister, 'n voorgestelde nuwe grondgebruik verkieslik is op grond van die ekonomiese, maatskaplike of omgewingsvoordele daarvan;
 - 50 (b) 'n minimum oppervlakte van elke boomveldtipe bewaar moet word; en
 - (c) bosse ontwikkel en bestuur moet word ten einde—
 - (i) biologiese verskeidenheid, ekosistels en habitatte te bewaar;
 - (ii) die potensiele lewering van hulle ekonomiese, maatskaplike en omgewingsvoordele vol te hou;

- (iii) promote the fair distribution of their economic, social, health and environmental benefits;
 - (iv) promote their health and vitality;
 - (v) conserve natural resources, especially soil and water;
 - (vi) conserve heritage resources and promote aesthetic, cultural and spiritual values; and 5
 - (vii) advance persons or categories of persons disadvantaged by unfair discrimination.
- (4) The Minister must determine the minimum area of each woodland type to be conserved in terms of subsection (3)(b) on the basis of scientific advice. 10

Promotion and enforcement of sustainable forest management

4. (1) For the purposes of this section, "owner" means—
- (a) the registered owner; or
 - (b) where the registered owner has transferred control of the forest management unit in question to another person or organ of State, whether by way of assignment, delegation, contract or otherwise, that person or organ of State. 15
- (2) The Minister may—
- (a) determine—
 - (i) criteria on the basis of which it can be determined whether or not forests are being managed sustainably; 20
 - (ii) indicators which may be used to measure the state of forest management; and
 - (iii) appropriate standards in relation to the indicators; and
 - (b) create or promote certification programmes and other incentives to encourage sustainable forest management, 25
- on the advice of the Committee for Sustainable Forest Management.
- (3) The Minister must—
- (a) publish the criteria, indicators and standards in the form of regulations made under section 53(2)(b);
 - (b) identify clearly where the breach of a standard may be an offence. 30
- (4) The Minister may publish the criteria, indicators and standards in such other media as he or she considers appropriate.
- (5) Specific regional, economic, social and environmental conditions must be taken into account in determining criteria, indicators and standards.
- (6) Criteria and indicators may include, but are not limited to, those for determining— 35
- (a) the level of maintenance and development of—
 - (i) forest resources;
 - (ii) biological diversity in forests;
 - (iii) the health and vitality of forests;
 - (iv) the productive functions of forests; 40
 - (v) the protective and environmental functions of forests; and
 - (vi) the social functions of forests;
 - (b) the level of provision of socio-economic benefits; and
 - (c) the status and appropriateness of the policy and the legislative and institutional framework for forest management. 45
- (7) The criteria, indicators and standards determined under subsection (2)(a)—
- (a) may apply nationally, regionally or to specific forest management units;
 - (b) may identify the boundaries of the forest management unit or units to which they apply;
 - (c) may apply to all or to specific forest types; 50
 - (d) bind all owners of land on which there are forests in the area and of the type to which the standards apply;
 - (e) bind any other persons to whom they are expressly made applicable.
- (8) Where the breach of a particular standard may be an offence, a forest officer may inform an owner who is in breach of that standard by written notice of— 55

- (iii) die billike verspreiding van hulle ekonomiese, maatskaplike, gesondheids- en omgewingsvoordele te bevorder;
 - (iv) hulle gesondheid en lewenskragtigheid te bevorder;
 - (v) natuurlike hulpbronne, veral grond en water, te bewaar;
 - 5 (vi) erfenishulpbronne te bewaar en estetiese, kulturele en geestelike waardes te bevorder; en
 - (vii) persone of kategorieë persone wat deur onbillike diskriminasie benadeel is, te bevorder.
- (4) Die Minister moet die minimum oppervlakte van elke boomveldtipe wat
10 ingevolge subartikel (3)(b) bewaar moet word, bepaal op die grondslag van wetenskaplike advies.

Bevordering en afdwinging van volhoubare bosbestuur

4. (1) Vir doeleindes van hierdie artikel beteken "eienaar"—
- (a) die geregistreerde eienaar; of
 - 15 (b) waar die geregistreerde eienaar beheer oor die betrokke bosbestuurseenheid aan 'n ander persoon of Staatsorgaan oorgedra het, hetsy by wyse van opdrag, delegasie, kontrak of andersins, daardie persoon of Staatsorgaan.
- (2) Die Minister—
- (a) kan—
 - 20 (i) maatstawwe bepaal op die grondslag waarvan daar bepaal kan word of bosse volhoubaar bestuur word al dan nie;
 - (ii) aanwysers bepaal wat gebruik kan word om die stand van bosbestuur te meet; en
 - (iii) geskikte standaarde met betrekking tot die aanwysers bepaal; en
 - 25 (b) kan sertifiseringsprogramme en ander aansporings skep of bevorder om volhoubare bosbestuur aan te moedig,
- op advies van die Komitee vir Volhoubare Bosbestuur.
- (3) Die Minister moet—
- (a) die maatstawwe, aanwysers en standaarde publiseer in die vorm van regulasies uitgevaardig kragtens artikel 53(2)(b);
 - 30 (b) duidelik identifiseer waar die skending van 'n standaard 'n misdryf kan wees.
- (4) Die Minister kan die maatstawwe, aanwysers en standaarde publiseer in die ander media wat hy of sy geskik ag.
- (5) Spesifieke streeks-, ekonomiese, maatskaplike en omgewingstoestande moet in
35 aanmerking geneem word by die bepaling van maatstawwe, aanwysers en standaarde.
- (6) Maatstawwe en aanwysers kan insluit, maar is nie beperk nie tot, dié vir die bepaling van—
- (a) die vlak van instandhouding en ontwikkeling van—
 - 40 (i) boshulpbronne;
 - (ii) biologiese verskeidenheid in bosse;
 - (iii) die gesondheid en lewenskragtigheid van bosse;
 - (iv) die produktiewe funksies van bosse;
 - (v) die beskermende en omgewingsfunksies van bosse; en
 - (vi) die maatskaplike funksies van bosse;
 - 45 (b) die vlak van die voorsiening van sosio-ekonomiese voordele; en
 - (c) die status en geskiktheid van die beleid en die wetgewende en institusionele raamwerk vir bosbestuur.
- (7) Die maatstawwe, aanwysers en standaarde wat kragtens subartikel (2)(a) bepaal
is—
- 50 (a) kan nasionaal, op streekvlak of op spesifieke bosbestuurseenhede van toepassing wees;
 - (b) kan die grense identifiseer van die bosbestuurseenheid of -eenhede waarop dit van toepassing is;
 - (c) kan op alle of op spesifieke bostipes van toepassing wees;
 - 55 (d) bind alle grondeienaars waarop daar bosse is in die gebied waar en van die tipe waarop die standaarde van toepassing is;
 - (e) bind enige ander persone op wie dit uitdruklik van toepassing gemaak word.
- (8) Waar die skending van 'n bepaalde standaard 'n misdryf kan wees, kan 'n bosbeampte 'n eienaar wat daardie standaard skend, deur 'n skriftelike kennisgewing
60 in kennis stel van—

- (a) the nature of the breach;
 - (b) the steps which the owner must take to remedy the breach; and
 - (c) the period within which he or she must do so.
- (9) The period laid down in the notice may be extended by the Minister for good reason.

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Part 2

Research, monitoring and reporting

Part 2 obliges the Minister to see that relevant research is done and to monitor the management of forests. The Minister must report to Parliament at least every three years on the results of the monitoring.

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Promotion of research

5. (1) The Minister must carry out or commission research.
- (2) The research must promote the objectives of forest policy and conform with national policies and programmes relating to science and technology.

Duty to monitor forests and disseminate information

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6. (1) The Minister must monitor forests with reference to the matters referred to in section 4(6).

(2) The Minister must disseminate the information derived from monitoring to the public in a way which in his or her opinion will promote sustainable forest management.

(3) The Minister must report to Parliament at least every three years on—

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- (a) the facts and trends which emerge from the monitoring;
- (b) whether the facts and trends observed are in the national interest;
- (c) the measures being implemented to address negative trends; and
- (d) any other matter he or she considers appropriate.

CHAPTER 3

25

SPECIAL MEASURES TO PROTECT FORESTS AND TREES

Part 1

Prohibition of destruction of natural forests

Part 1 prohibits the destruction of indigenous trees in any natural forest without a licence.

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Prohibition on destruction of trees in natural forests

7. (1) No person may cut, disturb, damage or destroy any indigenous, living tree in, or remove or receive any such tree from, a natural forest except in terms of—

- (a) a licence issued under subsection (4) or section 23; or
- (b) an exemption from the provisions of this subsection published by the Minister in the *Gazette* on the advice of the Council.

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(2) The Minister may declare to be a natural forest a group of indigenous trees—

- (a) whose crowns are not largely contiguous; or
- (b) where there is doubt as to whether or not their crowns are largely contiguous, if he or she is of the opinion, based on scientific advice, that the trees make up a forest which needs to be protected in terms of this Part.

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(3) The Minister declares a forest to be a natural forest by—

- (a) publishing a notice in the *Gazette*;
- (b) publishing a notice in two newspapers circulating in the area; and
- (c) airing a notice on two radio stations broadcasting to the area.

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(4) The Minister may issue a licence to cut, damage or destroy any indigenous, living tree in, or remove or receive any such tree from, a natural forest.

- (a) die aard van die skending;
 - (b) die stappe wat die eienaar moet doen om die skending reg te stel; en
 - (c) die tydperk waarbinne hy of sy dit moet doen.
- (9) Die tydperk wat in die kennisgewing bepaal word, kan om goeie redes deur die Minister verleng word.

Deel 2

Navorsing, monitering en verslagdoening

Deel 2 verplig die Minister om toe te sien dat tersaaklike navorsing gedoen word en om die bestuur van bosse te moniteer. Die Minister moet minstens elke drie jaar aan die Parlement verslag doen oor die resultate van die monitering.

Bevordering van navorsing

- 5. (1) Die Minister moet navorsing doen of laat doen.
- (2) Die navorsing moet die oogmerke van bosbeleid bevorder en moet in ooreenstemming wees met nasionale beleid en programme rakende wetenskap en tegnologie.

15 Plig om bosse te moniteer en inligting te versprei

- 6. (1) Die Minister moet bosse moniteer met verwysing na die aangeleenthede in artikel 4(6) bedoel.
- (2) Die Minister moet die inligting wat uit monitering verkry word, aan die publiek versprei op 'n wyse wat na sy of haar mening volhoubare bosbestuur sal bevorder.
- 20 (3) Die Minister moet minstens elke drie jaar aan die Parlement verslag doen oor—
 - (a) die feite en tendense wat uit die monitering na vore kom;
 - (b) die vraag of die waargenome feite en tendense in landsbelang is;
 - (c) die maatreëls wat getref word om negatiewe tendense teen te werk; en
 - (d) enige ander aangeleentheid wat hy of sy geskik ag.

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HOOFSTUK 3

SPESIALE MAATREËLS OM BOSSE EN BOME TE BESKERM

Deel 1

Verbod op vernietiging van natuurlike bosse

Deel 1 verbied die vernietiging van inheemse bome in enige natuurlike bos sonder 'n lisensie.

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Verbod op vernietiging van bome in natuurlike bosse

- 7. (1) Niemand mag enige inheemse, lewende boom in 'n natuurlike bos afkap, versteur, beskadig of vernietig of enige sodanige boom uit 'n natuurlike bos verwyder of ontvang nie, behalwe ingevolge—
 - 35 (a) 'n lisensie uitgereik kragtens subartikel (4) of artikel 23; of
 - (b) 'n vrystelling van die bepalings van hierdie subartikel deur die Minister in die *Staatskoerant* gepubliseer op advies van die Raad.
- (2) Die Minister kan 'n groep inheemse bome—
 - (a) waarvan die krone nie grotendeels aanrakend is nie; of
 - 40 (b) waar daar twyfel is oor of hulle krone grotendeels aanrakend is,
 tot 'n natuurlike bos verklaar indien hy of sy van mening is, gegrond op wetenskaplike advies, dat die bome 'n bos uitmaak wat ingevolge hierdie Deel beskerm moet word.
- (3) Die Minister verklaar 'n bos tot 'n natuurlike bos deur—
 - (a) die publikasie van 'n kennisgewing in die *Staatskoerant*;
 - 45 (b) die publikasie van 'n kennisgewing in twee koerante wat in die gebied sirkuleer; en
 - (c) die uitsaai van 'n kennisgewing oor twee radiostasies wat na die gebied uitsaai.
- (4) Die Minister kan 'n lisensie uitreik vir die afkap, beskadiging of vernietiging van
 - 50 enige inheemse, lewende boom in, of die verwydering of ontvangs van enige sodanige boom uit, 'n natuurlike bos.

Part 2**Protected areas**

Part 2 allows the Minister to declare certain forests as protected forest areas. It sets out the procedure for and effect of this declaration. It provides for the management of such an area. 5

Power to set aside protected areas

8. (1) The Minister may—
- (a) declare a State forest or a part of it;
 - (b) purchase or expropriate land under section 49 and declare it; or
 - (c) at the request or with the consent of the registered owner of land outside a State forest, declare it, 10
- as a specially protected area in one of the following categories:
- (i) A forest nature reserve;
 - (ii) a forest wilderness area; or
 - (iii) any other type of protected area which is recognised in international law or practice. 15
- (2) The Minister may declare such an area only if he or she is of the opinion that it is not already adequately protected in terms of other legislation.

Procedure for declaring protected areas

9. (1) Before declaring an area under section 8(1), the Minister must— 20
- (a) give notice of the proposal to declare a protected area and invite comments and objections within a specified period;
 - (b) consider the comments and objections received in response to the notice; and
 - (c) in the case of a trust forest, consult with the communities residing on the land adjoining the proposed protected area. 25
- (2) The Minister must—
- (a) (i) publish the notice referred to in subsection (1) in the *Gazette* and two newspapers circulating in the area; and
 - (ii) air such notice on two radio stations broadcasting to the area; and
 - (b) deliver it to— 30
 - (i) the Council;
 - (ii) the Committee for Environmental Co-ordination, established by section 12 of the Environment Conservation Act, 1989 (Act No. 73 of 1989);
 - (iii) the member of the executive council responsible for nature conservation in the province in which the area falls; 35
 - (iv) the chief executive officer of the local authority for the area; and
 - (v) any person or organ of State to whom control of the area in question has been transferred, whether by way of assignment, delegation, contract or otherwise.
- (3) The Minister declares a protected area by publishing a notice in the media referred to in subsection (2)(a)— 40
- (a) recording his or her decision;
 - (b) naming the protected area; and
 - (c) describing the area set aside.

Effect of setting aside protected areas 45

10. (1) No person may cut, disturb, damage or destroy any forest produce in, or remove or receive any forest produce from, a protected area, except—
- (a) in terms of the rules made for the proper management of the area in terms of section 11(2)(b);
 - (b) in the course of the management of the protected area by the responsible organ of State or person; 50
 - (c) in terms of a right of servitude;

Deel 2**Beskermdede gebiede**

Deel 2 stel die Minister in staat om sekere bosse tot beskermdede bosgebiede te verklaar. Dit sit die prosedure vir en die gevolge van sodanige verklaring uiteen. Dit maak voorsiening vir die bestuur van so 'n gebied.

Bevoegdheid om beskermdede gebiede opsy te sit

8. (1) Die Minister kan—
- (a) 'n Staatsbos of 'n deel daarvan verklaar; of
 - (b) grond kragtens artikel 49 koop of onteien en dit verklaar; of
 - 10 (c) op versoek of met die instemming van die geregistreerde eienaar van grond buite 'n Staatsbos, dit verklaar,
- tot 'n spesiaal beskermdede gebied in een van die volgende kategorieë:
- (i) 'n Bosnatuurreservaat;
 - (ii) 'n boswildernisgebied; of
 - 15 (iii) enige ander tipe beskermdede gebied wat in die volkereg of in die internasionale praktyk erken word.
- (2) Die Minister kan so 'n gebied verklaar slegs indien hy of sy van mening is dat dit nie reeds ingevolge ander wetgewing voldoende beskerm word nie.

Prosedure om beskermdede gebiede te verklaar

- 20 9. (1) Alvorens die Minister 'n gebied kragtens artikel 8(1) verklaar, moet hy of sy—
- (a) kennis gee van die voorstel om 'n beskermdede gebied te verklaar en binne 'n bepaalde tydperk vir kommentaar en besware vra;
 - (b) oorweging skenk aan die kommentaar en besware wat in reaksie op die kennisgewing ontvang is; en
 - 25 (c) in die geval van 'n trustbos, oorleg pleeg met die gemeenskappe wat op die grond aangrensend aan die voorgestelde beskermdede gebied woon.
- (2) Die Minister moet—
- (a) (i) die kennisgewing in subartikel (1) bedoel, publiseer in die *Staatskoerant* en in twee koerante wat in die gebied sirkuleer; en
 - 30 (ii) sodanige kennisgewing uitsaai oor twee radiostasies wat na die gebied uitsaai; en
 - (b) die kennisgewing in subartikel (1) bedoel, lewer aan—
 - (i) die Raad;
 - (ii) die Komitee vir Omgewingskoördinerings, ingestel by artikel 12 van die
 - 35 Wet op Omgewingsbewaring, 1989 (Wet No. 73 van 1989);
 - (iii) die lid van die uitvoerende raad verantwoordelik vir natuurbewaring in die provinsie waarin die gebied val;
 - (iv) die hoof- uitvoerende beampte van die plaaslike owerheid vir die gebied; en
 - 40 (v) enige persoon of Staatsorgaan aan wie beheer oor die betrokke gebied oorgedra is, hetsy by wyse van opdrag, delegasie, kontrak of andersins.
- (3) Die Minister verklaar 'n beskermdede gebied deur 'n kennisgewing te publiseer in die media in subartikel (2)(a) bedoel, waarin—
- (a) sy of haar besluit geboekstaaf word;
 - 45 (b) die beskermdede gebied genoem word; en
 - (c) die gebied wat opsy gesit word, beskryf word.

Gevolge van opsy sit van beskermdede gebiede

10. (1) Niemand mag enige bosopbrengs in 'n beskermdede gebied afkap, versteur, beskadig of vernietig of enige bosopbrengs uit 'n beskermdede gebied verwyder of
- 50 ontvang nie, behalwe—
- (a) ingevolge die reëls gemaak vir die behoorlike bestuur van die gebied ingevolge artikel 11(2)(b);
 - (b) in die loop van die bestuur van die beskermdede gebied deur die verantwoordelike Staatsorgaan of persoon;
 - 55 (c) ingevolge 'n reg van serwituut;

- (d) in terms of the authority of a licence granted under section 7(4) or 23;
- (e) in terms of an exemption under section 7(1)(b) or 24(6); or
- (f) in the case of a protected area on land outside a State forest, with the consent of the registered owner or by reason of another right which allows the person concerned to do so,

subject to the prohibition in section 7(1).

(2) The decision to declare a protected area may not be revoked, nor may a protected area which is State forest be sold, nor may a servitude over a protected area be granted, without—

- (a) the Minister following the same procedure as that required for declaring the protected area; and
- (b) the approval by resolution of Parliament.

(3) Changes to the boundaries of an existing protected area require compliance with subsection (2)(a) only.

Management of protected areas

11. (1) The Minister is responsible for the management of the protected area.

(2) The Minister must—

- (a) manage the protected area in a manner which is consistent with the purpose for which it was established; and
- (b) make rules for the management of the protected area so as to achieve the purpose for which the area has been protected, unless suitable rules already exist for the area.

(3) The Minister may grant financial or other assistance to the registered owner of land referred to in section 8(1)(c) for the management of a protected area.

Part 3

Protection of trees

Part 3 allows the Minister to declare a tree, a group of trees, a woodland or a species of trees as protected. The procedure for and the effect of this declaration are set out. An emergency procedure is included to protect trees threatened with immediate harm.

Declaration of trees as protected

12. (1) The Minister may declare—

- (a) a particular tree,
- (b) a particular group of trees,
- (c) a particular woodland; or
- (d) trees belonging to a particular species;

to be a protected tree, group of trees, woodland or species.

(2) The Minister may make such a declaration only if he or she is of the opinion that the tree, group of trees, woodland or species is not already adequately protected in terms of other legislation.

(3) In exercising a discretion in terms of this section, the Minister must consider the principles set out in section 3(3).

Normal procedure for declaring protected trees

13. (1) Except in the circumstances referred to in section 14, the Minister must, before making a declaration under section 12—

- (a) give notice of the proposal to protect a tree, group of trees, woodland or species and invite comments and objections within a specified period; and
- (b) consider the comments and objections received in response to the notice.

(2) The Minister must—

- (a) publish the notice referred to in subsection (1) in the *Gazette* and in two newspapers circulating in, and air it on two radio stations broadcasting to—

- (d) ingevolge magtiging van 'n lisensie verleen kragtens artikel 7(4) of 23;
 - (e) ingevolge 'n vrystelling kragtens artikel 7(1)(b) of 24(6); of
 - (f) in die geval van 'n beskermde gebied op grond buite 'n Staatsbos, met die instemming van die geregistreerde eienaar of omrede 'n ander reg wat die
- 5 betrokke persoon toelaat om dit te doen,
 behoudens die verbod in artikel 7(1).
- (2) Die besluit om 'n beskermde gebied te verklaar mag nie herroep word nie en 'n beskermde gebied wat Staatsbos is, mag nie verkoop word nie en 'n serwituut oor 'n beskermde gebied mag nie verleen word nie sonder—
- 10 (a) dat die Minister dieselfde prosedure volg as wat vir die verklaring van die beskermde gebied vereis word; en
- (b) die goedkeuring by besluit van die Parlement.
- (3) Veranderinge aan die grense van 'n bestaande beskermde gebied vereis die nakoming van slegs subartikel (2)(a).

15 Bestuur van beskermde gebiede

11. (1) Die Minister is verantwoordelik vir die bestuur van die beskermde gebied.
- (2) Die Minister moet—
- (a) die beskermde gebied bestuur op 'n wyse wat versoenbaar is met die doel waarvoor dit ingestel is; en
- 20 (b) reëls maak vir die bestuur van die beskermde gebied ten einde die doel te bereik waarvoor die gebied beskerm word, tensy daar reeds geskikte reëls vir die gebied bestaan.
- (3) Die Minister kan finansiële of ander bystand verleen aan die geregistreerde eienaar van grond bedoel in artikel 8(1)(c) vir die bestuur van 'n beskermde gebied.

25

Deel 3

Beskerming van bome

- Deel 3 magtig die Minister om 'n boom, 'n groep bome, 'n boomveld of 'n boomsoort tot beskermde te verklaar. Die prosedure vir en die gevolge van hierdie verklaring word uiteengesit. 'n Noodprosedure word ingesluit om bome wat deur onmiddellike*
- 30 *benadeling bedreig word, te beskerm.*

Verklaring van bome tot beskermde bome

12. (1) Die Minister kan—
- (a) 'n bepaalde boom;
 - (b) 'n bepaalde groep bome;
- 35 (c) 'n bepaalde boomveld; of
- (d) bome wat tot 'n bepaalde spesie behoort,
- tot 'n beskermde boom, groep bome, boomveld of spesie verklaar.
- (2) Die Minister kan so 'n verklaring doen slegs indien hy of sy van mening is dat die boom, groep bome, boomveld of spesie nie reeds ingevolge ander wetgewing
- 40 toereikend beskerm word nie.
- (3) By die uitoefening van 'n diskresie ingevolge hierdie artikel moet die Minister die beginsels in artikel 3(3) uiteengesit, oorweeg.

Normale prosedure om bome tot beskermde bome te verklaar

13. (1) Behalwe in die omstandighede in artikel 14 bedoel, moet die Minister,
- 45 alvorens hy of sy 'n verklaring kragtens artikel 12 doen—
- (a) kennis gee van die voorstel om 'n boom, groep bome, boomveld of spesie te beskerm en kommentaar en besware binne 'n bepaalde tydperk vra; en
 - (b) die kommentaar en besware wat in reaksie op die kennisgewing ontvang is, oorweeg.
- 50 (2) Die Minister moet—
- (a) die kennisgewing in subartikel (1) bedoel publiseer in die *Staatskoerant* en in twee koerante wat sirkuleer in, en uitsaai oor twee radiostasies wat uitsaai na—

- (i) the vicinity, in the case of a particular tree or group of trees or woodland;
or
- (ii) the entire country, in the case of a species; and
- (b) deliver the notice to—
 - (i) the persons and bodies referred to in section 9(2)(b), in the case of a particular tree or group of trees or woodland; 5
 - (ii) the bodies referred to in subparagraphs (i) and (ii) of section 9(2)(b), in the case of a species.
- (3) After deciding to make a declaration the Minister must publish a notice in the media referred to in subsection (2)(a)— 10
 - (a) recording his or her decision; and
 - (b) identifying the particular tree or group of trees or woodland or species to be protected.

Emergency procedure for protecting trees

- 14. (1) If the Minister is of the opinion that any tree sought to be protected in terms of this Part may be damaged or destroyed before a declaration under section 12 could come into effect, he or she may act under this section. 15
- (2) The Minister may declare any tree or group of trees to be temporarily protected by publishing a notice in two newspapers circulating in, and airing it on two radio stations broadcasting to— 20
 - (a) the vicinity, in the case of a particular tree or group of trees or woodland; or
 - (b) the entire country, in the case of a species.
- (3) The Minister may act under subsection (1) without consulting or hearing any person if the urgency of the situation justifies this.
- (4) The prohibition referred to in section 15(1) applies to a tree or group of trees temporarily protected in terms of this section. 25
- (5) The temporary protection lapses when—
 - (a) the Minister publishes a notice in terms of section 13(3);
 - (b) the Minister decides not to protect the trees under section 12, in which event he or she must publish a notice confirming this in the media referred to in subsection (2); or 30
 - (c) the Minister fails to act in terms of paragraph (a) or (b) within 12 months of the day the notice referred to in subsection (2) became effective.

Effect of declaration of protected trees

- 15. (1) No person may— 35
 - (a) cut, disturb, damage, destroy or remove any protected tree; or
 - (b) collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree,
 except under a licence granted by the Minister.
- (2) The decision to declare a tree, group of trees, woodland or species protected may not be revoked, nor may the notice referred to in section 13(3) be amended, without the Minister following the procedure set out in section 13. 40
- (3) The Minister must publish—
 - (a) a list of all species protected under section 12; and
 - (b) an appropriate warning of the prohibition referred to in subsection (1) and the consequences of its infringement, 45
 annually in the *Gazette* and in two newspapers circulating nationally.

Registration against title deeds

- 16. (1) Where the Minister has declared—
 - (a) a forest to be a natural forest under section 7(2); or 50
 - (b) a particular tree or group of trees or woodland to be protected under section 12(1),
 the Minister may request the registrar of deeds for the area to make an appropriate note.

- (i) die omgewing, in die geval van 'n bepaalde boom of groep bome of boomveld; of
- (ii) die hele land, in die geval van 'n spesie; en
- (b) die kennisgewing lewer aan—
 - (i) die persone en liggame in artikel 9(2)(b) bedoel, in die geval van 'n bepaalde boom of groep bome of boomveld;
 - (ii) die liggame in subparagrafe (i) en (ii) van artikel 9(2)(b) bedoel, in die geval van 'n spesie.
- (3) Nadat die Minister besluit het om 'n verklaring te doen, moet hy of sy 'n kennisgewing in die media in subartikel (2)(a) bedoel, publiseer—
 - (a) om sy of haar besluit te boekstaaf; en
 - (b) om die bepaalde boom of groep bome of boomveld of spesie wat beskerm moet word, te identifiseer.

Noodprosedure vir beskerming van bome

- 14. (1) Indien die Minister van mening is dat 'n boom wat ingevolge hierdie Deel beskerm staan te word, beskadig of vernietig kan word voordat 'n verklaring kragtens artikel 12 in werking kan tree, kan hy of sy kragtens hierdie artikel optree.
- (2) Die Minister kan 'n boom of groep bome tydelik beskermd verklaar deur 'n kennisgewing te publiseer in twee koerante wat sirkuleer in, en uitsaai oor twee radiostasies wat uitsaai na—
 - (a) die omgewing, in die geval van 'n bepaalde boom of groep bome of boomveld; of
 - (b) die hele land, in die geval van 'n spesie.
- (3) Die Minister kan kragtens subartikel (1) optree sonder om enige persoon te raadpleeg of aan te hoor indien die dringendheid van die situasie dit regverdig.
- (4) Die verbod in artikel 15(1) bedoel, is van toepassing op 'n boom of groep bome wat tydelik beskerm word ingevolge hierdie artikel.
- (5) Die tydelike beskerming verval wanneer—
 - (a) die Minister 'n kennisgewing ingevolge artikel 13(3) publiseer; of
 - (b) die Minister besluit om nie die bome kragtens artikel 12 te beskerm nie, in welke geval hy of sy 'n kennisgewing wat dit bevestig, moet publiseer in die media in subartikel (2) bedoel; of
 - (c) die Minister versuim om ingevolge paragraaf (a) of (b) op te tree binne 12 maande na die dag waarop die kennisgewing in subartikel (2) bedoel, van krag geword het.

Gevolge van verklaring van beskermde bome

- 15. (1) Niemand mag—
 - (a) enige beskermde boom afkap, versteur, beskadig, vernietig of verwyder nie; of
 - (b) enige beskermde boom versamel, verwyder, vervoer, uitvoer, koop, verkoop, skenk of op enige ander wyse verkry of daarvoor beskik nie, behalwe kragtens 'n lisensie deur die Minister uitgereik.
- (2) Die besluit om 'n boom, groep bome, boomveld of spesie beskermd te verklaar, mag nie herroep word nie en die kennisgewing in artikel 13(3) bedoel mag nie gewysig word nie sonder dat die Minister die prosedure in artikel 13 gevolg het.
- (3) Die Minister moet—
 - (a) 'n lys van alle spesies wat kragtens artikel 12 beskerm word; en
 - (b) 'n geskikte waarskuwing van die verbod in subartikel (1) bedoel en die gevolge van die oortreding daarvan,
- jaarliks publiseer in die *Staatskoerant* en in twee koerante wat landswyd sirkuleer.

Registrasie teen titelaktes

- 16. (1) Waar die Minister—
 - (a) 'n bos tot 'n natuurlike bos verklaar het kragtens artikel 7(2); of
 - (b) 'n bepaalde boom of groep bome of boomveld beskermd verklaar het kragtens artikel 12(1),
- kan die Minister die registrateur van aktes vir die gebied versoek om 'n gepaste aantekening te maak.

(2) On receiving such a request, the registrar of deeds must make a note of the particulars of such declaration in his or her registers in terms of section 3(1)(w) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

(3) The State does not acquire any rights—

- (a) in the land on which any natural forest or any protected tree is situated; or 5
- (b) to any tree or forest produce,

as a result of the prohibition in section 7(1) or a declaration under section 7(2), 12(1), 14(1) or 17(2) or the making of a note in terms of this section.

Part 4

Measures to control and remedy deforestation

10

Part 4 gives the Minister powers to intervene urgently to prevent deforestation and to rehabilitate deforested areas. The procedure for and the effect of the exercise of these powers are set out. It also provides for the Minister to enter into an agreement with the owner to remedy the situation.

Power to declare controlled forest areas

15

17. (1) For the purposes of this section, “owner” means—

- (a) the registered owner; and
- (b) where the registered owner has transferred control of the forest management unit in question to another person or organ of State, whether by way of assignment, delegation, contract or otherwise, that person or organ of State. 20

(2) If the Minister is of the opinion that urgent steps are required to—

- (a) prevent the deforestation or further deforestation of; or
- (b) rehabilitate,

a natural forest or a woodland protected under section 12(1) which is threatened with deforestation, or is being or has been deforested, he or she may declare it a controlled forest area. 25

(3) The Minister declares a controlled forest area by publication of a notice in two newspapers circulating in, and by airing it on two radio stations broadcasting to, the vicinity—

- (a) recording his or her decision; 30
- (b) stating a fixed time period for which the declaration is effective;
- (c) describing the area;
- (d) identifying the activities which are or become prohibited in the area in terms of subsection (4);
- (e) identifying the steps to be taken in terms of subsection (4)(e) and, if applicable, subsection (4)(f) to prevent or remedy deforestation. 35

(4) The Minister may, in the notice referred to in subsection (3)—

- (a) stop any persons wishing to exercise the right of access referred to in section 19 from entering the area;
- (b) prohibit any person from removing forest produce from the area; 40
- (c) prohibit any other activity which may cause deforestation or prevent rehabilitation;
- (d) suspend licences issued under this Act in respect of the area;
- (e) require the owner to take specified steps to prevent deforestation or rehabilitate the natural forest or woodland; and 45
- (f) require the owner to submit and comply with a sustainable forest management plan for the area.

(5) The notice is effective from the date of its publication in the newspapers and airing on the radio stations referred to in subsection (3).

(6) The Minister may extend the period for which the notice is effective. 50

(7) The Minister must cause copies of the notice to be—

- (a) delivered to the owner, the holders of any licences granted under this Act in respect of the area and any other interested persons known to the Minister; and
- (b) published in the *Gazette*.

(2) By ontvangs van so 'n versoek moet die registrateur van aktes in sy of haar registers 'n aantekening van die besonderhede van sodanige verklaring maak ingevolge artikel 3(1)(w) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937).

(3) Die Staat verkry geen regte—

- 5 (a) op die grond waarop enige natuurlike bos of enige beskermde boom geleë is; of
 (b) op enige boom of bosopbrengs,
 as gevolg van die verbod in artikel 7(1) of 'n verklaring kragtens artikel 7(2), 12(1), 14(1) of 17(2) of die maak van 'n aantekening ingevolge hierdie artikel nie.

10

Deel 4

Maatreëls om ontbossing te beheer en reg te stel

Deel 4 verleen aan die Minister bevoegdheid om dringend in te gryp ten einde ontbossing te voorkom en ontboste gebiede te rehabiliteer. Die prosedure vir en die gevolge van die uitoefening van hierdie bevoegdheid word uiteengesit. Dit bepaal
 15 *ook dat die Minister 'n ooreenkoms met die eienaar kan aangaan om die situasie reg te stel.*

Bevoegdheid om beheerde bosgebiede te verklaar

17. (1) Vir doeleindes van hierdie artikel beteken "eienaar"—

- 20 (a) die geregistreerde eienaar; en
 (b) waar die geregistreerde eienaar beheer oor die betrokke bosbestuurseenheid aan 'n ander persoon of Staatsorgaan oorgedra het, hetsy by wyse van opdrag, delegasie, kontrak of andersins, daardie persoon of Staatsorgaan.

(2) Indien die Minister van mening is dat dringende stappe nodig is vir—

- 25 (a) die voorkoming van die ontbossing of verdere ontbossing; of
 (b) die rehabilitasie,
 van 'n natuurlike bos of 'n boomveld wat kragtens subartikel 12(1) beskerm word en deur ontbossing bedreig word of ontbos word of ontbos is, kan hy of sy dit 'n beheerde bosgebied verklaar.

(3) Die Minister verklaar 'n beheerde bosgebied deur die publikasie van 'n kennisgewing in twee koerante wat sirkuleer in, en deur die uitsaai oor twee radiostasies wat uitsaai na, die omgewing, waarin—

- 30 (a) sy of haar besluit geboekstaaf word;
 (b) 'n vaste tydperk gemeld word waartydens die verklaring geld;
 (c) die gebied beskryf word;
 35 (d) die bedrywighede geïdentifiseer word wat verbied is of word in die gebied ingevolge subartikel (4);
 (e) die stappe geïdentifiseer word wat ingevolge subartikel (4)(e) en, indien van toepassing, subartikel (4)(f) gedoen moet word om ontbossing te voorkom of reg te stel.

40 (4) Die Minister kan, in die kennisgewing in subartikel (3) bedoel—

- (a) enige persone wat die reg van toegang in artikel 19 bedoel, wil uitoefen, belet om die gebied binne te gaan;
 (b) enige persoon belet om bosopbrengs uit die gebied te verwyder;
 (c) enige ander bedrywigheid wat ontbossing kan veroorsaak of rehabilitasie kan voorkom, verbied;
 45 (d) lisensies uitgereik kragtens hierdie Wet ten opsigte van die gebied opskort;
 (e) van die eienaar vereis om bepaalde stappe te doen om ontbossing te voorkom of om die natuurlike bos of boomveld te rehabiliteer; en
 (f) van die eienaar vereis om 'n plan vir volhoubare bosbestuur vir die gebied
 50 voor te lê en daaraan te voldoen.

(5) Die kennisgewing is van krag met ingang van die datum van die publikasie daarvan in die koerante en die uitsaai daarvan oor die radiostasies in subartikel (3) bedoel.

(6) Die Minister kan die tydperk waartydens die kennisgewing van krag is, verleng.

(7) Die Minister moet eksemplare van die kennisgewing laat—

- 55 (a) aflewer aan die eienaar, die houters van enige lisensies kragtens hierdie Wet verleen ten opsigte van die gebied en enige ander belanghebbende persone wat aan die Minister bekend is; en
 (b) publiseer in die *Staatskoerant*.

(8) The Minister may conduct the hearings required by the duty to proceed fairly in declaring a controlled forest area, in a way which is commensurate with the urgency of the situation.

(9) The Minister may, instead of or in addition to declaring a controlled forest area, enter into an agreement with the owner and any other interested persons which— 5

- (a) describes the steps to be taken to prevent deforestation or to rehabilitate the natural forest or woodland;
- (b) allocates responsibility for the management of the area;
- (c) adopts a sustainable forest management plan for the area; and
- (d) records any assistance the Minister will give to enable the owner to comply 10 with the agreement.

(10) In the absence of an agreement, the Minister may authorise officials of the Department or any other person to take the steps necessary to prevent deforestation or to rehabilitate the forest or woodland in a controlled forest area.

(11) Any official of the Department or other person authorised by the Minister has 15 reasonable access to the area for purposes of giving effect to this section.

(12) The Minister may grant financial or other assistance to the owner to enable him or her to comply with any duty imposed in terms of this section.

Right to apply for protection

18. (1) Any natural or juristic person or any organ of State may apply to the Minister 20 to protect a forest, tree or group of trees in terms of this Chapter.

(2) The applicant must apply in the prescribed way.

CHAPTER 4

USE OF FORESTS

This Chapter regulates a wide range of uses of primarily State forests, ranging from 25 recreational use to commercial and community forestry.

Part 1

Access for recreation and related purposes

Part 1 sets out the right of everyone to have access to State forests for the purpose of recreation, education, culture or spiritual fulfilment. This right may be restricted. The 30 procedure for imposing these restrictions is provided for. The Minister, in his or her capacity as trustee of the National Forest Recreation and Access Trust, may also take steps to promote the voluntary grant of access to forests that are outside State control. Limited provision is also made for financial assistance for owners and compensation 35 if they suffer any damage as a result of allowing access.

Access to State forests for recreation, education, culture or spiritual fulfilment

19. Everyone has reasonable access to State forests for purposes of recreation, education, culture or spiritual fulfilment, subject to—

- (a) this Act;
- (b) any conditions determined by the Minister; and 40
- (c) restrictions on entry into any area protected for environmental purposes in terms of this Act or any other law.

Regulation of access to State forests

20. (1) For the purposes of this section, “owner” means any person or organ of State to whom control of the forest management unit in question has been transferred, whether 45 by way of assignment, delegation, contract or otherwise.

(2) The owner of each State forest must designate areas in the forest for access under section 19.

(8) Die Minister kan die verhoor wat vereis word deur die plig om billik te werk te gaan by die verklaring van 'n beheerde bosgebied, voer op 'n wyse wat in ooreenstemming met die dringendheid van die situasie is.

(9) Die Minister kan, in plaas van of benewens die verklaring van 'n beheerde bosgebied, 'n ooreenkoms met die eienaar en enige ander belanghebbende persone aangaan wat—

- (a) die stappe beskryf wat gedoen moet word om ontbossing te voorkom of die natuurlike bos of boomveld te rehabiliteer;
- (b) verantwoordelikheid vir die bestuur van die gebied toewys;
- 10 (c) 'n plan vir volhoubare bosbestuur vir die gebied aanneem; en
- (d) enige bystand meld wat die Minister sal verleen ten einde die eienaar in staat te stel om aan die ooreenkoms te voldoen.

(10) By gebrek aan 'n ooreenkoms kan die Minister beamptes van die Departement of enige ander persoon magtig om die stappe te doen wat nodig is om in 'n beheerde bosgebied ontbossing te voorkom of die bos of boomveld te rehabiliteer.

(11) Enige beampte van die Departement of ander persoon deur die Minister gemagtig, het redelike toegang tot die gebied ten einde uitvoering aan hierdie artikel te gee.

(12) Die Minister kan finansiële of ander bystand aan die eienaar verleen ten einde hom of haar in staat te stel om enige plig wat kragtens hierdie artikel opgelê is, na te kom.

Reg om om beskerming aansoek te doen

18. (1) Enige natuurlike of regspersoon of enige Staatsorgaan kan by die Minister aansoek doen om 'n bos, boom of groep bome kragtens hierdie Hoofstuk te beskerm.

25 (2) Die aansoeker moet op die voorgeskrewe wyse aansoek doen.

HOOFSTUK 4

GEBRUIK VAN BOSSE

Hierdie Hoofstuk reguleer 'n wye verskeidenheid gebruike van primêr Staatsbosse, wat wissel van rekreasiegebruik tot kommersiële en gemeenskapsbosbou.

30

Deel I

Toegang vir rekreasie en verwante doeleindes

Deel I gee 'n uiteensetting van elkeen se reg op toegang tot Staatsbosse vir die doel van rekreasie, opvoeding, kultuur of geestelike vervulling. Hierdie reg kan beperk word. Die prosedure vir die stel van hierdie beperkings word beskryf. Die Minister, in sy of haar hoedanigheid van trustee van die Nasionale Trust vir Ontspanning in en Toegang tot Bosse, kan ook stappe doen om die vrywillige verlening van toegang tot bosse wat buite Staatsbeheer val, te bevorder. Daar word ook beperkte voorsiening gemaak vir finansiële bystand aan eienaars en vergoeding indien hulle skade ly omdat hulle toegang verleen het.

40 **Toegang tot Staatsbosse vir ontspanning, opvoeding, kultuur of geestelike vervulling**

19. Elkeen het redelike toegang tot Staatsbosse vir doeleindes van ontspanning, opvoeding, kultuur of geestelike vervulling, behoudens—

- (a) hierdie Wet;
- 45 (b) enige voorwaardes deur die Minister bepaal; en
- (c) beperkings op toegang tot enige gebied wat ingevolge hierdie Wet of enige ander wet vir omgewingsdoeleindes beskerm word.

Regulering van toegang tot Staatsbosse

20. (1) Vir doeleindes van hierdie artikel beteken "eienaar" enige persoon of Staatsorgaan aan wie beheer oor die betrokke bosbestuurseenheid oorgedra is, hetsy by wyse van opdrag, delegasie, kontrak of andersins.

(2) Die eienaar van elke Staatsbos moet gebiede in die bos aanwys vir toegang kragtens artikel 19.

(3) The owner must prepare a map showing the areas designated and a set of written rules which regulate access and which may provide for—

- (a) payment to the owner of a reasonable fee for the map, the use of facilities and the provision of any services; and
- (b) reasonable restrictions on access, including, but not limited to—
 - (i) limitations on the number of people allowed in the forest at any one time;
 - (ii) restrictions on the mode of transport in a forest;
 - (iii) restrictions to prevent fires;
 - (iv) provision for closure of forests for specific periods;
 - (v) restrictions to prevent harm to any person or property;
 - (vi) restrictions in a plantation to ensure that its proper management for commercial purposes is not frustrated;
 - (vii) restrictions in a protected area to ensure that the purposes for which the area was declared as such, are not frustrated; and
 - (viii) different restrictions for different forest types.

(4) In a protected area, the map and rules may be incorporated in the rules referred to in section 11(2)(b).

(5) (a) The owner must submit the rules to the Director-General within six months of the promulgation of this Act.

(b) Until the map and rules are made, access to any State forest for recreation, education, culture or spiritual fulfilment is regulated as if this Act has not come into force.

(6) The Director-General—

- (a) may change the designated area and the rules;
- (b) must, where the owner fails to designate an area or make rules within the six month period, designate such an area, prepare a map and make such rules; and
- (c) must designate an area for public access and prepare a map and rules as set out in subsection (3), where control of a forest management unit has not been transferred as referred to in subsection (1).

(7) (a) An owner who objects to—

- (i) a change by, or to rules made by the Director-General in terms of subsection (6); or
- (ii) the way in which the public or members of the public exercise their right of access; and

(b) a member of the public who objects to—

- (i) the designation or the rules;
- (ii) the fee charged for the map, facilities or services; or
- (iii) any conduct of the owner in relation to his or her right of access,

may lodge a written objection with the Director-General.

(8) The Director-General may convene a meeting of the interested parties to reach an agreement on the objection, or appoint a mediator acceptable to the interested parties from the panel referred to in section 45 to do so.

(9) If the matter is not resolved in terms of subsection (8), the Director-General must refer the matter to the Minister who must—

- (a) rule on the objection; or
- (b) appoint an arbitrator from the panel referred to in section 45 to do so.

(10) The ruling of the Minister or the arbitrator—

- (a) may require the owner to change the designation or the rules; or
- (b) may confirm the designation and rules as made by the owner; or
- (c) may require the Director-General to change the designation or the rules made by him or her; and
- (d) is final and binding on the interested parties, subject to the right to review of administrative action.

(11) The owner must make the map and rules available to any person exercising the right of access to the forest.

(12) If an owner wishes to amend the rules, he or she must lodge the amended rules with the Director-General, after which the procedure in subsections (6) to (10) applies again.

(13) Everyone is entitled to information from the Department regarding the right of access, including maps and rules, on payment of a reasonable fee set by the Director-General.

(3) Die eienaar moet 'n kaart saamstel wat die aangewese gebiede toon, asook 'n stel skriftelike reëls wat toegang reël en wat voorsiening kan maak vir—

- (a) betaling aan die eienaar van 'n redelike bedrag vir die kaart, die gebruik van fasiliteite en die lewering van enige dienste; en
- 5 (b) redelike beperkings op toegang, insluitende maar nie beperk nie tot—
 - (i) beperkings op die getal mense wat op 'n keer in die bos toegelaat word;
 - (ii) beperkings op die vervoermodes in 'n bos;
 - (iii) beperkings om brande te voorkom;
 - (iv) voorsiening vir die sluit van bosse vir bepaalde tydperke;
 - 10 (v) beperkings om skade aan enige persoon of eiendom te voorkom;
 - (vi) beperkings in 'n plantasie om te verseker dat die behoorlike bestuur daarvan vir kommersiële doeleindes nie verrydel word nie;
 - (vii) beperkings in 'n beskermde gebied om te verseker dat die doeleindes waarvoor die gebied as sodanig verklaar is, nie verrydel word nie; en
 - 15 (viii) verskillende beperkings vir verskillende bostipes.

(4) In 'n beskermde gebied kan die kaart en reëls opgeneem word in die reëls in artikel 11(2)(b) bedoel.

(5) (a) Die eienaar moet die reëls binne ses maande na die promulgering van hierdie Wet aan die Direkteur-generaal voorlê.

- 20 (b) Totdat die kaart en reëls gemaak is, word toegang tot enige Staatsbos vir ontspanning, opvoeding, kultuur of geestelike vervulling gereguleer asof hierdie Wet nie in werking getree het nie.

(6) Die Direkteur-generaal—

- (a) kan die aangewese gebied en die reëls wysig;
- 25 (b) moet, waar die eienaar versuim om 'n gebied aan te wys of reëls te maak binne die tydperk van ses maande, so 'n gebied aanwys, 'n kaart opstel en sodanige reëls maak; en
- (c) moet 'n gebied aanwys vir openbare toegang en 'n kaart opstel en reëls maak soos in subartikel (3) uiteengesit, waar beheer oor 'n bosbestuursseenheid nie oorgedra is soos in subartikel (1) bedoel nie.
- 30 (7) (a) 'n Eienaar wat beswaar maak teen—
 - (i) 'n verandering deur of teen reëls gemaak deur die Direkteur-generaal ingevolge subartikel (6); of
 - (ii) die wyse waarop die publiek of lede van die publiek hulle reg van toegang
 - 35 uitoefen; en
- (b) 'n lid van die publiek wat beswaar maak teen—
 - (i) die aanwysing of die reëls;
 - (ii) die bedrag wat vir die kaart, fasiliteite of dienste gevra word; of
 - (iii) enige optrede van die eienaar met betrekking tot sy of haar reg van toegang,
 - 40 kan 'n skriftelike beswaar by die Direkteur-generaal indien.

(8) Die Direkteur-generaal kan 'n vergadering van die belanghebbende partye belê om 'n ooreenkoms te bereik aangaande die beswaar, of kan 'n bemiddelaar wat vir die belanghebbende partye aanvaarbaar is, uit die paneel in artikel 45 bedoel, aanstel om dit te doen.

- 45 (9) Indien die aangeleentheid nie ingevolge subartikel (8) opgelos word nie, moet die Direkteur-generaal die aangeleentheid na die Minister verwys, wat—

(a) oor die beswaar moet besluit; of

(b) 'n arbiter uit die paneel in artikel 45 bedoel, moet aanstel om dit te doen.

(10) Die beslissing van die Minister of die arbiter—

- 50 (a) kan van die eienaar vereis om die aanwysing of die reëls te verander; of
- (b) kan die aanwysing en reëls soos deur die eienaar gemaak, bevestig; of
- (c) kan van die Direkteur-generaal vereis om die aanwysing of die reëls deur hom of haar gemaak, te verander; en
- (d) is finaal en bindend vir die belanghebbende partye, behoudens die reg van
- 55 hersiening van administratiewe optrede.

(11) Die eienaar moet die kaart en reëls beskikbaar stel aan enige persoon wat die reg van toegang tot die bos uitoefen.

- (12) Indien 'n eienaar die reëls wil verander, moet hy of sy die gewysigde reëls by die Direkteur-generaal indien, waarna die prosedure in subartikels (6) tot (10) weer
- 60 geld.

(13) Elkeen is geregtig op inligting van die Departement betreffende die reg van toegang, insluitende kaarte en reëls, by betaling van 'n redelike bedrag wat deur die Direkteur-generaal bepaal word.

Access to forests other than State forests

21. (1) The Minister, in his or her capacity as trustee of the Trust, may take steps to promote the voluntary grant of access to forests other than State forests by the registered owners of such forests.

(2) The registered owner may lodge with the Minister a map displaying clearly the areas designated for public access and a set of written rules recording the conditions on which he or she is prepared to allow access. 5

(3) At the request of—

(a) a person seeking access to a forest other than a State forest; or

(b) a registered owner of such a forest, 10

the Minister may negotiate, or appoint a facilitator from the panel referred to in section 45 to facilitate negotiations, with interested parties with a view to determining whether and on what terms a registered owner of such a forest is willing to grant access to the public.

(4) Where the Minister is of the opinion that it is justified and affordable, he or she may— 15

(a) provide financial or other assistance from the Trust funds for the development of an area of public access in a forest other than a State forest;

(b) compensate a registered owner of such a forest from the Trust funds for losses caused by the grant of access to the public in such a forest. 20

(5) No person who is granted access to a forest other than a State forest may interfere with the privacy or cause damage to the property of the registered owner.

Part 2***Vesting and granting of rights to use State forests***

Part 2 vests the right to use and manage State forests and the forest produce in them in the State, represented by the Minister. It provides for the transfer of rights in State forests by way of licences, servitudes, lease agreements and agreements to sell forest produce. A provision is included to avoid conflicting rights in State forests. 25

Vesting of rights

22. (1) The rights to— 30

(a) the use, management, control and operation of; and

(b) the forest produce in,

State forests, vest in the national executive of the Republic, represented by the Minister, despite any other law but subject to—

(i) this Act; 35

(ii) an order of the Land Claims Court restoring or granting rights in a State forest to a claimant in terms of section 35(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994); and

(iii) rights protected in terms of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996). 40

(2) The Minister, the Director-General or an arbitrator, as the case may be, may not—

(a) make or change a designation or rules under section 11(2)(b) or 20(6);

(b) make a ruling in terms of section 20(10);

(c) grant a licence under section 23;

(d) grant a servitude under section 26; or 45

(e) enter into an agreement under section 27, 28 or 30,

if doing so conflicts with an existing right under a licence, servitude or agreement referred to in this Chapter or section 77(2) and the persons affected have not consented.

Activities which may be licensed in State forests

23. (1) The Minister may in a State forest, license— 50

(a) the establishment and management of a plantation;

Toegang tot ander bosse as Staatsbosse

21. (1) Die Minister, in sy of haar hoedanigheid van trustee van die Trust, kan stappe doen om die vrywillige verlening van toegang tot ander bosse as Staatsbosse deur die geregistreerde eienaars van sodanige bosse te bevorder.
- 5 (2) Die geregistreerde eienaar kan by die Minister 'n kaart indien wat die aangewese gebiede vir openbare toegang duidelik toon, asook 'n stel skriftelike reëls wat die voorwaardes bevat waarop hy of sy bereid is om toegang toe te laat.
- (3) Op versoek van—
- (a) iemand wat toegang verlang tot 'n ander bos as 'n Staatsbos; of
- 10 (b) 'n geregistreerde eienaar van so 'n bos,
- kan die Minister onderhandel, of 'n fasiliteerder aanstel uit die paneel in artikel 45 bedoel om onderhandelinge te fasiliteer, met belanghebbende partye met die doel om te bepaal of en op watter voorwaardes 'n geregistreerde eienaar van so 'n bos gewillig is om toegang aan die publiek te verleen.
- 15 (4) Waar die Minister van mening is dat dit geregverdig en bekostigbaar is, kan hy of sy—
- (a) finansiële of ander bystand uit die Trustfonds verleen vir die ontwikkeling van 'n gebied vir openbare toegang in 'n ander bos as 'n Staatsbos;
- (b) 'n geregistreerde eienaar van so 'n bos uit die Trustfonds vergoed vir verliese
- 20 gelyk deur die verlening van toegang aan die publiek tot so 'n bos.
- (5) Niemand aan wie toegang tot 'n ander bos as 'n Staatsbos verleen is, mag hom of haar inmeng in die privaatheid of skade aanrig aan die eiendom van die geregistreerde eienaar nie.

Deel 2**25 Vestiging en verlening van regte om Staatsbosse te gebruik**

- Deel 2 vestig die reg om Staatsbosse en die bosopbrengs daarin te gebruik en te bestuur in die Staat, verteenwoordig deur die Minister. Daar word voorsiening gemaak vir die oordrag van regte in Staatsbosse deur middel van lisensies, serwitute, huurooreenkomste en ooreenkomste om bosopbrengs te verkoop. Daar is ook 'n*
- 30 *bepaling om botsende regte in Staatsbosse te vermy.*

Vestiging van regte

22. (1) Die regte op—
- (a) die gebruik, bestuur, beheer en bedryf van; en
- (b) die bosopbrengs in,
- 35 Staatsbosse, setel in die nasionale uitvoerende gesag van die Republiek, verteenwoordig deur die Minister, ondanks enige andersluidende wet maar behoudens—
- (i) hierdie Wet;
- (ii) 'n bevel van die Grondseishof wat regte in 'n Staatsbos herstel of toeken aan 'n eiser ingevolge artikel 35(1) van die Wet op Herstel van Grondregte, 1994
- 40 (Wet No. 22 van 1994); en
- (iii) regte wat beskerm word ingevolge die Wet op die Tussentydse Beskerming van Informele Grondregte, 1996 (Wet No. 31 van 1996).
- (2) Die Minister, die Direkteur-generaal of 'n arbiter, na gelang van die geval, mag nie—
- 45 (a) 'n aanwysing of reëls kragtens artikel 11(2)(b) of 20(6) maak of verander nie;
- (b) 'n besluit ingevolge artikel 20(10) neem nie;
- (c) 'n lisensie kragtens artikel 23 verleen nie;
- (d) 'n serwituut kragtens artikel 26 verleen nie; of
- (e) 'n ooreenkoms kragtens artikel 27, 28 of 30 aangaan nie,
- 50 indien dit bots met 'n bestaande reg kragtens 'n lisensie, serwituut of ooreenkoms in hierdie Hoofstuk of artikel 77(2) bedoel en die persone daardeur geraak, nie daartoe ingestem het nie.

Bedrywighede wat gelisensieer kan word in Staatsbosse

23. (1) Die Minister kan in 'n Staatsbos—
- 55 (a) die vestiging en bestuur van 'n plantasie;

- (b) the felling of trees and removal of timber;
 - (c) the cutting, disturbance, damage or destruction of any other forest produce;
 - (d) the removal or receipt of any other forest produce;
 - (e) the use of land, structures or buildings for agricultural, commercial, communications, domestic, industrial, residential or transportation purposes; 5
 - (f) the use of roads;
 - (g) the moving of water, electricity, gas, fuel and any other thing across a State forest;
 - (h) the construction of any road, building or structure;
 - (i) the grazing or herding of animals; 10
 - (j) the cultivation of land;
 - (k) hunting and fishing;
 - (l) the use of a State forest for recreational, educational, cultural or spiritual purposes where there is no right to such use under section 19; and
 - (m) the use of a State forest for any other purpose, if it is consistent with the sustainable management of the forest. 15
- (2) No person may engage in any activity in a State forest for which a licence is required without such a licence, unless—
- (a) he or she is exempted under section 24(6);
 - (b) he or she is acting in the scope of his or her employment or mandate as an officer, employee or agent of the Department; 20
 - (c) he or she has a right to engage in the activity in terms of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996).
- (3) An organ of State must obtain a licence to carry on an activity for which a licence is required. 25

Requirements for licensing

24. (1) A licence must be issued for a period—
- (a) equal to the period for which the activity is permitted in terms of a servitude, lease, agreement to sell forest produce or community forestry agreement referred to in this Chapter; or 30
 - (b) not exceeding ten years in the case of any other activity.
- (2) The Minister may attach conditions to the granting of a licence.
- (3) A licensee must pay the licence fee, unless—
- (a) he or she has entered into a lease agreement under section 26;
 - (b) he or she is a purchaser in terms of an agreement referred to in section 28(1); 35
 - (c) it is a community which has entered into an agreement under section 30; or
 - (d) the licensee is unable to pay in terms of criteria set by the Minister.
- (4) A licensee may only—
- (a) transfer a licence; or
 - (b) contract with another party to carry out the activities authorised by the licence, 40
- with the written consent of the Minister.
- (5) A licence may only be granted in a protected area if the licensed activity does not frustrate the achievement of the objects for which the protected area was established.
- (6) (a) The Minister may exempt persons or classes of persons from the licencing provisions if the intended activity is for domestic, cultural, health or spiritual purposes 45 only.
- (b) The exemption becomes effective when it is published in the *Gazette*.
- (7) The Minister and any other organs of State or persons to whom the power to grant licences is delegated must keep registers of all licences granted in terms of this section which are issued for a year or longer. 50
- (8) The holder of a licence must produce it on demand of a forest officer or a police officer.
- (9) Nothing in this Act prohibits or affects the grant in terms of any law of a right to prospect for, mine or dispose of any mineral as defined in the Minerals Act, 1991 (Act

- (b) die vel van bome en die verwydering van hout;
- (c) die afkap, versteuring, beskadiging of vernietiging van enige ander bosopbrengs;
- (d) die verwydering of ontvangs van enige ander bosopbrengs;
- 5 (e) die gebruik van grond, strukture of geboue vir landbou-, kommersiële, kommunikasie-, huishoudelike, nywerheids-, woon- of vervoerdoeleindes;
- (f) die gebruik van paaie;
- (g) die beweging van water, elektrisiteit, gas, brandstof en enige ander ding oor 'n Staatsbos;
- 10 (h) die bou van enige pad, gebou of struktuur;
- (i) die beweiding deur of oppas van diere;
- (j) die bewerking van grond;
- (k) jag en visvang;
- (l) die gebruik van 'n Staatsbos vir ontspannings-, opvoedkundige, kulturele of
- 15 geestelike doeleindes waar daar nie 'n reg op sodanige gebruik kragtens artikel 19 is nie; en
- (m) die gebruik van 'n Staatsbos vir enige ander doel, indien dit versoenbaar is met die volhoubare bestuur van die bos,

lisensieer.

- 20 (2) Niemand mag enige bedrywigheid waarvoor 'n lisensie vereis word, sonder sodanige lisensie in 'n Staatsbos beoefen nie, tensy—
- (a) hy of sy kragtens artikel 24(6) vrygestel is;
- (b) hy of sy optree binne die bestek van sy of haar diens of mandaat as 'n beampte, werknemer of agent van die Departement;
- 25 (c) hy of sy 'n reg het om die bedrywigheid te beoefen ingevolge die Wet op die Tussentydse Beskerming van Informele Grondregte, 1996 (Wet No. 31 van 1996).

(3) 'n Staatsorgaan moet 'n lisensie verkry om 'n bedrywigheid te beoefen waarvoor 'n lisensie vereis word.

30 Vereistes vir lisensiëring

- 24. (1) 'n Lisensie moet uitgereik word vir 'n tydperk—
- (a) gelyk aan die tydperk waarvoor die bedrywigheid toegelaat word ingevolge 'n serwituut, huurooreenkoms, ooreenkoms om bosopbrengs te verkoop of gemeenskapsbosbou-ooreenkoms bedoel in hierdie Hoofstuk; of
- 35 (b) van hoogstens tien jaar in die geval van enige ander bedrywigheid.
- (2) Die Minister kan voorwaardes heg aan die verlening van 'n lisensie.
- (3) 'n Lisensiehouer moet die lisensiegeld betaal, tensy—
- (a) hy of sy 'n huurooreenkoms kragtens artikel 26 aangegaan het;
- (b) hy of sy 'n koper is ingevolge 'n ooreenkoms in artikel 28(1) bedoel;
- 40 (c) dit 'n gemeenskap is wat 'n ooreenkoms kragtens artikel 30 aangegaan het; of
- (d) die lisensiehouer nie in staat is om te betaal nie ingevolge maatstawwe deur die Minister gestel.
- (4) 'n Lisensiehouer kan—
- 45 (a) 'n lisensie oordra; of
- (b) met 'n ander party kontrakteer om die bedrywigheide uit te voer wat deur die lisensie gemagtig word,
- slegs met die skriftelike toestemming van die Minister.
- (5) 'n Lisensie kan in 'n beskermde gebied verleen word slegs indien die
- 50 gelisensieerde bedrywigheid nie die verwesenliking van die oogmerke waarvoor die beskermde gebied ingestel is, sal belemmer nie.
- (6) (a) Die Minister kan persone of klasse persone vrystel van die lisensiëringsbepalings indien die voorgenome bedrywigheid net vir huishoudelike, kulturele, gesondheids- of geestelike doeleindes is.
- 55 (b) Die vrystelling word van krag sodra dit in die *Staatskoerant* gepubliseer word.
- (7) Die Minister en enige ander Staatsorgane of persone aan wie die bevoegdheid om lisensies te verleen gedelegeer is, moet registers hou van alle lisensies verleen ingevolge hierdie artikel wat vir 'n jaar of langer uitgereik word.
- (8) Die houer van 'n lisensie moet dit op versoek aan 'n bosbeampte of
- 60 polisiebeampte toon.
- (9) Niks in hierdie Wet belet of beïnvloed die verlening ingevolge enige wet van 'n reg om in 'n Staatsbos te prospekter na enige mineraal soos omskryf in die

No. 50 of 1991), or any source material as defined in the Nuclear Energy Act, 1993 (Act No. 131 of 1993), in a State forest but the holder of such a right may not cut, disturb, damage, destroy or remove any forest produce without a licence.

Amendments, suspensions and cancellations

25. (1) The licensee is responsible for any damage caused by not complying with the licence. 5

(2) The Minister may amend, suspend or cancel a licence or a category of licences if—

- (a) there is, in his or her opinion, a material change in the circumstances which existed at the time of the grant of the licence or licences which requires such amendment, suspension or cancellation; or 10
- (b) the licensee does not comply with the licence.

(3) Before acting under subsection (2)(b), the Minister must give a licensee a fair opportunity to remedy his or her non-compliance with the licence, unless the Minister is of the opinion that granting such an opportunity will result in serious harm to person or property. 15

Servitudes in State forests

26. (1) The Minister may grant a servitude in a State forest if—

- (a) in the case of State forests other than trust forests, the Minister of Public Works agrees; or 20
- (b) in the case of trust forests on land held in trust by the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994), the authority with the necessary power in terms of that Act agrees; or
- (c) in the case of trust forests other than those referred to in paragraph (b), the Minister of Land Affairs agrees; and 25
- (d) it does not conflict with an existing right; and
- (e) it does not materially affect the ecology and the useful extent of the State forest; and
- (f) there is compliance with section 10(2) where it is a protected area.

(2) Any agreement entered into with the Minister creating the servitude may include such provisions as he or she considers appropriate, including payment for the rights granted under the servitude. 30

(3) A community or members of a community who are granted a servitude of right of way in order to walk to or from their homes are exempt from payment for such rights.

(4) The Minister must keep a register of all servitudes granted under subsection (1). 35

(5) The Minister must license any activity which is permitted under a servitude.

(6) No servitude or other right of any nature in a State forest may be acquired by prescription.

Leasing of State forests

27. (1) The Minister may lease a State forest or part of it to any person if— 40

- (a) in the case of State forests other than trust forests, the Minister of Public Works agrees;
- (b) in the case of trust forests on land held in trust by the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994), the authority with the necessary power in terms of that Act agrees; and 45
- (c) in the case of trust forests other than those referred to in paragraph (b), the Minister of Land Affairs agrees.

(2) The lease agreement may provide for—

- (a) the carrying on by the lessee of any of the activities referred to in section 23(1); 50
- (b) the management, control and operation of a State forest for commercial purposes;

Mineraalwet, 1991 (Wet No. 50 van 1991), of enige bronmateriaal soos omskryf in die Wet op Kernenergie, 1993 (Wet No. 131 van 1993), of om dit te ontgin of daarvoor te beskik nie, maar die houer van so 'n reg mag nie enige bosopbrengs afkap, versteur, beskadig, vernietig of verwyder sonder 'n lisensie nie.

5 Wysigings, opskortings en intrekings

25. (1) Die lisensiehouer is verantwoordelik vir enige skade wat veroorsaak is deurdat daar nie aan die lisensie voldoen is nie.

(2) Die Minister kan 'n lisensie of 'n kategorie lisensies wysig, opskort of intrek indien—

10 (a) daar na sy of haar mening 'n wesenlike verandering is in die omstandighede wat bestaan het ten tyde van die verlening van die lisensie of lisensies wat sodanige wysiging, opskorting of intrekking vereis; of

(b) die lisensiehouer nie aan die lisensie voldoen nie.

(3) Alvorens die Minister kragtens subartikel (2)(b) optree, moet hy of sy aan 'n
15 lisensiehouer 'n billike geleentheid bied om sy of haar nie-voldoening aan die lisensie reg te stel, tensy die Minister van mening is dat die bied van sodanige geleentheid tot ernstige benadeling van persone of eiendom sal lei.

Serwitude in Staatsbosse

26. (1) Die Minister kan 'n serwituut in 'n Staatsbos verleen indien—

20 (a) in die geval van ander Staatsbosse as trustbosse die Minister van Openbare Werke daartoe instem; of

(b) in die geval van trustbosse op grond wat in trust gehou word deur die Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994), die owerheid met die nodige bevoegdheid ingevolge

25 daardie Wet daartoe instem; of

(c) in die geval van ander trustbosse as dié in paragraaf (b) bedoel, die Minister van Grondsake daartoe instem; en

(d) dit nie met 'n bestaande reg bots nie; en

(e) dit nie die ekologie en die nuttige omvang van die Staatsbos wesenlik raak
30 nie; en

(f) daar aan artikel 10(2) voldoen word waar dit 'n beskermde gebied is.

(2) Enige ooreenkoms wat met die Minister aangegaan word en wat die serwituut skep, kan die bepalings insluit wat hy of sy geskik ag, insluitende betaling vir die regte wat kragtens die serwituut verleen word.

35 (3) 'n Gemeenskap of lede van 'n gemeenskap aan wie 'n serwituut van reg van weg verleen is om na of van hulle huise te loop, is vrygestel van die betaling van sulke regte.

(4) Die Minister moet 'n register hou van alle serwitude wat kragtens subartikel (1) verleen word.

(5) Die Minister moet enige bedrywigheid lisensieer wat kragtens 'n serwituut
40 toegelaat word.

(6) Geen serwituut of ander reg van enige aard in 'n Staatsbos mag deur verjaring verkry word nie.

Verhuring van Staatsbosse

27. (1) Die Minister kan 'n Staatsbos of 'n deel daarvan aan enige persoon verhuur
45 indien—

(a) in die geval van ander Staatsbosse as trustbosse, die Minister van Openbare Werke daartoe instem;

(b) in die geval van trustbosse op grond wat in trust gehou word deur die Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu
50 Wet No. 3 van 1994), die owerheid met die nodige bevoegdheid ingevolge daardie Wet daartoe instem; en

(c) in die geval van ander trustbosse as dié in paragraaf (b) bedoel, die Minister van Grondsake daartoe instem.

(2) Die huurkontrak kan voorsiening maak vir—

55 (a) die beoefening deur die huurder van enige van die bedrywigheide in artikel 23(1) bedoel;

(b) die bestuur, beheer en bedryf van 'n Staatsbos vir kommersiële doeleindes;

- (c) the management, control and operation of a protected area;
- (d) the performance by the lessee of the State's obligations to supply forest produce from that State forest;
- (e) the lodging by the lessee of and compliance with a sustainable forest management plan; 5
- (f) the sustainable management of natural forests, woodlands and other habitats falling within the forest let;
- (g) the establishment and operation of facilities for tourism and recreation;
- (h) the resolution of disputes by members of the panel referred to in section 45; 10
- and
- (i) such other matters as the parties consider appropriate.

(3) The Minister must license the activities which the lessee may carry on in terms of the lease.

Agreements to sell forest produce in State forests

28. (1) (a) The Minister; 15
 (b) a person who has entered into a lease agreement under section 27;
 (c) a party to a community forestry agreement entered into under section 30; or
 (d) the South African Forestry Company Limited,
 may enter into an agreement to sell timber or any other forest produce in a State forest to any other person. 20
- (2) An agreement referred to in subsection (1) must—
- (a) allow for termination of the contract at any time after it comes into effect by either party on a period of notice which is not more than five years, unless the Minister agrees to a longer period;
 - (b) not oblige the seller to provide a quantity of timber or other forest produce 25
 which is greater than that which the forest to which the agreement relates, yielded on a sustainable basis during the period of the contract, or a cycle within a contract, unless any shortfall was due to negligence by the seller;
 - (c) not confer rights in conflict with the lease or community forestry agreement referred to in subsection (1)(b) or (c) or an agreement referred to in section 30
 77(2) with the South African Forestry Company Limited.
- (3) A term of an agreement which is in conflict with subsection (2) is void and the agreement is deemed to have been entered into on the terms set out in subsection (2).
- (4) The Minister must license the activities which the purchaser may carry on in terms of an agreement to sell timber or other forest produce, subject to subsection (5). 35
- (5) An agreement to sell timber or other forest produce in any State forest which is already in force on the date this Act commences, is despite the terms of the agreement, subject to the following:
- (a) Either party may elect to terminate the agreement on either of the following bases— 40
 - (i) five years written notice to the other; or
 - (ii) such greater or lesser period of notice as the agreement may provide;
 - (b) notice in terms of subparagraph (i) of paragraph (a) may be given at any time after the commencement of this Act;
 - (c) before the seller acts in terms of subparagraph (i) of paragraph (a), the 45
 Minister must be of the opinion that—
 - (i) it will serve one or more of the purposes referred to in section 1; and
 - (ii) the purchaser will, by the end of the notice period, have had an opportunity of realising a reasonable return on any investments which were made before the commencement of the Act primarily as a result of 50
 the agreement;
 - (d) if either party elects to terminate the agreement in terms of subparagraph (i) of paragraph (a), neither it nor any other person or organ of State has to pay any compensation to, or buy any assets of, any other party, except that the State 55
 must compensate the purchaser for any improvements which the purchaser has erected in a State forest in terms of or as a result of the agreement if—

- (c) die bestuur, beheer en bedryf van 'n beskermde gebied;
 - (d) die verrigting deur die huurder van die Staat se verpligtinge om bosopbrengs uit daardie Staatsbos te verskaf;
 - (e) die indiening deur die huurder van en die nakoming van 'n plan vir volhoubare bosbestuur;
 - (f) die volhoubare bestuur van natuurlike bosse, boomvelde en ander habitatte wat binne die boshuurgebied val;
 - (g) die oprigting en bedryf van fasiliteite vir toerisme en ontspanning;
 - (h) die beslegting van geskille deur lede van die paneel in artikel 45 bedoel; en
 - (i) die ander aangeleenthede wat die partye geskik ag.
- (3) Die Minister moet die bedrywighede lisensieer wat die huurder ingevolge die huurkontrak mag beoefen.

Ooreenkomste om bosopbrengs in Staatsbosse te verkoop

28. (1) (a) Die Minister;
- (b) 'n persoon wat 'n huurooreenkoms kragtens artikel 27 aangegaan het;
- (c) 'n party by 'n gemeenskapsbosbou-ooreenkoms kragtens artikel 30 aangegaan; of
- (d) die Suid-Afrikaanse Bosboumaatskappy Beperk,
- kan 'n ooreenkoms aangaan om hout of enige ander bosopbrengs in 'n Staatsbos aan enige ander persoon te verkoop.
- (2) 'n Ooreenkoms in subartikel (1) bedoel—
- (a) moet voorsiening maak vir die beëindiging van die kontrak te eniger tyd nadat dit in werking getree het deur enige party na 'n kennistydperk van hoogstens vyf jaar, tensy die Minister tot 'n langer tydperk instem;
- (b) mag nie die verkoper verplig om 'n hoeveelheid hout of ander bosopbrengs te lewer nie wat groter is as wat die bos waarop die ooreenkoms betrekking het, op 'n volhoubare grondslag tydens die termyn van die kontrak, of 'n siklus binne 'n kontrak, gelewer het, tensy enige tekort die gevolg was van nalatigheid van die verkoper;
- (c) mag nie regte verleen nie wat bots met die huurooreenkoms of gemeenskapsbosbou-ooreenkoms in subartikel (1)(b) of (c) bedoel of 'n ooreenkoms in artikel 77(2) bedoel met die Suid-Afrikaanse Bosboumaatskappy Beperk.
- (3) 'n Bepaling van 'n ooreenkoms wat strydig is met subartikel (2), is ongeldig en die ooreenkoms word geag aangegaan te wees op die bepalings in subartikel (2) uiteengesit.
- (4) Die Minister moet die bedrywighede lisensieer wat die koper ingevolge 'n ooreenkoms om hout of ander bosopbrengs te verkoop, behoudens subartikel (5), mag beoefen.
- (5) 'n Ooreenkoms om hout of ander bosopbrengs in enige Staatsbos te verkoop, wat reeds van krag is op die datum van inwerkingtreding van hierdie Wet, is, ondanks die bepalings van die ooreenkoms, onderworpe aan die volgende:
- (a) Enige party kan verkies om die ooreenkoms te beëindig op enigeen van die volgende grondslae—
- (i) vyf jaar skriftelike kennis aan die ander; of
- (ii) sodanige langer of korter kennistydperk as waarvoor die ooreenkoms voorsiening maak;
- (b) kennis ingevolge subparagraaf (i) van paragraaf (a) kan te eniger tyd na die inwerkingtreding van hierdie Wet gegee word;
- (c) alvorens die verkoper ingevolge subparagraaf (i) van paragraaf (a) optree, moet die Minister van mening wees dat—
- (i) dit een of meer van die oogmerke in artikel 1 bedoel, sal bevorder; en
- (ii) die koper teen die einde van die kennistydperk 'n geleentheid gehad het om 'n redelike opbrengs te kry op enige beleggings wat voor die inwerkingtreding van hierdie Wet primêr as gevolg van die ooreenkoms gemaak is;
- (d) indien enige party verkies om die ooreenkoms ingevolge subparagraaf (i) van paragraaf (a) te beëindig, hoef hy of enige ander persoon of Staatsorgaan geen vergoeding te betaal aan, of enige bates te koop van, enige ander party nie, behalwe dat die Staat die koper moet vergoed vir enige verbeteringe wat die koper in 'n Staatsbos opgerig het ingevolge of as gevolg van die ooreenkoms indien—

- (i) the seller terminated the agreement; and
- (ii) the purchaser must vacate the improvements as a result of the termination;
- (e) the seller is not obliged to deliver to the purchaser a quantity of timber or other forest produce which is greater than that which the forest yielded on a sustainable basis during the period of the contract, or a cycle within a contract, unless any shortfall was due to negligence by the seller; 5
- (f) the termination of the agreement in terms of subparagraph (i) of paragraph (a) is not a breach of the agreement.
- (6) The compensation for improvements referred to in paragraph (d) of subsection (5) is not payable if the agreement— 10
 - (a) is terminated no earlier than a date on which the agreement could lawfully have been terminated had this Act not been promulgated; and
 - (b) does not provide for—
 - (i) compensation for improvements; or 15
 - (ii) the purchase by the seller of any assets of the purchaser, on termination.
- (7) A shortfall referred to in subsection (2)(b) or (5)(e) may not be made up from the forest to which the agreement relates.

Part 3

20

Community forestry

Part 3 allows communities that wish to engage in community forestry to enter into agreements with the Minister. The procedure for entering into, and the minimum requirements for the content of, such an agreement are set out. The Minister may make financial or other assistance available for community forestry and certain other forms of forestry. 25

Offers to enter into community forestry agreements

- 29. (1) Any community wishing—
 - (a) to do anything in a State forest for which a licence is required;
 - (b) to manage a State forest or part of it, whether alone or jointly with an organ of State; or 30
 - (c) to do both,
 may make an offer to the Minister to enter into a community forestry agreement with him or her and any other person or organ of State who must by law consent.
- (2) The Minister may invite communities to submit offers to enter into community forestry agreements in respect of a particular State forest or forests. 35
- (3) The offer must include—
 - (a) details of the membership of the community;
 - (b) a copy or details of the constitution, laws or customs which regulate the community; 40
 - (c) the terms of its offer;
 - (d) details of any rights held by the community or any of its members in the State forest concerned in terms of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996); and
 - (e) any other prescribed information. 45
- (4) The Minister must investigate the offer and may in doing so—
 - (a) establish whether or not there are any other communities who may wish to make offers to enter into a community forestry agreement in respect of the forest in question;
 - (b) invite such communities to make offers; 50
 - (c) consult with any other persons or organs of State having an interest in the matter;
 - (d) evaluate the suitability of the forest for community forestry in comparison to its current or potential uses;
 - (e) establish whether or not any offeror is willing to amend the terms of its offer to accommodate any concerns of the Minister and, if so, invite the offeror to amend it; 55

- (i) die verkoper die ooreenkoms beëindig het; en
 - (ii) die koper die verbetering moet ontruim as gevolg van die beëindiging;
 - (e) die verkoper is nie verplig om 'n hoeveelheid hout of ander bosopbrengs aan die koper te lewer wat groter is as wat die bos op 'n volhoubare grondslag tydens die termyn van die kontrak, of 'n siklus binne 'n kontrak, gelewer het nie, tensy enige tekort die gevolg was van nalatigheid van die verkoper;
 - (f) die beëindiging van die ooreenkoms ingevolge subparagraaf (i) van paragraaf (a) is nie 'n verbreking van die ooreenkoms nie.
- (6) Die vergoeding vir verbetering in paragraaf (d) van subartikel (5) bedoel, is nie betaalbaar nie indien die ooreenkoms—
- (a) beëindig word nie vroeër as 'n datum waarop die ooreenkoms wettiglik beëindig sou kon word as hierdie Wet nie gepromulgeer is nie; en
 - (b) nie voorsiening maak nie vir—
 - (i) vergoeding vir verbetering; of
 - (ii) die aankoop deur die verkoper van enige bates van die verkoper, by beëindiging.
- (7) 'n Tekort in subartikel (2)(b) of (5)(e) bedoel, mag nie aangevul word uit die bos waarop die ooreenkoms betrekking het nie.

Deel 3

20 *Gemeenskapsbosbou*

Deel 3 stel gemeenskappe wat by gemeenskapsbosbou betrokke wil raak, in staat om ooreenkomste met die Minister aan te gaan. Die prosedure vir die aangaan, en die minimum vereistes vir die inhoud, van sodanige ooreenkomste word uiteengesit. Die Minister kan finansiële of ander bystand beskikbaar stel vir gemeenskapsbosbou en sekere ander vorme van bosbou.

Aanbiedinge om gemeenskapsbosbou-ooreenkomste aan te gaan

29. (1) Enige gemeenskap wat—
- (a) enigiets in 'n Staatsbos wil doen waarvoor 'n lisensie vereis word;
 - (b) 'n Staatsbos of deel daarvan wil bestuur, hetsy alleen of gesamentlik met 'n Staatsorgaan; of
 - (c) albei wil doen,
- kan 'n aanbod aan die Minister doen om 'n gemeenskapsbosbou-ooreenkoms aan te gaan met hom of haar en enige ander persoon of Staatsorgaan wat regtens daartoe moet instem.
- 35 (2) Die Minister kan gemeenskappe uitnooi om aanbiedinge voor te lê om gemeenskapsbosbou-ooreenkomste aan te gaan ten opsigte van 'n bepaalde Staatsbos of Staatsbosse.
- (3) Die aanbod moet insluit—
- (a) besonderhede van die lidmaatskap van die gemeenskap;
 - (b) 'n eksemplaar of besonderhede van die konstitusie, wette of gebruike wat die gemeenskap reguleer;
 - (c) die bepalings van die aanbod;
 - (d) besonderhede van enige regte gehou deur die gemeenskap of enige van sy lede in die betrokke Staatsbos ingevolge die Wet op die Tussentydse Beskerming van Informele Grondregte, 1996 (Wet No. 31 van 1996); en
 - (e) enige ander voorgeskrewe inligting.
- (4) Die Minister moet die aanbod ondersoek en kan in die proses—
- (a) vasstel of daar ander gemeenskappe is wat moontlik aanbiedinge wil doen om 'n gemeenskapsbosbou-ooreenkoms aan te gaan ten opsigte van die betrokke bos;
 - (b) sodanige gemeenskappe uitnooi om aanbiedinge te doen;
 - (c) oorleg pleeg met enige ander persone of Staatsorgane met 'n belang by die aangeleentheid;
 - (d) die geskiktheid van die bos vir gemeenskapsbosbou in vergelyking met die huidige of potensiele gebruike daarvan evalueer;
 - (e) vasstel of enige aanbieder gewillig is om die bepalings van sy aanbod te wysig ten einde enige besorgdhede van die Minister te akkommodeer, en indien wel, die aanbieder uitnooi om dit te wysig;

- (f) in the event of competing offers, evaluate which offers or offerors are the most suitable; and
- (g) appoint a facilitator from the panel referred to in section 45 to attempt to secure agreement between competing offerors.

Conclusion of community forestry agreements

5

30. (1) The Minister may—
- (a) reject any offer;
 - (b) make a counter-offer to one or more offerors; or
 - (c) decide to enter into a community forestry agreement with one or more offerors in respect of the State forest in question. 10
- (2) If the forest is a trust forest, the Minister may only enter into such an agreement if—
- (a) in the case of land held in trust by the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994), the authority with the necessary power in terms of that Act agrees; and 15
 - (b) in the case of other land, the Minister of Land Affairs agrees.
- (3) The Minister must license the activities which the community or communities may carry on under the community forestry agreement.
- (4) The Minister need not implement a public tender process before entering into a community forestry agreement, despite any other law, unless he or she is of the opinion 20 that such a process is needed in any particular case.

Content of community forestry agreements

31. (1) A community forestry agreement must—
- (a) not discriminate unfairly;
 - (b) identify the management powers delegated to the community or communities and those retained by the Minister; 25
 - (c) identify accurately the area of forest subject to the agreement;
 - (d) identify the licensed activities which the community or communities intend carrying on;
 - (e) regulate the use and the management of the forest in a way which is sustainable; 30
 - (f) identify the duties of the various parties in terms of the agreement, including payments to be made by any party;
 - (g) prohibit the parties to the agreement from transferring their rights under the agreement in any way without the consent of the Minister; 35
 - (h) provide for dispute resolution through informal mediation or arbitration, whether by a member of the panel referred to in section 45 or otherwise; and
 - (i) provide for remedial measures, including the suspension or cancellation of the community forestry agreement, in the event of a breach.
- (2) A community forestry agreement may— 40
- (a) rename the forest;
 - (b) be indefinite or for a fixed period;
 - (c) oblige a community to reconstitute itself or make a lawful amendment to its constitution;
 - (d) require the community or communities to lodge and comply with a sustainable forest management plan which is acceptable to the Minister; 45
 - (e) include as a party a person who is not a community or a member of the community and who wishes to conduct forestry for commercial, environmental or other purposes;
 - (f) provide for the management of a protected area; 50
 - (g) oblige the community to perform the State's obligations to supply forest produce from that State forest;
 - (h) provide that a community need not pay rental or similar compensation for the rights granted to it, if this is fair having regard to—

- (f) in die geval van mededingende aanbiedinge, evalueer watter aanbiedings of aanbieders die geskikste is; en
- (g) 'n fasiliteerder uit die paneel in artikel 45 bedoel, aanstel om te poog om 'n ooreenkoms tussen mededingende aanbieders te bereik.

5 Sluiting van gemeenskapsbosbou-ooreenkomste

30. (1) Die Minister kan—
- (a) enige aanbod verwerp;
 - (b) 'n teenaanbod aan een of meer aanbieders maak; of
 - (c) besluit om 'n gemeenskapsbosbou-ooreenkoms met een of meer aanbieders
- 10 ten opsigte van die betrokke Staatsbos aan te gaan.
- (2) Indien die bos 'n trustbos is, kan die Minister so 'n ooreenkoms aangaan slegs indien—
- (a) in die geval van grond in trust gehou deur die Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994), die
 - 15 owerheid met die nodige bevoegdheid ingevolge daardie Wet, daartoe instem; en
 - (b) in die geval van ander grond, die Minister van Grondsake daartoe instem.
- (3) Die Minister moet die bedrywighede wat die gemeenskap of gemeenskappe kragtens die gemeenskapsbosbou-ooreenkoms mag verrig, lisensieer.
- 20 (4) Die Minister hoef nie 'n openbare tenderproses te implementeer alvorens hy of sy 'n gemeenskapsbosbou-ooreenkoms aangaan nie, ondanks enige ander wet, tensy hy of sy van mening is dat so 'n proses in 'n bepaalde geval nodig is.

Inhoud van gemeenskapsbosbou-ooreenkomste

31. (1) 'n Gemeenskapsbosbou-ooreenkoms—
- 25 (a) mag nie onbillik diskrimineer nie;
 - (b) moet die bestuursbevoegdhede identifiseer wat aan die gemeenskap of gemeenskappe gedelegeer word en dié wat deur die Minister behou word;
 - (c) moet die bosgebied wat aan die ooreenkoms onderworpe is, akkuraat identifiseer;
 - 30 (d) moet die gelisensieerde bedrywighede wat die gemeenskap of gemeenskappe van voorneme is om te bedryf, identifiseer;
 - (e) moet die gebruik en die bestuur van die bos reguleer op 'n wyse wat volhoubaar is;
 - (f) moet die pligte van die onderskeie partye ingevolge die ooreenkoms
 - 35 identifiseer, insluitende betalings wat deur enige party gedoen moet word;
 - (g) moet die partye by die ooreenkoms belet om hulle regte kragtens die ooreenkoms op enige wyse sonder die instemming van die Minister oor te dra;
 - (h) moet voorsiening maak vir geskilbeslegting deur informele bemiddeling of arbitrasie, hetsy deur 'n lid van die paneel in artikel 45 bedoel of andersins;
 - 40 en
 - (i) moet voorsiening maak vir regstellende maatreëls, insluitende die opskorting of intrekking van die gemeenskapsbosbou-ooreenkoms, in die geval van 'n skending.
- (2) 'n Gemeenskapsbosbou-ooreenkoms kan—
- 45 (a) die bos hernoem;
 - (b) onbepaald of vir 'n vaste tydperk wees;
 - (c) 'n gemeenskap verplig om homself te rekonstitueer of 'n wettige wysiging aan sy konstitusie aan te bring;
 - (d) van die gemeenskap of gemeenskappe vereis om 'n plan vir volhoubare
 - 50 bosbestuur wat vir die Minister aanneemlik is, in te dien en daaraan te voldoen;
 - (e) 'n persoon wat nie 'n gemeenskap of 'n lid van die gemeenskap is nie en wat bosbou vir kommersiële, omgewings- of ander doeleindes wil beoefen, as party insluit;
 - 55 (f) voorsiening maak vir die bestuur van 'n beskermde gebied;
 - (g) die gemeenskap verplig om die Staat se verpligtinge te verrig om bosopbrengs uit daardie bos te verskaf;
 - (h) bepaal dat 'n gemeenskap nie huurgeld of soortgelyke vergoeding vir die
 - 60 regte wat aan hom verleen word, hoef te betaal nie, indien dit billik is met inagneming van—

- (i) the community's historical association with the land on which the forest is situated; or
- (ii) the economic circumstances of the community;
- (i) exchange a right in terms of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996), for a right in the agreement; and 5
- (j) deal with such other matters as may be prescribed or as the parties consider appropriate.

Assistance for community forestry

32. (1) In this section, community forestry includes, in addition to the definition of that term— 10

- (a) small scale plantation forestry by persons disadvantaged by unfair discrimination; 10
- (b) the planting of trees by any person or organ of State for aesthetic reasons or to improve the quality of life; and
- (c) the sustainable use of a natural forest or woodland by a community other than 15

in terms of an agreement referred to in section 30,
in a rural or an urban area and whether in or outside of a State forest.

(2) The Minister may—

- (a) provide information, training, advice and management and extension services for community forestry; 20
- (b) establish and maintain nurseries and other facilities to provide seed and plants for community forestry;
- (c) provide material or financial assistance for community forestry, including recovery from disaster, if no such grants are available from any other source.

(3) The Minister may enter into an agreement with a person or organ of State 25
regulating the matters referred to in subsection (2).

CHAPTER 5

INSTITUTIONS

The various institutions that play a role in making the Act functional are dealt with in this Chapter. 30

Part 1

National Forests Advisory Council

Part 1 deals with the establishment, objects, constitution, meetings, staffing and funding of the Council. It advises the Minister on all aspects of forestry in the Republic. The Council must establish the Committee for Sustainable Forest Management to advise the Council, the Department and the Minister on all aspects of sustainable forest management, and the Committee on Forest Access. Both are permanent committees of the Council. 35

Establishment and objects of National Forests Advisory Council

33. (1) The National Forests Advisory Council is established. 40

(2) The object of the Council is to advise the Minister on any matter related to forestry in the Republic.

(3) The Minister must consider and respond to the advice provided to him or her by the Council.

(4) (a) The Forestry Council and the Forestry Industry Fund referred to in sections 47 45
to 56 of the Forest Act, 1984 (Act No. 122 of 1984), are dissolved.

(b) The assets, if any, of the Forestry Industry Fund vest in the State.

(5) The National Forestry Advisory Council referred to in sections 46A to 46H of the Forest Act, 1984, is dissolved.

(6) (a) The Transkei Forestry Council referred to in section 3 of the Forestry Laws 50
Rationalisation and Amendment Act, 1994 (Act No. 51 of 1994), is dissolved.

- (i) die gemeenskap se historiese verbintenis met die grond waarop die bos geleë is; of
- (ii) die ekonomiese omstandighede van die gemeenskap;
- (i) 'n reg ingevolge die Wet op die Tussentydse Beskerming van Informele Grondregte, 1996 (Wet No. 31 van 1996), verruil vir 'n reg in die ooreenkoms; en
- (j) die ander aangeleenthede wat voorgeskryf word of as wat die partye geskik ag, hanteer.

Bystand vir gemeenskapsbosbou

- 10 32. (1) In hierdie artikel sluit gemeenskapsbosbou, benewens die omskrywing daarvan, in—
- (a) kleinskaalse plantasiebosbou deur persone wat deur onbillike diskriminasie benadeel is;
 - (b) die aanplant van bome deur enige persoon of Staatsorgaan om estetiese redes of om die gehalte van lewe te verbeter; en
 - (c) die volhoubare gebruik van 'n natuurlike bos of boomveld deur 'n gemeenskap anders as ingevolge 'n ooreenkoms in artikel 30 bedoel, in 'n landelike of 'n stedelike gebied en hetsy binne of buite 'n Staatsbos.
- (2) Die Minister kan—
- (a) inligting, opleiding, advies en bestuurs- en voorligtingsdienste vir gemeenskapsbosbou verskaf;
 - (b) kwekerye en ander fasiliteite vestig en in stand hou om saad en plante vir gemeenskapsbosbou te verskaf;
 - (c) materiële of finansiële bystand verleen vir gemeenskapsbosbou, insluitende herstel van 'n ramp, indien geen sodanige toekennings uit enige ander bron beskikbaar is nie.
- (3) Die Minister kan 'n ooreenkoms aangaan met 'n persoon of Staatsorgaan wat die aangeleenthede in subartikel (2) bedoel, reguleer.

HOOFSTUK 5

INSTELLINGS

Die verskillende instellings wat 'n rol speel om die Wet funksioneel te maak, word in hierdie Hoofstuk behandel.

Deel 1

Nasionale Bosadviesraad

- 35 *Deel 1 handel oor die instelling, oogmerke, samestelling, vergaderings, personeelvoorsiening en befondsing van die Raad. Die Raad adviseer die Minister oor alle aspekte van bosbou in die Republiek. Die Raad moet die Komitee vir Volhoubare Bosbestuur instel om die Raad, die Departement en die Minister oor alle aspekte van volhoubare bosbestuur te adviseer, asook die Komitee vir Toegang tot Bosse. Albei*
- 40 *komitees is permanente komitees van die Raad.*

Instelling en oogmerke van Nasionale Bosadviesraad

33. (1) Die Nasionale Bosadviesraad word ingestel.
- (2) Die doel van die Raad is om die Minister te adviseer oor enige aangeleentheid rakende bosbou in die Republiek.
- 45 (3) Die Minister moet die advies wat deur die Raad aan hom of haar gegee word, oorweeg en daarop reageer.
- (4) (a) Die Bosbouraad en die Bosbounywerheidsfonds bedoel in artikels 47 tot 56 van die Boswet, 1984 (Wet No. 122 van 1984), word ontbind.
- (b) Die bates, as daar is, van die Bosbounywerheidsfonds berus by die Staat.
- 50 (5) Die Nasionale Bosbou-adviesraad bedoel in artikels 46A tot 46H van die Boswet, 1984, word ontbind.
- (6) (a) Die "Transkei Forestry Council" bedoel in artikel 3 van die Rasionaliserings- en Wysigingswet op Bosbouwet, 1994 (Wet No. 51 van 1994), word ontbind.

(b) The assets, if any, of the Transkei Forestry Council vest in the State.

Constitution of Council

34. (1) The Council consists of a maximum of 20 members and a minimum of 14 members appointed by the Minister in terms of this section.

(2) In making appointments to the Council the Minister must balance the interests of— 5

- (a) categories of persons disadvantaged by unfair discrimination;
- (b) communities involved in community forestry;
- (c) environmental interest groups;
- (d) persons who carry on small scale plantation forestry; 10
- (e) persons who carry on small scale timber processing;
- (f) persons with expertise which can assist the Council in achieving its objects;
- (g) the forest industry;
- (h) the forest products industries; and
- (i) trade unions representing employees in the forest and forest products industry. 15

(3) Whenever it is necessary to appoint the Council the Minister must—

- (a) invite nominations by means of a notice published in at least two nationally distributed newspapers, specifying a period within which nominations must be submitted;
- (b) establish an advisory committee which includes the chairpersons of the portfolio committees dealing with forestry matters in the National Assembly and the National Council of Provinces, or their delegates, and appoint a chairperson for the committee; and 20
- (c) submit all the nominations received to the advisory committee.

(4) The advisory committee must compile a short list of suitable candidates from the nominations and submit it to the Minister within one month of receiving the nominations. 25

(5) The Minister must appoint the members of the Council after considering the short list.

(6) The Minister may appoint— 30

- (a) an alternate member for any member of the Council; and
- (b) a replacement for any member who vacates his or her office,

on the basis of the criteria referred to in subsection (2).

(7) The replacement serves for the balance of the term of the person he or she replaces. 35

(8) The Minister must appoint one member of the Council as chairperson and one member as vice-chairperson.

Conditions of appointment to Council

35. (1) A member of the Council holds office for a period of—

- (a) four years in the case of the chairperson of the Council; and 40
- (b) three years in the case of other members.

(2) At the expiry of his or her term of office a member may be appointed again.

(3) A member or alternate member of the Council must vacate his or her office if—

- (a) the Minister at any time terminates his or her term of office for good reason after consulting the chairperson of the Council; 45
- (b) he or she can no longer perform his or her duties on the Council;
- (c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (d) he or she is absent from more than two consecutive meetings of the Council without the leave of the chairperson; or 50
- (e) he or she resigns by written notice to the Minister.

(4) Members of the Council and members of a committee of the Council who are not in the full-time employment of the State may be paid for their services, except for attending Council meetings.

(5) The Minister must determine the remuneration and allowances payable to members of the Council and members of a committee of the Council with the consent of the Minister of Finance. 55

Committees of Council

36. (1) The Council may elect an executive committee.

(2) The chairperson of the Council must be the chairperson of the executive committee. 60

(b) Die bates, as daar is, van die Transkeise Bosbouraad berus by die Staat.

Samestelling van Raad

34. (1) Die Raad bestaan uit 'n maksimum van 20 lede en 'n minimum van 14 lede deur die Minister ingevolge hierdie artikel aangestel.

5 (2) By die doen van aanstellings in die Raad moet die Minister die belange balanseer van—

- (a) kategorieë persone wat deur onbillike diskriminasie benadeel is;
 - (b) gemeenskappe wat by gemeenskapsbosbou betrokke is;
 - (c) omgewingsbelangegroep;
 - 10 (d) persone wat kleinskaalse plantasiëbosbou beoefen;
 - (e) persone wat kleinskaalse houtverwerking beoefen;
 - (f) persone met kundigheid wat die Raad kan bystaan om sy oogmerke te bereik;
 - (g) die bosbedryf;
 - (h) die bosproduktebedryf; en
 - 15 (i) vakbonde wat werknemers in die bos- en bosproduktebedryf verteenwoordig.
- (3) Telkens wanneer dit nodig is om die Raad aan te stel, moet die Minister—
- (a) benoemings vra deur middel van 'n kennisgewing wat in ten minste twee landswyd verspreide koerante gepubliseer word, en waarin 'n tydperk bepaal word waarbinne benoemings voorgelê moet word;
 - 20 (b) 'n advieskomitee instel wat insluit die voorsitters van die portefeuljekomitees wat bosbou-aangeleenthede hanteer in die Nasionale Vergadering en die Nasionale Raad van Provinsies, of hulle afgevaardigdes, en 'n voorsitter vir die komitee aanstel; en
 - (c) al die benoemings wat ontvang word, aan die advieskomitee voorlê.
- 25 (4) Die advieskomitee moet 'n kortlys van geskikte kandidate opstel uit die benoemings en dit aan die Minister voorlê binne een maand nadat die benoemings ontvang is.
- (5) Die Minister moet die lede van die Raad aanstel na oorweging van die kortlys.
- (6) Die Minister kan—
- (a) 'n alternatiewe lid vir enige lid van die Raad aanstel; en
 - 30 (b) 'n plaasvervanger aanstel vir enige lid wat sy of haar amp ontruim, op die grondslag van die maatstawwe in subartikel (2) bedoel.
- (7) Die plaasvervanger dien vir die res van die termyn van die persoon wat hy of sy vervang.
- (8) Die Minister moet een lid van die Raad as voorsitter en een lid as ondervoorsitter
- 35 aanstel.

Voorwaardes vir aanstelling in Raad

35. (1) 'n Lid van die Raad bekleed die amp vir 'n tydperk van—
- (a) vier jaar in die geval van die voorsitter van die Raad; en
 - (b) drie jaar in die geval van ander lede.
- 40 (2) By verstryking van sy of haar ampstermyn kan 'n lid weer aangestel word.
- (3) 'n Lid of alternatiewe lid van die Raad moet sy of haar amp ontruim indien—
- (a) die Minister te eniger tyd sy of haar ampstermyn om goeie redes beëindig na oorleg met die voorsitter van die Raad;
 - (b) hy of sy nie meer sy of haar pligte in die Raad kan verrig nie;
 - 45 (c) hy of sy skuldig bevind word aan 'n oortreding en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;
 - (d) hy of sy van meer as twee agtereenvolgende vergaderings van die Raad afwesig is sonder verlof van die voorsitter; of
 - (e) hy of sy bedank by wyse van skriftelike kennisgewing aan die Minister.
- 50 (4) Lede van die Raad en lede van 'n komitee van die Raad wat nie in die voltydse diens van die Staat is nie, kan vir hulle dienste betaal word, uitgesonderd vir die bywoning van Raadsvergaderings.
- (5) Die Minister moet die besoldiging en toelaes wat aan lede van die Raad en lede van 'n komitee van die Raad betaalbaar is, met die instemming van die Minister van
- 55 Finansies bepaal.

Komitees van Raad

36. (1) Die Raad kan 'n uitvoerende komitee kies.
- (2) Die voorsitter van die Raad moet die voorsitter van die uitvoerende komitee wees.

- (3) The Council must establish—
 (a) the Committee for Sustainable Forest Management; and
 (b) the Committee on Forest Access,
 as permanent committees of the Council.
- (4) The permanent committees must include persons representing the interest groups 5
 referred to in section 34(2) and—
 (a) in the case of the Committee for Sustainable Forest Management, a represen-
 tative of the Department of Environmental Affairs and Tourism appointed by
 its Director-General;
 (b) in the case of the Committee on Forest Access, one or more representatives of 10
 voluntary associations interested in recreational activities in forests appointed
 in terms of subsection (9).
- (5) The functions of the Committee for Sustainable Forest Management are to
 advise—
 (a) the Council, the Department and the Minister on all aspects of sustainable 15
 forest management in the Republic;
 (b) the Department and the Minister on the determination of criteria, indicators
 and standards for sustainable forest management;
 (c) the Department on convening forums for interested persons to participate in
 the formulation of criteria, indicators and standards. 20
 (6) The functions of the Committee on Forest Access are to advise the Minister on—
 (a) a ruling referred to in section 20(10);
 (b) promoting the grant and exercise of access to forests;
 (c) promoting education on the sustainable management and use of forests;
 (d) the use of the Trust funds. 25
 (7) (a) A decision on advice to be provided to the Minister by a permanent committee
 must be reached on the basis of unanimity.
 (b) If unanimity is not reached, the Minister must consider all the views expressed in
 the committee as conveyed by the chairperson of the committee. 30
 (8) The Council may establish other committees.
 (9) The Council may, with the approval of the Minister, appoint to one of the
 permanent committees or to a committee contemplated in subsection (8), persons who
 are not members of the Council but who may assist the committee in the performance of
 its functions.
 (10) The Council must designate one member of each committee as the chairperson 35
 and one member as the vice-chairperson.

Meetings of Council

37. (1) The Minister must determine—
 (a) the manner of the calling of, the quorum for, and the procedure at, meetings of 40
 the Council;
 (b) what records the Council must keep;
 (c) the way in which the Council must submit advice to him or her; and
 (d) a code of conduct for Council members.
 (2) The Council or a committee may admit as an observer any person including any 45
 representative of national, provincial or local government.
 (3) The chairperson of the Council must provide the Minister with advice or
 information emanating from any meeting within two weeks.

Funding of Council

38. (1) The Council is funded by money appropriated by Parliament.
 (2) Before 31 October of every year the Council must submit a budget of its 50
 expenditure for the next financial year to the Minister for his or her approval.
 (3) The Council may during the course of a financial year submit to the Minister for
 his or her approval additional or revised budgets for that year.
 (4) The Minister must include the budget of the Council in his or her annual budget
 for the Department submitted for approval to Parliament. 55
 (5) The Council must as soon as possible after the end of each financial year present
 a report on its expenditure for that year to the Minister.

- (3) Die Raad moet—
- (a) die Komitee vir Volhoubare Bosbestuur; en
 - (b) die Komitee vir Toegang tot Bosse,
- as permanente komitees van die Raad instel.
- 5 (4) Die permanente komitees moet persone insluit wat die belangegroep in artikel 34(2) bedoel, verteenwoordig en—
- (a) in die geval van die Komitee vir Volhoubare Bosbestuur, 'n verteenwoordiger van die Departement van Omgewingsake en Toerisme deur sy Direkteur-generaal aangestel;
 - 10 (b) in die geval van die Komitee vir Toegang tot Bosse, een of meer verteenwoordigers van vrywilligerorganisasies wat belangstel in ontspanningsbedrywighede in bosse, aangestel ingevolge subartikel (9).
- (5) Die funksies van die Komitee vir Volhoubare Bosbestuur is om—
- 15 (a) die Raad, die Departement en die Minister te adviseer oor alle aspekte van volhoubare bosbestuur in die Republiek;
 - (b) die Departement en die Minister te adviseer oor die bepaling van maatstawwe, aanwysers en standaarde vir volhoubare bosbestuur;
 - (c) die Departement te adviseer oor die sameroeping van forums vir belanghebbende persone om deel te neem aan die formulering van maatstawwe,
 - 20 aanwysers en standaarde.
- (6) Die funksies van die Komitee vir Toegang tot Bosse is om die Minister te adviseer oor—
- (a) 'n beslissing in artikel 20(10) bedoel;
 - (b) die bevordering van die verlening en uitoefening van toegang tot bosse;
 - 25 (c) die bevordering van opvoeding oor die volhoubare bestuur en gebruik van bosse;
 - (d) die gebruik van die Trustfondse.
- (7) (a) 'n Besluit oor advies wat aan die Minister verleen moet word deur 'n permanente komitee, moet geneem word op die grondslag van eenstemmigheid.
- 30 (b) Indien eenstemmigheid nie verkry word nie, moet die Minister al die sienings wat in die komitee uitgedruk is, soos deur die voorsitter van die komitee meegedeel, oorweeg.
- (8) Die Raad kan ander komitees instel.
- (9) Die Raad kan, met die Minister se goedkeuring, in een van die permanente
- 35 komitees of 'n komitee in subartikel (8) beoog, persone aanstel wat nie lede van die Raad is nie maar wat die komitee kan bystaan in die verrigting van sy funksies.
- (10) Die Raad moet een lid van elke komitee as die voorsitter en een lid as die ondervoorsitter aanwys.

Vergaderings van Raad

- 40 37. (1) Die Minister moet—
- (a) die wyse vir die belê van, die kworum vir, en die prosedure op, vergaderings van die Raad bepaal;
 - (b) bepaal watter rekords die Raad moet hou;
 - (c) die wyse bepaal waarop die Raad advies aan hom of haar moet voorlê; en
 - 45 (d) 'n gedragskode vir lede van die Raad bepaal.
- (2) Die Raad of 'n komitee kan enige persoon, insluitende 'n verteenwoordiger van die nasionale, 'n provinsiale of plaaslike regering, as waarnemer toelaat.
- (3) Die voorsitter van die Raad moet die Minister binne twee weke voorsien van advies of inligting voortspruitend uit enige vergadering.

50 Befondsing van Raad

38. (1) Die Raad word befonds deur geld wat deur die Parlement bewillig word.
- (2) Voor 31 Oktober van elke jaar moet die Raad 'n begroting van sy uitgawes vir die volgende boekjaar aan die Minister voorlê vir sy of haar goedkeuring.
- (3) Die Raad kan in die loop van 'n boekjaar bykomende of hersiene begrotings vir
- 55 daardie jaar aan die Minister voorlê vir sy of haar goedkeuring.
- (4) Die Minister moet die begroting van die Raad insluit in sy of haar jaarlikse begroting vir die Departement wat vir goedkeuring aan die Parlement voorgelê word.
- (5) Die Raad moet so gou moontlik na die einde van elke boekjaar 'n verslag oor sy uitgawes vir daardie jaar aan die Minister voorlê.

(6) The financial year ends on 31 March.

Staff of Council

39. The Director-General must designate as many officers and employees of the Department as may be necessary to assist the Council and any committee of the Council to perform the administrative and professional work of the Council or of a particular committee. 5

Report by Council

40. (1) The Council must present an annual report on its activities to the Minister within three months of the end of the financial year.

(2) The report by the Council must include its expenditure report compiled in terms of section 38(5). 10

Part 2

National Forest Recreation and Access Trust

Part 2 deals with the establishment of the National Forest Recreation and Access Trust. 15

Establishment and objects of National Forest Recreation and Access Trust

41. (1) The National Forest Recreation and Access Trust is established.

(2) The Minister is the sole trustee of the Trust.

(3) (a) The National Hiking Way Board referred to in section 29;

(b) the committees referred to in sections 40 and 41; and 20

(c) the National Hiking Way System referred to in section 28, of the Forest Act, 1984 (Act No. 122 of 1984), are dissolved.

(4) Administrative action in terms of PART VII of the Forest Act, 1984, is no longer of any effect, except in relation to the National Hiking Way Fund.

(5) The moneys standing to the credit of the National Hiking Way Fund referred to in section 36 of the Forest Act, 1984, vest in the Minister in his or her capacity as trustee. 25

(6) The object of the Trust is to promote access to and the use of forests for recreation, education, culture or spiritual fulfilment.

(7) The Trust is for the benefit of the general public of the Republic.

Powers and duties of Minister as trustee 30

42. (1) The Minister must do whatever is necessary to achieve the object of the Trust.

(2) The Minister may, as trustee—

(a) act on the advice of the Committee on Forest Access;

(b) solicit and receive donations and sponsorships;

(c) receive funds appropriated by Parliament; 35

(d) contract;

(e) use money in the Fund;

(f) cooperate with any organ of State or person;

(g) commission research;

(h) provide environmental education; 40

(i) provide information and other public services;

(j) charge fees for goods the Trust supplies and services it renders; and

(k) delegate any of his or her powers and duties as trustee to a named official in the Department.

Administration of Trust funds 45

43. (1) The Minister must appoint—

(a) an official of the Department; or

(b) any other person, if the Minister of Finance agrees, as the accounting officer for the Trust.

(6) Die boekjaar eindig op 31 Maart.

Personeel van Raad

39. Die Direkteur-generaal moet soveel beamptes en werknemers van die Departement as wat nodig is aanwys om die Raad en enige komitee van die Raad by te staan om die administratiewe en vakkundige werk van die Raad of van 'n bepaalde komitee te verrig.

Verslagdoening deur Raad

40. (1) Die Raad moet binne drie maande na die einde van die boekjaar 'n jaarverslag oor sy bedrywighede aan die Minister voorlê.
 10 (2) Die verslag deur die Raad moet insluit sy uitgaweverslag saamgestel ingevolge artikel 38(5).

Deel 2

Nasionale Trust vir Ontspanning in en Toegang tot Bosse

Deel 2 handel oor die instelling van die Nasionale Trust vir Ontspanning in en Toegang tot Bosse.

Instelling en oogmerke van Nasionale Trust vir Ontspanning in en Toegang tot Bosse

41. (1) Die Nasionale Trust vir Ontspanning in en Toegang tot Bosse word ingestel.
 (2) Die Minister is die enigste trustee van die Trust.
 20 (3) (a) Die Nasionale Voetslaanpadraad bedoel in artikel 29;
 (b) die komitees bedoel in artikels 40 en 41; en
 (c) die Nasionale Voetslaanpadstelsel bedoel in artikel 28, van die Boswet, 1984 (Wet No. 122 van 1984), word ontbind.
 (4) Administratiewe optrede ingevolge DEEL VII van die Boswet, 1984, is nie meer
 25 geldig nie, behalwe met betrekking tot die Nasionale Voetslaanpadfonds.
 (5) Die gelde tot krediet van die Nasionale Voetslaanpadfonds bedoel in artikel 36 van die Boswet, 1984, setel in die Minister in sy of haar hoedanigheid van trustee.
 (6) Die oogmerk van die Trust is om toegang tot en die gebruik van bosse vir ontspanning, opvoeding, kultuur of geestelike vervulling te bevorder.
 30 (7) Die Trust bestaan tot voordeel van die algemene publiek van die Republiek.

Bevoegdheid en pligte van Minister as trustee

42. (1) Die Minister moet alles doen wat nodig is om die oogmerk van die Trust te bereik.
 (2) Die Minister kan as trustee—
 35 (a) op advies van die Komitee vir Toegang tot Bosse optree;
 (b) skenkings en borgskappe werf en ontvang;
 (c) fondse wat deur die Parlement bewillig is, ontvang;
 (d) kontrakteer;
 (e) geld in die Fonds gebruik;
 40 (f) met enige Staatsorgaan of persoon saamwerk;
 (g) navorsing laat doen;
 (h) omgewingsopvoeding verskaf;
 (i) inligting en ander openbare dienste verskaf;
 (j) gelde vra vir goedere en dienste wat die Trust verskaf en lewer; en
 45 (k) enige van sy of haar bevoegdheid en pligte as trustee deleger aan 'n benoemde beampte in die Departement.

Administrasie van Trustfondse

43. (1) Die Minister moet—
 (a) 'n beampte van die Departement; of
 50 (b) enige ander persoon, indien die Minister van Finansies daartoe instem, as rekenpligtige beampte van die Trust aanstel.

(2) The accounting officer must account for money received by and paid from the Trust and generally perform the work of the Trust connected with its records, accounts and balance sheets.

(3) The accounting officer must before 31 October of every year submit a budget of the Trust's income and expenditure for the next financial year to the Minister for his or her approval. 5

(4) The accounting officer may revise the budget during the course of a financial year.

(5) The accounting officer may, with the consent of the Minister, invest Trust funds which are not needed for immediate use.

(6) Any credit balance in the Trust funds at the end of a financial year must be carried forward to the next financial year in the budget of the Trust. 10

(7) The financial year ends on 31 March.

(8) The accounting officer must keep a record of—

(a) the assets and liabilities of the Trust; and

(b) the financial transactions of the Trust. 15

(9) The accounting officer must, as soon as possible after the end of each financial year, draw up financial statements which must reflect the Trust's assets and liabilities at the beginning and end of the year and its income and expenditure for the year.

(10) The records, accounts and balance sheets of the Trust must be audited every year by the Auditor-General at an agreed fee, or, in the absence of an agreement, at a fee determined by the Minister of Finance. 20

Reports by Minister as trustee

44. The Minister must, within three months of the end of each financial year, submit to Parliament—

(a) a report on the Trust's activities; and

(b) audited financial statements of the Trust. 25

Part 3

Panel of facilitators, mediators and arbitrators

Part 3 gives the Minister the power to establish a panel from which facilitators, mediators and arbitrators may be selected for purposes of dispute resolution. Some of the factors they must take into account are listed. 30

Establishment of panel

45. (1) The Minister must establish a panel of persons from whom appointments of facilitators, mediators and arbitrators may be made for the purposes referred to in sections 20(8), 20(9), 21(3), 27(2)(h), 29(4)(g) and 31(1)(h). 35

(2) The Minister may, instead of establishing a panel in terms of subsection (1), adopt—

(a) the panel of arbitrators established in terms of section 31(1) of the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), as the panel from which such appointments must be made; 40

(b) the remuneration and allowances determined in terms of section 31(3) of that Act as those which will be payable for services rendered by panel members in terms of this Act.

(3) If the Minister establishes a panel in terms of subsection (1), he or she must determine the remuneration and allowances to be paid to panel members in consultation with the Minister of Finance. 45

(4) Facilitators, mediators and arbitrators are only remunerated when they are appointed or selected from the panel to act in a particular matter.

(5) A facilitator, mediator or arbitrator appointed in terms of this Act must, where appropriate, have regard to the following factors along with all other issues he or she must consider in any matter: 50

(a) Where one or more communities is or are party to the dispute, the historical and cultural association of the community or communities with the forest;

(b) the need to find equitable solutions to problems in the forests sector; and

(c) the principles of sustainable forest management set out in section 3(3). 55

(2) Die rekenpligtige beampte moet rekenskap gee van geld wat deur die Trust ontvang en uitbetaal word en moet oor die algemeen die werk van die Trust met betrekking tot sy rekords, rekeninge en balansstate doen.

(3) Die rekenpligtige beampte moet voor 31 Oktober elke jaar 'n begroting van die Trust se inkomste en uitgawes vir die volgende boekjaar aan die Minister voorlê vir sy of haar goedkeuring.

(4) Die rekenpligtige beampte kan die begroting in die loop van 'n boekjaar hersien.

(5) Die rekenpligtige beampte kan, met die instemming van die Minister, Trustfondse wat nie vir onmiddellike gebruik nodig is nie, belê.

(6) Enige kredietsaldo in die Trustfondse aan die einde van 'n boekjaar moet na die volgende boekjaar oorgedra word in die begroting van die Trust.

(7) Die boekjaar eindig op 31 Maart.

(8) Die rekenpligtige beampte moet rekord hou van—

(a) die bates en laste van die Trust; en

(b) die finansiële transaksies van die Trust.

(9) Die rekenpligtige beampte moet, so gou moontlik na die einde van elke boekjaar, finansiële state opstel wat die Trust se bates en laste aan die begin en einde van die jaar en sy inkomste en uitgawes vir die jaar moet toon.

(10) Die rekords, rekeninge en balansstate van die Trust moet elke jaar teen 'n ooreengekome bedrag of, by gebrek aan 'n ooreenkoms, teen 'n bedrag deur die Minister van Finansies bepaal, deur die Ouditeur-generaal geouditeer word.

Verslae deur Minister as trustee

44. Die Minister moet binne drie maande na die einde van elke boekjaar aan die Parlement—

(a) 'n verslag oor die Trust se bedrywighede voorlê; en

(b) geouditeerde finansiële state van die Trust voorlê.

Deel 3

Paneel van fasiliteerders, bemiddelaars en arbiters

Deel 3 verleen aan die Minister die bevoegdheid om 'n paneel in te stel waaruit fasiliteerders, arbiters en bemiddelaars gekies kan word vir die doel van geskilbeslegting. Sommige van die faktore wat hulle in aanmerking moet neem, word genoem.

Instelling van paneel

45. (1) Die Minister moet 'n paneel instel van persone uit wie die aanstelling van fasiliteerders, bemiddelaars en arbiters gedoen kan word vir die doeleindes in artikels 20(8), 20(9), 21(3), 27(2)(h), 29(4)(g) en 31(1)(h) bedoel.

(2) Die Minister kan, in plaas daarvan om 'n paneel ingevolge subartikel (1) in te stel—

(a) die paneel van arbiters ingestel ingevolge artikel 31(1) van die Wet op Grondhervorming (Huurarbeiders), 1996 (Wet No. 3 van 1996), aanneem as die paneel waaruit sodanige aanstellings gedoen moet word;

(b) die vergoeding en toelaes wat ingevolge artikel 31(3) van daardie Wet bepaal is, aanvaar as die besoldiging en toelaes wat betaalbaar is vir dienste gelewer deur paneellede ingevolge hierdie Wet.

(3) Indien die Minister 'n paneel saamstel ingevolge subartikel (1), moet hy of sy die besoldiging en toelaes wat aan paneellede betaal moet word, bepaal in oorleg met die Minister van Finansies.

(4) Fasiliteerders, bemiddelaars en arbiters word besoldig slegs wanneer hulle uit die paneel aangestel of gekies is om in 'n bepaalde aangeleentheid op te tree.

(5) 'n Fasiliteerder, bemiddelaar of arbiter wat ingevolge hierdie Wet aangestel is, moet, waar toepaslik, die volgende faktore in aanmerking neem tesame met alle ander kwessies wat hy of sy in enige aangeleentheid moet oorweeg:

(a) Waar een of meer gemeenskappe partye by die geskil is, die historiese en kulturele verbintenis van die gemeenskap of gemeenskappe met die bos;

(b) die nodigheid om regverdige oplossings vir probleme in die bossektor te kry; en

(c) die beginsels van volhoubare bosbestuur in artikel 3(3) uiteengesit.

CHAPTER 6

ADMINISTRATION OF ACT

Part 1

General powers and duties of Minister

Part 1 deals with the general powers and duties of the Minister. The Minister must develop and implement a policy for forests and their management and may, amongst other things— 5

- * *assign, and withdraw the assignment of, certain powers and duties;*
- * *delegate certain powers and duties;*
- * *expropriate property for forestry;* 10
- * *reserve State land for forestry;*
- * *make regulations.*

Development and implementation of policy

46. The Minister must develop and implement policy for forests and their management. 15

Assignment of powers and duties

47. (1) The Minister may—

- (a) assign any power or duty in this Act to—
 - (i) a province or other organ of State; or
 - (ii) a person who or which is not an organ of State, indefinitely or for a fixed period; 20
 - (b) withdraw an assignment, including any assignment of powers and duties in the Forest Act, 1984 (Act No. 122 of 1984), whether that assignment was effected in terms of that Act or any other legislation;
 - (c) make an assignment subject to conditions, 25
- by notice in the *Gazette*.

(2) The Minister must—

- (a) consult with the province, organ of State or person concerned; and
 - (b) consider the administrative capacity of the province, organ of State or person concerned to assume, or continue to provide, effective responsibility, 30
- before making or withdrawing an assignment.

(3) A province may implement those provisions of the Act relating to the powers and duties assigned to it—

- (a) from the date of the assignment;
- (b) in the area to which the assignment relates; 35
- (c) until the assignment ends.

Delegation of powers and duties

48. (1) The Minister may delegate the exercise of any of his or her powers, other than a power referred to in subsection (4), and the performance of any of his or her duties, to— 40

- (a) a named official in the Department;
- (b) the holder of an office in the Department;
- (c) an organ of State;
- (d) a person who or which is not an organ of State.

(2) The Minister may permit a person or organ of State to whom a power or duty has been assigned or delegated to delegate that power or duty further. 45

(3) A delegation referred to in subsection (1) and the permission referred to in subsection (2)—

- (a) must be in writing;
- (b) may be subject to conditions; 50
- (c) must specify the period for which it lasts;
- (d) do not prevent the exercise of the power or the performance of the duty by the Minister himself or herself.

(4) The Minister may not delegate the power or duty—

HOOFSTUK 6

ADMINISTRASIE VAN WET

Deel 1

Algemene bevoegdheid en pligte van Minister

5 *Deel 1 handel oor die algemene bevoegdheid en pligte van die Minister. Die Minister moet 'n beleid vir bosse en die bestuur van bosse ontwikkel en in werking stel en kan onder andere—*

- * *sekere pligte en bevoegdheid opdra en die toewysing daarvan intrek;*
- * *sekere bevoegdheid en pligte deleger;*
- 10 * *eiendom onteien vir bosbou;*
- * *Staatsgrond uitgehou vir bosbou;*
- * *regulasies uitvaardig.*

Ontwikkeling en inwerkingstelling van beleid

46. Die Minister moet beleid vir bosse en die bestuur van bosse ontwikkel en in
15 werking stel.

Toewys van bevoegdheid en pligte

47. (1) Die Minister kan—

- (a) enige bevoegdheid of plig in hierdie Wet onbepaald of vir 'n bepaalde tydperk opdra aan—
- 20 (i) 'n provinsie of ander Staatsorgaan; of
- (ii) 'n persoon wat nie 'n Staatsorgaan is nie;
- (b) 'n toewysing intrek, insluitend enige toewysing van bevoegdheid en pligte in die Boswet, 1984 (Wet No. 122 van 1984), ongeag of daardie toewysing ingevolge daardie Wet of enige ander wetgewing gedoen is;
- 25 (c) 'n toewysing onderworpe aan voorwaardes stel,

by kennisgewing in die *Staatskoerant*.

(2) Die Minister moet—

- (a) met die betrokke provinsie, Staatsorgaan of persoon oorleg pleeg; en
- 30 (b) die administratiewe vermoë van die betrokke provinsie, Staatsorgaan of persoon om doeltreffende verantwoordelikheid te aanvaar of voort te sit, oorweeg,

alvorens hy of sy 'n opdrag doen of intrek.

(3) 'n Provinsie kan die bepalings van die Wet rakende die bevoegdheid en pligte wat aan hom opgedra is, implementeer—

- 35 (a) met ingang van die datum van die opdrag;
- (b) in die gebied waarop die opdrag betrekking het;
- (c) totdat die opdrag eindig.

Delegering van bevoegdheid en pligte

48. (1) Die Minister kan die uitoefening van enige van sy of haar bevoegdheid, 40 uitgesonderd 'n bevoegdheid in subartikel (4) bedoel, en die verrigting van enige van sy of haar pligte, deleger aan—

- (a) 'n benoemde beampte in die Departement;
- (b) die bekleër van 'n amp in die Departement;
- (c) 'n Staatsorgaan;
- 45 (d) 'n persoon wat nie 'n Staatsorgaan is nie.

(2) Die Minister kan aan 'n persoon of 'n Staatsorgaan aan wie 'n bevoegdheid of plig verleen of gedeleger is, toestemming verleen om daardie bevoegdheid of plig verder te deleger.

(3) 'n Delegering in subartikel (1) bedoel en die toestemming in subartikel (2) 50 bedoel—

- (a) moet skriftelik wees;
- (b) kan aan voorwaardes onderworpe wees;
- (c) moet die tydperk meld waartydens dit geldig is;
- (d) verhinder nie die Minister om self daardie bevoegdheid uit te oefen of 55 daardie plig te verrig nie.

(4) Die Minister mag nie die bevoegdheid of plig—

- (a) to assign;
 - (b) to make regulations;
 - (c) to develop policy; or
 - (d) to appoint a member of the Council.
- (5) The Minister may withdraw any delegation. 5

Expropriation of property

49. (1) The Minister may purchase or expropriate any property and reserve it for forestry or any other purpose in terms of this Act, if—
- (a) that purpose is a public purpose or is in the public interest; and
 - (b) the Minister of Public Works agrees. 10
- (2) Land purchased or expropriated for forestry under subsection (1) may include land which is not treed or which will not be afforested if that land will be managed as part of the forest management unit or units in question.
- (3) The Expropriation Act, 1975 (Act No. 63 of 1975), applies to all expropriations under this Act and any reference to the Minister of Public Works in that Act must be read as a reference to the Minister for purposes of such expropriations. 15

Reservation of State land for forestry

50. (1) The Minister may reserve State land which is not a State forest for forestry if—
- (a) in the case of State forests other than trust forests, the Minister of Public Works agrees; or
 - (b) in the case of trust forests on land held in trust by the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994), the authority with the necessary power in terms of that Act agrees; or
 - (c) in the case of trust forests other than those referred to in paragraph (b), the Minister of Land Affairs agrees. 20
- (2) State land reserved for forestry under subsection (1) may include land which is not treed or which will not be afforested if that land will be managed as part of the forest management unit or units in question.
- (3) The Minister may release a State forest or part of a State forest which is no longer required for forestry. 25
- (4) The Minister reserves State land for forestry or releases it by notice in the *Gazette*. 30

Performance of functions on other land

51. The Minister may authorise officials in the Department to perform services in connection with trees on land which is not a State forest—
- (a) at the request, or with the consent, of the registered owner; 35
 - (b) on appropriate conditions.

Extensions

52. The Minister may extend, or condone a failure by a person to comply with, a time period in terms of this Act, except a time period which binds the Minister.

Content of regulations

53. (1) For the purposes of this section, “owner” means—
- (a) the registered owner; and
 - (b) where the registered owner has transferred control of the forest management unit in question to another person or organ of State, whether by way of assignment, delegation, contract or otherwise, that person or organ of State. 45
- (2) The Minister may make regulations to deal with—
- (a) any matter which must be dealt with by regulation in terms of this Act;

- (a) om toe te wys;
 - (b) om regulasies uit te vaardig;
 - (c) om beleid te ontwikkel; of
 - (d) om 'n lid van die Raad aan te stel,
- 5 delegeer nie.
- (5) Die Minister kan enige delegering intrek.

Onteiening van eiendom

49. (1) Die Minister kan enige eiendom koop of onteien en dit vir bosbou of enige ander doel ingevolge hierdie Wet uitgehou indien—
- 10 (a) daardie doel 'n openbare doel is of in openbare belang is; en
- (b) die Minister van Openbare Werke daartoe instem.
- (2) Grond wat kragtens subartikel (1) gekoop of onteien is vir bosbou, kan insluit grond wat nie bebos is nie of wat nie bebos sal word nie indien daardie grond as deel van die betrokke bosbestuurseenheid of bosbestuurseenhede bestuur sal word.
- 15 (3) Die Onteieningswet, 1975 (Wet No. 63 van 1975), is van toepassing op alle onteienings kragtens hierdie Wet, en enige verwysing na die Minister van Openbare Werke in daardie Wet moet uitgelê word as 'n verwysing na die Minister vir die doeleindes van sodanige onteienings.

Uithou van Staatsgrond vir bosbou

- 20 50. (1) Die Minister kan Staatsgrond wat nie 'n Staatsbos is nie, vir bosbou uithou indien—
- (a) in die geval van ander Staatsbosse as trustbosse, die Minister van Openbare Werke daartoe instem; of
- (b) in die geval van trustbosse op grond wat in trust gehou word deur die
- 25 Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994), die owerheid met die nodige bevoegdheid ingevolge daardie Wet daartoe instem; of
- (c) in die geval van ander trustbosse as dié in paragraaf (b) bedoel, die Minister van Grondsake daartoe instem.
- 30 (2) Staatsgrond wat kragtens subartikel (1) vir bosbou uitgehou is, kan insluit grond wat nie bebos is nie of wat nie bebos sal word nie indien daardie grond as deel van die betrokke bosbestuurseenheid of bosbestuurseenhede bestuur sal word.
- (3) Die Minister kan 'n Staatsbos of deel van 'n Staatsbos wat nie meer vir bosbou nodig is nie, vrystel.
- 35 (4) Die Minister behou Staatsgrond vir bosbou voor of stel dit vry by kennisgewing in die *Staatskoerant*.

Verrigting van funksies op ander grond

51. Die Minister kan beamptes in die Departement magtig om dienste in verband met bome op grond wat nie 'n Staatsbos is nie, te verrig—
- 40 (a) op die versoek, of met die toestemming, van die geregistreerde eienaar;
- (b) op gepaste voorwaardes.

Verlengings

52. Die Minister kan 'n tydperk ingevolge hierdie Wet verleng of 'n versuim deur 'n persoon om aan so 'n tydperk te voldoen, kondoneer, uitgesonderd 'n tydperk wat die
- 45 Minister bind.

Inhoud van regulasies

53. (1) Vir die doeleindes van hierdie artikel beteken "eienaar"—
- (a) die geregistreerde eienaar; en
- (b) waar die geregistreerde eienaar beheer oor die betrokke bosbestuurseenheid
- 50 aan 'n ander persoon of Staatsorgaan oorgedra het, hetsy by wyse van opdrag, delegasie, kontrak of andersins, daardie persoon of Staatsorgaan.
- (2) Die Minister kan regulasies uitvaardig wat handel oor—
- (a) enige aangeleentheid wat ingevolge hierdie Wet by regulasie gehanteer moet word;

- (b) the criteria, indicators and standards referred to in section 4(2)(a), including—
 - (i) their determination and enforcement;
 - (ii) the creation and promotion of the incentives referred to in section 4(2)(b);
 - (c) research; 5
 - (d) monitoring of the forest resource, including regulations relating to—
 - (i) the registration of, and collection of data from, owners of forests;
 - (ii) the registration of, and collection of data from, persons who harvest, saw, process or sell forest produce;
 - (iii) collection of data from institutions which certify sustainable forest management; 10
 - (e) protected trees, including—
 - (i) the cultivation and grazing of land around any protected tree;
 - (ii) financial assistance for erecting stock-proof fences;
 - (iii) the preparing and maintenance of firebreaks for the protection of such a tree; 15
 - (iv) the control of the collection, removal, transport, export, purchase, sale or donation of parts or produce of protected trees;
 - (v) management plans for protected trees;
 - (f) the management of State forests in general or a particular State forest or part of it; 20
 - (g) licences under section 23, leases under section 27, agreements under section 28 and community forestry agreements under section 30, including—
 - (i) the appointment and functioning of a person or organ of State outside of the Department to exercise powers and perform duties of the Minister and the Director-General in terms of Chapter 4 and such other sections as relate to that task; and 25
 - (ii) procedures for the selection of suitable licensees, lessees, purchasers or offerors;
 - (h) facilitation, mediation and arbitration before a panel member referred to in section 45; 30
 - (i) forest hygiene, including—
 - (i) the combating of any harmful organism which affects any kind of forest, tree or timber on any land or in any vehicle, building or other place where timber is stored, stacked, seasoned or processed; 35
 - (ii) the prevention of the introduction into or the spreading within the Republic of any such harmful organism; and
 - (j) in general, the carrying out of the purposes and the provisions of this Act.
- (3) The Minister may make different regulations under subsection (2) for different regions of the Republic, different forests or parts or classes of forests and different owners or classes of owners of forests. 40
- (4) The Minister may make regulations—
- (a) for the inspection of any forest, trees, timber, vehicle, pack-animal or premises by any person or the incumbent of a post designated by the Minister for purposes of enforcing regulations made under this section; 45
 - (b) prescribing how samples of any timber for examination or testing must be taken and how and where such timber may or must be graded or marked.
- (5) The reference to specific regulation-making powers in this section does not limit the general regulation-making powers conferred by it.
- (6) (a) The Minister may by regulation provide that infringements of certain regulations constitute criminal offences and prescribe maximum penalties for such offences. 50
- (b) The penalties may not exceed those for a second category offence in terms of section 58(2).

Procedure for making regulations

55

54. (1) Before making or amending any regulations in terms of this Act, the Minister must—

- (b) die maatstawwe, aanwysers en standarde in artikel 4(2)(a) bedoel, insluitende—
- (i) die bepaling en afdwinging daarvan;
 - (ii) die skepping en bevordering van die aansporings in artikel 4(2)(b) bedoel;
- (c) navorsing;
- (d) die monitering van die boshulpbron, insluitende regulasies rakende—
- (i) die registrasie van, en insameling van data van, eienaars van bosse;
 - (ii) die registrasie van, en insameling van data van, persone wat bosopbrengs oes, saag, verwerk of verkoop;
 - (iii) die insameling van data van instellings wat volhoubare bosbestuur sertifiseer;
- (e) beskermde bome, insluitende—
- (i) die bewerking en beweiding van grond rondom enige beskermde boom;
 - (ii) finansiële bystand vir die oprigting van veewerende heinings;
 - (iii) die maak en instandhouding van brandstroke vir die beskerming van so 'n boom;
 - (iv) die beheer oor die insameling, verwydering, vervoer, uitvoer, koop, verkoop of skenking van dele of opbrengs van beskermde bome;
 - (v) bestuursplanne vir beskermde bome;
- (f) die bestuur van Staatsbosse oor die algemeen of van 'n bepaalde Staatsbos of deel daarvan;
- (g) lisensies kragtens artikel 23, huurkontrakte kragtens artikel 27, ooreenkomste kragtens artikel 28 en gemeenskapsbosbou-ooreenkomste kragtens artikel 30, insluitende—
- (i) die aanstelling en funksionering van 'n persoon of Staatsorgaan buite die Departement om bevoegdhede uit te oefen en pligte te verrig van die Minister en die Direkteur-generaal ingevolge Hoofstuk 4 en die ander artikels wat op daardie taak betrekking het; en
 - (ii) prosedures vir die kies van geskikte lisensiehouers, huurders, kopers of aanbieders;
- (h) die fasilitering, bemiddeling en arbitrasie voor 'n paneellid bedoel in artikel 45;
- (i) boshigiëne, insluitende—
- (i) die bekamping van enige skadelike organisme wat enige soort bos, boom of hout beïnvloed op enige grond of in enige voertuig, gebou of ander plek waar hout opgeberg, gestapel, verduursaam of verwerk word;
 - (ii) die voorkoming van die invoering in of die verspreiding binne die Republiek van enige sodanige skadelike organisme; en
- (j) oor die algemeen, om die oogmerke en die bepalings van hierdie Wet uit te voer.
- (3) Die Minister kan verskillende regulasies kragtens subartikel (2) uitvaardig vir verskillende streke in die Republiek, verskillende bosse of klasse bosse en verskillende eienaars of klasse eienaars van bosse.
- (4) Die Minister kan regulasies uitvaardig—
- (a) vir die inspeksie van enige bos, bome, hout, voertuig, pakkier of perseel deur enige persoon of die bekleër van 'n pos deur die Minister aangewys ten einde regulasies wat kragtens hierdie artikel uitgevaardig is, af te dwing;
 - (b) wat voorskryf hoe monsters van enige hout vir ondersoek of toetsing geneem moet word en hoe en waar sodanige hout gegradeer of gemerk moet of kan word.
- (5) Die verwysing na spesifieke bevoegdhede om regulasies uit te vaardig in hierdie artikel beperk nie die algemene bevoegdhede om regulasies uit te vaardig wat by hierdie artikel verleen word nie.
- (6) (a) Die Minister kan by regulasie bepaal dat oortredings van sekere regulasies strafregtelike misdrywe uitmaak en maksimum strawwe vir sodanige misdrywe voorskryf.
- (b) Die strawwe mag nie dié vir 'n kategorie 2-misdryf ingevolge artikel 58(2) te bowe gaan nie.

60 Prosedure vir uitvaardiging van regulasies

54. (1) Die Minister moet, alvorens hy of sy enige regulasies ingevolge hierdie Wet uitvaardig of wysig—

- (a) publish a notice in the *Gazette*—
 - (i) setting out the draft regulations; and
 - (ii) inviting written comments to be submitted on the proposed regulations within a specified period;
- (b) consider all comments received; and 5
- (c) take advice from the Council.
- (2) The regulations are effective from the date the Minister publishes them in the *Gazette*.
- (3) The Minister must table the regulations in Parliament, together with any written comments and advice received on them pursuant to subsection (1)— 10
 - (a) within 30 days after publishing them; or
 - (b) if Parliament is not then in session, within 30 days after the next session starts.
- (4) Parliament may reject the regulations within 60 days after they have been tabled.
- (5) If Parliament rejects any regulations, the Minister must—
 - (a) repeal them; or 15
 - (b) table amended regulations in draft form in Parliament,
 within 60 days of the rejection, or, if Parliament is not then in session, within 60 days after the next session starts, failing which the regulations become invalid.
- (6) If the Minister elects to table amended regulations in terms of subsection (5)(b), he or she— 20
 - (a) must consult the chairperson of the Council;
 - (b) need not follow the procedure in subsection (1),
 before the amended regulations are tabled.
- (7) If Parliament—
 - (a) accepts the amended regulations, the Minister must publish them within 30 25 days of Parliament's acceptance;
 - (b) rejects the amended regulations, subsections (5) and (6) and this subsection apply.
- (8) If the Minister complies with subsection (5)(b), the regulations as originally published continue to apply until amended regulations are accepted by Parliament and 30 published by the Minister in terms of subsection (2).

Tariffs and charges

55. The Minister may, with the consent of the Minister of Finance—
- (a) in respect of any State forest, issue a tariff of licence fees which may vary according to circumstances; 35
 - (b) issue the tariff of charges to be paid for any product or service rendered by an officer or employee of the Department or by a member of the panel referred to in section 45.

Part 2

General powers and duties of Director-General 40

Part 2 deals with the general powers and duties of the Director-General. He or she may delegate certain powers and duties.

Powers and duties

56. (1) The Director-General has those powers and duties—
- (a) referred to in this Act; or 45
 - (b) delegated to him or her.
- (2) The Director-General may delegate the exercise of any of his or her powers and the performance of any of his or her duties, to—
- (a) a named official of the Department;
 - (b) the holder of an office in the Department; 50
 - (c) an organ of State;
 - (d) a person who or which is not an organ of State.

- (a) 'n kennisgewing in die *Staatskoerant* publiseer—
 (i) waarin die konsepreulasies uiteengesit word; en
 (ii) waarin versoek word dat skriftelike kommentaar oor die voorgestelde regulasies binne 'n bepaalde tydperk voorgelê word;
- 5 (b) alle kommentaar wat ontvang word, oorweeg; en
 (c) advies van die Raad ontvang.
- (2) Die regulasies is effektief van die datum waarop die Minister dit in die *Staatskoerant* publiseer.
- (3) Die Minister moet die regulasies in die Parlement ter tafel lê tesame met enige
 10 skriftelike kommentaar en advies ooreenkomstig subartikel (1) daaroor ontvang—
 (a) binne 30 dae na publikasie daarvan; of
 (b) indien die Parlement nie dan in sessie is nie, binne 30 dae na die begin van die volgende sessie.
- (4) Die Parlement kan die regulasies verwerp binne 60 dae nadat dit ter tafel gelê is.
- 15 (5) Indien die Parlement enige regulasies verwerp, moet die Minister—
 (a) dit herroep; of
 (b) gewysigde regulasies in konsepvorm in die Parlement ter tafel lê, binne 60 dae na die verwerping, of, indien die Parlement nie dan in sessie is nie, binne 60 dae na die begin van die volgende sessie, by gebreke waarvan sodanige
 20 regulasies ongeldig word.
- (6) Indien die Minister verkies om gewysigde regulasies ingevolge subartikel (5)(b) ter tafel te lê—
 (a) moet hy of sy die voorsitter van die Raad raadpleeg;
 (b) hoef hy of sy nie die prosedure in subartikel (1) te volg nie,
 25 alvorens die gewysigde regulasies ter tafel gelê word.
- (7) Indien die Parlement—
 (a) die gewysigde regulasies aanvaar, moet die Minister dit binne 30 dae na die Parlement se aanvaarding publiseer;
 (b) die gewysigde regulasies verwerp, is subartikels (5), (6) en hierdie subartikel
 30 van toepassing.
- (8) Indien die Minister aan subartikel (5)(b) voldoen, bly die regulasies soos oorspronklik gepubliseer van toepassing totdat gewysigde regulasies deur die Parlement aanvaar is en deur die Minister ingevolge subartikel (2) gepubliseer is.

Tariewe en heffings

- 35 55. Die Minister kan, met die instemming van die Minister van Finansies—
 (a) ten opsigte van enige Staatsbos, 'n tarief van lisensiegelde uitreik wat volgens omstandighede kan verskil;
 (b) die tarief van heffings uitreik wat betaal moet word vir enige produk of diens
 40 gelewer deur 'n beampte of werknemer van die Departement of deur 'n lid van die paneel in artikel 45 bedoel.

Deel 2

Algemene bevoegdhede en pligte van Direkteur-generaal

Deel 2 handel oor die algemene bevoegdhede en pligte van die Direkteur-generaal. Hy of sy kan sekere bevoegdhede en pligte deleger.

45 Bevoegdhede en pligte

56. (1) Die Direkteur-generaal het die bevoegdhede en pligte—
 (a) bedoel in hierdie Wet; of
 (b) aan hom of haar gedelegeer.
- (2) Die Direkteur-generaal kan die uitoefening van enige van sy of haar bevoegdhede
 50 en die verrigting van enige van sy of haar pligte deleger aan—
 (a) 'n benoemde beampte van die Departement;
 (b) die bekleër van 'n amp in die Departement;
 (c) 'n Staatsorgaan;
 (d) 'n persoon wat nie 'n Staatsorgaan is nie.

(3) The Director-General may permit a person or organ of State to whom a power or duty has been delegated to delegate that power or duty further.

(4) A delegation referred to in subsection (1) and the permission referred to in subsection (2)—

- (a) must be in writing; 5
- (b) may be subject to conditions;
- (c) must specify the period for which it lasts;
- (d) do not prevent the exercise of the power or the performance of the duty by the Director-General himself or herself.

(5) The Director-General may withdraw any delegation. 10

Transfer of officers and employees

57. (1) The Director-General may enter into an agreement with an officer or employee of the Department to transfer his or her employment to—

- (a) a person who leases or carries on a licensed activity in a State forest;
- (b) a community which has entered into a community forestry agreement; or 15
- (c) a party to a community forestry agreement referred to in section 31(2)(e).

(2) The Minister of Finance and the Minister for the Public Service and Administration must approve the terms of such an agreement before it is concluded.

(3) The agreement may provide for the terms on which the employee will terminate membership of the State pension fund or become a member of a new pension fund. 20

CHAPTER 7

OFFENCES AND PENALTIES

This Chapter sets out the relevant offences in terms of the Act and the penalties applicable.

Part 1

Sentencing

Part 1 deals with matters relating to sentencing.

Penalties

58. (1) A person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment. 30

(2) A person who is guilty of a second category offence referred to in sections 62, 63 and 64 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.

(3) A person who is guilty of a third category offence referred to in sections 62 and 63 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to one year, or to both a fine and such imprisonment. 35

(4) A person who is guilty of a fourth category offence referred to in sections 63 and 64 may be sentenced on a first conviction for that offence to a fine or community service for a period of up to six months or to both a fine and such service. 40

(5) A person who is guilty of a second, third or fourth category offence may be sentenced on a second conviction for that offence as if he or she has committed a first, second or third category offence, respectively.

(6) A person who is guilty of a fifth category offence referred to in section 61 may not be sentenced to imprisonment, but may be sentenced to a fine up to R50 000. 45

(7) The maximum amount of the fine referred to in subsection (6) may be amended by the Minister by a notice in the *Gazette* in order to counteract inflation.

(8) A court which sentences any person—

(3) Die Direkteur-generaal kan aan 'n persoon of Staatsorgaan aan wie 'n bevoegdheid of plig gedelegeer is, toestemming verleen om daardie bevoegdheid of plig verder te deleger.

(4) 'n Delegasie in subartikel (1) bedoel en die toestemming in subartikel (2) bedoel—

- (a) moet skriftelik wees;
- (b) kan aan voorwaardes onderworpe wees;
- (c) moet die tydperk meld waartydens dit geldig is;
- (d) verhinder nie die Direkteur-generaal om self daardie bevoegdheid uit te oefen of daardie plig te verrig nie.

(5) Die Direkteur-generaal kan enige delegasie intrek.

Oorplasing van beamptes en werknemers

57. (1) Die Direkteur-generaal kan 'n ooreenkoms met 'n beampte of werknemer van die Departement aangaan om sy of haar diens oor te plaas na—

- (a) 'n persoon wat 'n gelisensieerde bedrywigheid in 'n Staatsbos huur of beoefen;
- (b) 'n gemeenskap wat 'n gemeenskapsbosbou-ooreenkoms aangegaan het; of
- (c) 'n party by 'n gemeenskapsbosbou-ooreenkoms in artikel 31(2)(e) bedoel.

(2) Die Minister van Finansies en die Minister vir die Staatsdiens en Administrasie moet die bepalings van so 'n ooreenkoms goedkeur alvorens dit aangegaan word.

(3) Die ooreenkoms kan voorsiening maak vir die voorwaardes waarop die werknemer sy of haar lidmaatskap van die Staat se pensioenfonds beëindig of lid van 'n nuwe pensioenfonds word.

HOOFSTUK 7

25 MISDRYWE EN STRAWWE

Hierdie Hoofstuk sit die tersaaklike misdrywe ingevolge die Wet uiteen, asook die toepaslike strawwe.

Deel 1

Vonnisoplegging

30 *Deel 1 handel oor aangeleenthede betreffende vonnisoplegging.*

Strawwe

58. (1) Iemand wat skuldig is aan 'n kategorie 1-misdryf bedoel in artikels 62 en 63, kan gevonniss word tot 'n boete of gevangenisstraf vir 'n tydperk van tot drie jaar of tot 'n boete en sodanige gevangenisstraf.

35 (2) Iemand wat skuldig is aan 'n kategorie 2-misdryf bedoel in artikels 62, 63 en 64, kan by 'n eerste skuldigbevinding aan daardie misdryf gevonniss word tot 'n boete of gevangenisstraf vir 'n tydperk van tot twee jaar of tot 'n boete en sodanige gevangenisstraf.

40 (3) Iemand wat skuldig is aan 'n kategorie 3-misdryf bedoel in artikels 62 en 63, kan by 'n eerste skuldigbevinding aan daardie misdryf gevonniss word tot 'n boete of gevangenisstraf vir 'n tydperk van tot een jaar of tot 'n boete en sodanige gevangenisstraf.

45 (4) Iemand wat skuldig is aan 'n kategorie 4-misdryf bedoel in artikels 63 en 64, kan by 'n eerste skuldigbevinding aan daardie misdryf gevonniss word tot 'n boete of gemeenskapsdiens vir 'n tydperk van tot ses maande of tot 'n boete en sodanige diens.

(5) Iemand wat skuldig is aan 'n kategorie 2-, 3- of 4-misdryf, kan by 'n tweede skuldigbevinding aan daardie misdryf gevonniss word asof hy of sy onderskeidelik 'n kategorie 1-, 2- of 3-misdryf gepleeg het.

50 (6) Iemand wat skuldig is aan 'n kategorie 5-misdryf bedoel in artikel 61, mag nie tot gevangenisstraf gevonniss word nie, maar kan gevonniss word tot 'n boete van tot R50 000.

(7) Die maksimum bedrag van die boete in subartikel (6) bedoel, kan deur die Minister gewysig word by kennisgewing in die *Staatskoerant* om inflasie teen te werk.

(8) 'n Hof wat iemand vonnis—

- (a) to community service for an offence in terms of this Act must impose a form of community service which benefits the environment if it is possible for the offender to serve such a sentence in the circumstances;
- (b) for any offence in terms of this Act, may suspend or revoke a licence granted to the offender under section 7 or 23.

5

Compensatory orders in criminal proceedings

59. (1) A court which convicts a person of an offence in terms of this Act, may order—

- (a) the return of any forest produce or protected tree which has unlawfully been removed, cut or damaged, to the person entitled to it if it is feasible to do so; and, in addition to or instead of such return,
- (b) the person convicted to pay damages to any person who suffered a loss as a result of the offence.

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(2) The power in subsection (1) is in addition to any other powers the court has in the proceedings in question.

(3) An order under subsection (1) is executed in the same manner as a judgment of that court in a civil case.

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Award of part of fine recovered to informant

60. (1) A court which imposes a fine for an offence in terms of this Act, may order that a sum of not more than one-fourth of the fine, be paid to any person whose evidence led to the conviction or who helped bring the offender to justice.

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(2) An officer in the service of the State may not receive such an award.

Part 2

Offences

Part 2 lists all the offences in terms of the Act in relation to the corresponding Chapters in the Act.

25

Offences relating to sustainable forest management

61. Any person who fails to take the steps which he or she has been instructed to take in terms of section 4(8) within the period or the extended period laid down, is guilty of a fifth category offence.

Offences relating to protection of forests and trees

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62. (1) Any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in section 7(1) is guilty of a second category offence.

(2) Any person who contravenes—

- (a) the prohibition on the cutting, disturbance, damage or destruction of forest produce in or the removal or receipt of forest produce from a protected area referred to in section 10(1) is guilty of a second category offence;

35

- (b) the rules referred to in section 11(2)(b), is guilty of a third category offence;

- (c) the prohibition on—

- (i) the cutting, disturbance, damage, destruction or removal of protected trees referred to in section 15(1)(a); or

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- (ii) the prohibition on the collection, removal, transport, export, purchase or sale of protected trees referred to in section 15(1)(b),

is guilty of a first category offence.

(3) Any person who contravenes a prohibition or any other provision in a notice declaring a controlled forest area under section 17(3) and (4) is guilty of a second category offence.

45

- (a) tot gemeenskapsdiens vir 'n misdryf ingevolge hierdie Wet, moet 'n vorm van gemeenskapsdiens oplê wat die omgewing bevoordeel indien dit vir die oortreder moontlik is om so 'n vonnis in die omstandighede uit te dien;
- (b) vir enige misdryf kragtens hierdie Wet, kan 'n lisensie wat ingevolge artikel 7 of 23 aan die oortreder verleen is, opskort of intrek.

Vergoedende bevel in strafregtelike verrigtinge

59. (1) 'n Hof wat iemand skuldig bevind aan 'n misdryf ingevolge hierdie Wet, kan bevel—
- (a) dat enige bosopbrengs of beskermde boom wat onwettig verwyder, afgekap of beskadig is, terugbesorg word aan die persoon wat daarop geregtig is indien dit uitvoerbaar is om dit te doen; en benewens of in plaas van sodanige terugbesorging,
- (b) dat die persoon wat skuldig bevind is, skadevergoeding betaal aan enige persoon wat 'n verlies gely het as gevolg van die misdryf.
- (2) Die bevoegdheid in subartikel (1) is benewens enige ander bevoegdhede wat die hof in die onderhawige verrigtinge het.
- (3) 'n Bevel kragtens subartikel (1) word uitgevoer op dieselfde wyse as 'n uitspraak van daardie hof in 'n siviele saak.

Toekenning van deel van verhaalde boete aan informant

60. (1) 'n Hof wat 'n boete oplê vir 'n misdryf ingevolge hierdie Wet, kan bevel dat 'n bedrag van hoogstens een kwart van die boete betaal word aan enige persoon wie se getuienis tot die skuldigbevinding gelei het of wat gehelp het om die oortreder voor die gereg te bring.
- (2) 'n Beampte in diens van die Staat mag nie so 'n toekenning ontvang nie.

25

Deel 2

Misdrywe

Deel 2 noem al die misdrywe ingevolge die Wet met betrekking tot die ooreenstemmende Hoofstukke in die Wet.

Misdrywe rakende volhoubare bosbestuur

61. Iemand wat versuim om die stappe te doen wat hy of sy bevel is om te doen ingevolge artikel 4(8) binne die tydperk of die verlengde tydperk wat bepaal is, is skuldig aan 'n kategorie 5-misdryf.

Misdrywe rakende beskerming van bosse en bome

62. (1) Iemand wat die verbod op sekere handelinge met betrekking tot bome in natuurlike bosse bedoel in artikel 7(1) oortree, is skuldig aan 'n kategorie 2-misdryf.
- (2) Iemand wat—
- (a) die verbod oortree op die afkap, versteuring, beskadiging of vernietiging van bosopbrengs in of die verwydering of ontvangs van bosopbrengs uit 'n beskermde gebied in artikel 10(1) bedoel, is skuldig aan 'n kategorie 2-misdryf;
- (b) die reëls bedoel in artikel 11(2)(b) oortree, is skuldig aan 'n kategorie 3-misdryf;
- (c) die verbod op—
- (i) die afkap, versteuring, beskadiging, vernietiging of verwydering van beskermde bome bedoel in artikel 15(1)(a) oortree; of
- (ii) die verbod op die versameling, verwydering, vervoer, uitvoer, koop of verkoop van beskermde bome bedoel in artikel 15(1)(b) oortree, is skuldig aan 'n kategorie 1-misdryf.
- (3) Iemand wat 'n verbod of enige ander bepaling oortree in 'n kennisgewing wat 'n beheerde bosgebied verklaar kragtens artikel 17(3) en (4), is skuldig aan 'n kategorie 2-misdryf.

Offences relating to use of forests

63. (1) Any person who—
- (a) without authority, enters or is in an area of a forest which is not designated for access for recreation, education, culture or spiritual fulfilment, is guilty of a fourth category offence; 5
 - (b) contravenes a rule made by an owner in terms of section 20(3) or a registered owner in terms of section 21(2), is guilty of a fourth category offence;
 - (c) invades the privacy of, or causes damage to the property of, a registered owner in contravention of the prohibition referred to in section 21(5), is guilty of a third category offence; 10
 - (d) damages, removes or interferes with any beacon, boundary, fence, notice board or other structure in a forest without authority, is guilty of a fourth category offence;
 - (e) without authority makes a mark or sign on a rock, building, tree or other vegetation in a forest, is guilty of a third category offence; 15
 - (f) dumps or scatters litter in a forest, is guilty of a fourth category offence.
- (2) Any person who, without a licence or other authority—
- (a) cuts, disturbs, damages, destroys, removes or receives seven-week ferns (*Rumohra adiantiforme*) from any forest, is guilty of a first category offence;
 - (b) kills any animal, bird, insect or fish, is guilty of a second category offence if it is in a protected area and a third category offence if it is in any other area. 20
- (3) Any person who, without the permission of the registered owner, removes any forest produce other than trees referred to in section 62(1), from a forest other than a State forest, is guilty of a third category offence. 25
- (4) Any person who carries on an activity in a State forest for which a licence is required without such a licence is guilty of—
- (a) a third category offence, if the State forest is a protected area;
 - (b) a fourth category offence, if the State forest is not a protected area.
- (5) Any person who contravenes a condition in a licence, exemption or other authorisation in terms of this Act— 30
- (a) in any protected area is guilty of a second category offence;
 - (b) in any other forest is guilty of a third category offence.

Offences in relation to enforcement

64. (1) Any person who— 35
- (a) refuses or fails to produce a licence in terms of section 24(8) to a forest officer or a police officer; or
 - (b) prevents a forest officer or police officer from, or hinders a forest officer or police officer, acting under section 67, 68 or 69,
- is guilty of a fourth category offence. 40
- (2) A forest officer or employee of the Department who—
- (a) solicits or receives, or agrees to receive, any payment, advantage or reward for doing anything in conflict with his or her duty;
 - (b) solicits or receives, or agrees to receive, any payment, advantage or reward, other than his or her normal remuneration, for performing his or her duty; or 45
 - (c) trades in forest produce, other than forest produce grown or produced on his or her own land, or acts as an agent for any person trading in forest produce,
- is guilty of a second category offence.

CHAPTER 8**ENFORCEMENT**

50

This Chapter provides for the appointment of forest officers and sets out their powers to police the provisions of this Act effectively.

Appointment of forest officers

65. The Director-General may—

Misdrywe rakende gebruik van bosse

63. (1) Iemand wat—
- (a) sonder magtiging 'n gebied van 'n bos binnegaan of daarin is wat nie vir toegang vir ontspanning, opvoeding, kultuur of geestelike vervulling aangewys is nie, is skuldig aan 'n kategorie 4-misdryf;
 - (b) 'n reël oortree wat deur 'n eienaar gemaak is ingevolge artikel 20(3) of 'n geregistreerde eienaar ingevolge artikel 21(2), is skuldig aan 'n kategorie 4-misdryf;
 - (c) inbreuk maak op die privaatheid, of skade veroorsaak aan die eiendom, van 'n geregistreerde eienaar in stryd met die verbod in artikel 21(5) bedoel, is skuldig aan 'n kategorie 3-misdryf;
 - (d) enige baken, grens, heining, kennisgewingbord of ander struktuur in 'n bos sonder magtiging beskadig, verwyder of daarmee inmeng, is skuldig aan 'n kategorie 4-misdryf;
 - (e) sonder toestemming 'n merk of teken maak op 'n rots, gebou, boom of ander plantegroei in 'n bos, is skuldig aan 'n kategorie 3-misdryf;
 - (f) vullis stort of strooi in 'n bos, is skuldig aan 'n kategorie 4-misdryf.
- (2) Iemand wat, sonder 'n lisensie of ander magtiging—
- (a) seweweeksvarings (*Rumohra adiantiforme*) afkap, versteur, beskadig, vernietig, verwyder of ontvang uit enige bos, is skuldig aan 'n kategorie 1-misdryf;
 - (b) enige dier, voël, insek of vis doodmaak, is skuldig aan 'n kategorie 2-misdryf indien dit in 'n beskermde gebied is en 'n kategorie 3-misdryf indien dit in enige ander gebied is.
- (3) Iemand wat, sonder die toestemming van die geregistreerde eienaar, enige bosopbrengs behalwe bome in artikel 62(1) bedoel, verwyder uit 'n ander bos as 'n Staatsbos, is skuldig aan 'n kategorie 3-misdryf.
- (4) Iemand wat 'n bedrywigheid in 'n Staatsbos waarvoor 'n lisensie nodig is, beoefen sonder so 'n lisensie, is skuldig aan—
- (a) 'n kategorie 3-misdryf, indien die Staatsbos 'n beskermde gebied is;
 - (b) 'n kategorie 4-misdryf, indien die Staatsbos nie 'n beskermde gebied is nie.
- (5) Iemand wat 'n voorwaarde in 'n lisensie, vrystelling of ander magtiging ingevolge hierdie Wet oortree—
- (a) in 'n beskermde gebied, is skuldig aan 'n kategorie 2-misdryf;
 - (b) in enige ander bos, is skuldig aan 'n kategorie 3-misdryf.

Misdrywe rakende wetstoepassing

64. (1) Iemand wat—
- (a) weier of versuim om 'n lisensie ingevolge artikel 24(8) aan 'n bosbeampte of polisiebeampte te toon; of
 - (b) 'n bosbeampte of polisiebeampte verhinder om kragtens artikel 67, 68 of 69 op te tree of wat 'n bosbeampte of polisiebeampte wat aldus optree, hinder, is skuldig aan 'n kategorie 4-misdryf.
- (2) 'n Bosbeampte of werknemer van die Departement wat—
- (a) enige betaling, voordeel of beloning werf of ontvang of instem om dit te ontvang vir die doen van iets wat strydig met sy of haar plig is;
 - (b) enige betaling, voordeel of beloning, behalwe sy of haar normale besoldiging, werf of ontvang of instem om dit te ontvang vir die verrigting van sy of haar plig; of
 - (c) handel dryf in bosopbrengs, behalwe bosopbrengs wat op sy of haar eie grond gekweek of geproduseer is, of as agent optree vir iemand wat in bosopbrengs handel dryf,
- is skuldig aan 'n kategorie 2-misdryf.

HOOFSTUK 8**TOEPASSING VAN WET**

- 55 Hierdie Hoofstuk maak voorsiening vir die aanstelling van bosbeamptes en sit hulle bevoegdhede uiteen om die bepalinge van hierdie Wet doeltreffend af te dwing.

Aanstelling van bosbeamptes

65. Die Direkteur-generaal kan—

- (a) designate posts in the Department or in any provincial administration or local authority, whose incumbents are forest officers; and
- (b) appoint any other suitably qualified persons as forest officers.

General powers of forest officers

66. (1) A reference to an offence in this Chapter is a reference to an offence in terms of this Act. 5

(2) A forest officer has in respect of any offence all the powers vested by law in a police official.

(3) A forest officer exercising powers under this Act—

- (a) is deemed to be a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); 10
- (b) must carry with him or her, and produce on request, the prescribed proof of his or her identity and appointment as a forest officer.

Power to enter and search

67. (1) A forest officer may enter and search any land or premises without a warrant if he or she has reason to believe that an offence has been or is being committed there if— 15

- (a) the person in control of the land or premises consents; or
- (b) the forest officer has reason to believe that a warrant would be issued if he or she were to apply for such warrant, but the delay caused by applying would defeat the object of the entry or search. 20

(2) A forest officer may, without a warrant, stop, enter and search any vehicle or search any pack-animal which he or she reasonably suspects is being or has been used in the commission of an offence.

Power to seize

25

68. (1) A forest officer may seize without a warrant—

- (a) any forest produce in respect of which he or she has reason to suspect an offence has been or is being committed;
- (b) any vehicle, tool, weapon, animal or other thing which he or she has reason to believe has been or is being used in the commission of an offence; 30
- (c) any thing which he or she has reason to believe might be used as evidence in the prosecution of any person for an offence.

(2) Where any vehicle or animal is seized under subsection (1)(b), the person in control of the vehicle or animal must take it to the place pointed out by the forest officer.

(3) The place pointed out must be that which in the opinion of the forest officer is the nearest or most convenient for keeping the vehicle or animal. 35

(4) The vehicle may be kept there pending the outcome of any proceedings in terms of this Act.

(5) If the person in control of the vehicle or animal refuses to take it to the place, the forest officer may do so. 40

(6) In order to safeguard a vehicle which has been seized, the forest officer may immobilise it by removing a part.

(7) The part must be kept safely and returned to the vehicle in good order when it is released.

(8) An item seized under this section must be kept securely and in good order. 45

Power to arrest

69. (1) A forest officer may arrest any person whom he or she reasonably suspects to have committed—

- (a) a first, second or third category offence; or
- (b) a fourth category offence and who in his or her opinion will fail to appear in answer to a summons. 50

(2) In making an arrest, a forest officer must—

- (a) not use more force than is reasonably necessary if the arrest is resisted;

- (a) poste in die Departement of in enige provinsiale administrasie of plaaslike owerheid aanwys waarvan die bekleërs bosbeamptes is; en
- (b) enige ander paslik gekwalifiseerde persone as bosbeamptes aanstel.

Algemene bevoegdhede van bosbeamptes

- 5 **66.** (1) 'n Verwysing na 'n misdryf in hierdie Hoofstuk is 'n verwysing na 'n misdryf ingevolge hierdie Wet.
- (2) 'n Bosbeampte het ten opsigte van enige misdryf al die bevoegdhede wat wetlik in 'n polisiebeampte setel.
- (3) 'n Bosbeampte wat bevoegdhede kragtens hierdie Wet uitoefen—
- 10 (a) word geag 'n vredesbeampte te wees soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977);
- (b) moet saam met hom of haar dra, en op versoek toon, die voorgeskrewe bewys van sy of haar identiteit en aanstelling as 'n bosbeampte.

Bevoegdheid om te betree en te deursoek

- 15 **67.** (1) 'n Bosbeampte kan enige grond of perseel sonder 'n lasbrief betree en deursoek indien hy of sy rede het om te vermoed dat 'n misdryf daar gepleeg is of gepleeg word, indien—
- (a) die persoon in beheer van die grond of perseel daartoe instem; of
- (b) die bosbeampte rede het om te vermoed dat 'n lasbrief uitgereik sal word
- 20 indien hy of sy om so 'n lasbrief sou aansoek doen maar die vertraging deur aldus aansoek te doen, die doel van die betreding of deursoeking sal veridel.
- (2) 'n Bosbeampte kan, sonder 'n lasbrief, enige voertuig stop, betree en deursoek, of enige pakkier deursoek, wat hy of sy redelikerwys vermoed by die pleeg van 'n misdryf gebruik word of gebruik is.

25 Bevoegdheid om beslag te lê

- 68.** (1) 'n Bosbeampte kan sonder 'n lasbrief beslag lê op—
- (a) enige bosopbrengs ten opsigte waarvan hy of sy rede het om te vermoed dat 'n misdryf gepleeg is of gepleeg word;
- (b) enige voertuig, werktuig, wapen, dier of ander ding wat hy of sy rede het om
- 30 te vermoed by die pleeg van 'n misdryf gebruik is of gebruik word;
- (c) enigiets wat hy of sy rede het om te vermoed as getuieis by die vervolging van enige persoon vir 'n misdryf gebruik kan word.
- (2) Waar daar kragtens subartikel (1)(b) beslag gelê word op enige voertuig of dier, moet die persoon in beheer van die voertuig of dier dit neem na die plek wat deur die
- 35 bosbeampte aangewys word.
- (3) Die aangewese plek moet na die mening van die bosbeampte die naaste of gerieflikste plek wees waar die voertuig of dier gehou kan word.
- (4) Die voertuig kan daar gehou word hangende die uitkoms van enige verrigtinge ingevolge hierdie Wet.
- 40 (5) Indien die persoon in beheer van die voertuig of dier weier om dit na die plek te neem, kan die bosbeampte dit doen.
- (6) Ten einde 'n voertuig waarop daar beslag gelê is, te beveilig, kan die bosbeampte dit immobiliseer deur 'n onderdeel te verwyder.
- (7) Die onderdeel moet veilig bewaar word en in 'n goeie toestand in die voertuig
- 45 teruggeplaas word wanneer dit vrygestel word.
- (8) 'n Item waarop kragtens hierdie artikel beslag gelê word, moet veilig en in 'n goeie toestand bewaar word.

Bevoegdheid om in hegtenis te neem

- 69.** (1) 'n Bosbeampte kan enige persoon in hegtenis neem wat hy of sy redeliker-
- 50 wys vermoed—
- (a) 'n kategorie 1-, 2- of 3-misdryf gepleeg het; of
- (b) 'n kategorie 4-misdryf gepleeg het en na sy of haar mening sal versuim om in reaksie op 'n dagvaarding op te daag.
- (2) Wanneer iemand in hegtenis geneem word, moet 'n bosbeampte—
- 55 (a) nie meer geweld gebruik as wat redelikerwys nodig is nie indien die inhegtenisneming teengestaan word;

- (b) respect the constitutional rights of the person arrested.

CHAPTER 9

GENERAL AND TRANSITIONAL PROVISIONS

This Chapter deals primarily with the transition to a new legal order with regard to forests. Miscellaneous items which need to be regulated are also dealt with here. 5

Part I

Miscellaneous

Documents and steps valid under certain circumstances

70. (1) A regulation, exemption, licence or notice purportedly made, issued or given in terms of this Act— 10

- (a) which does not comply with this Act, is valid if the non-compliance is not material and does not prejudice any person;
- (b) may be amended or replaced without following the procedure set out in this Act if—
 - (i) the purpose is to correct a mistake in the regulation, exemption, licence or notice; and 15
 - (ii) the correction does not change the rights and duties of any person materially.

(2) The failure to take any steps required in terms of this Act as a prerequisite for any decision or action does not invalidate the decision or action if the failure— 20

- (a) is not material;
- (b) has subsequently been corrected;
- (c) does not prejudice any person; and
- (d) is not procedurally unfair.

Delivery of documents 25

71. (1) If any notice or other document referred to in this Act must be delivered to any person, it may—

- (a) be delivered by hand;
- (b) be sent by registered mail—
 - (i) to that person's business or residential address; or 30
 - (ii) in the case of a juristic person, to its registered address or principal place of business; or
- (c) where an address is unknown, despite reasonable enquiry, be published once in the *Gazette* and once in a local newspaper circulating in the area of that person's last known residential or business address. 35

(2) Any document delivered in terms of subsection (1)(b) or (c) is presumed to have come to the notice of the person, unless the contrary is proved.

Publication of notices in media

72. (1) Where a notice must be published or aired in terms of this Act and—

- (a) the required number of television channels or radio stations are not broadcasting to an area; or 40
 - (b) the required number of newspapers are not circulated in an area,
- the organ of State responsible for publication may do so in such lesser number of media as to reach the area concerned.

(2) If an employee of a television channel or radio station signs an affidavit confirming— 45

- (a) publication of a notice, it is presumed that the notice has been published; or
- (b) that a television channel or radio station is broadcasting to a particular area, it is presumed that it is so broadcasting,

until the contrary is proved. 50

- (b) die grondwetlike regte van die persoon wat in hegtenis geneem word, respekteer.

HOOFSTUK 9

ALGEMENE EN OORGANGSBEPALINGS

- 5 *Hierdie Hoofstuk handel primêr oor die oorgang na 'n nuwe regsorde met betrekking tot bosse. Allerlei items wat gereguleer moet word, word ook hier hanteer.*

Deel 1

Allerlei

Dokumente en stappe geldig onder sekere omstandighede

- 10 **70.** (1) 'n Regulasie, vrystelling, lisensie of kennisgewing wat ingevolge hierdie Wet heet uitgevaardig, uitgereik of gegee te wees—
- (a) wat nie aan hierdie Wet voldoen nie; is geldig indien die nie-voldoening nie wesenlik is nie en geen persoon benadeel nie;
- (b) kan gewysig of vervang word sonder om die prosedure te volg wat in hierdie
- 15 Wet uiteengesit is, indien—
- (i) die doel is om 'n fout in die regulasie, vrystelling, lisensie of kennisgewing reg te stel; en
- (ii) die regstelling nie die regte en pligte van enige persoon wesenlik verander nie.
- 20 (2) Die versuim om enige stappe te doen wat ingevolge hierdie Wet gedoen moet word as voorvereiste vir enige besluit of handeling, maak nie die besluit of handeling ongeldig nie indien die versuim—
- (a) nie wesenlik is nie;
- (b) later reggestel is;
- 25 (c) geen persoon benadeel nie; en
- (d) nie prosessueel onbillik is nie.

Lewering van dokumente

- 71.** (1) Indien enige kennisgewing of ander dokument in hierdie Wet bedoel aan enige persoon gelewer moet word, kan dit—
- 30 (a) per hand afgelewer word;
- (b) per geregistreerde pos gestuur word—
- (i) aan daardie persoon se besigheids- of woonadres; of
- (ii) in die geval van 'n regspersoon, aan sy geregistreerde adres of vernaamste plek van besigheid; of
- 35 (c) waar 'n adres onbekend is, ondanks redelike navraag, een keer in die *Staatskoerant* gepubliseer word en een keer in 'n plaaslike koerant wat sirkuleer in die gebied van daardie persoon se laaste bekende woon- of besigheidsadres.
- (2) Enige dokument wat ingevolge subartikel (1)(b) of (c) gelewer word, word geag
- 40 onder die aandag van die persoon te gekom het, tensy die teendeel bewys word.

Publikasie van kennisgewings in media

- 72.** (1) Waar 'n kennisgewing ingevolge hierdie Wet gepubliseer of uitgesaai moet word en—
- 45 (a) die vereiste getal televisiekanale of radiostasies nie na 'n gebied uitgesaai word nie; of
- (b) die vereiste getal koerante nie in die gebied sirkuleer nie,
- kan die Staatsorgaan verantwoordelik vir publikasie dit doen in die kleiner getal media wat wel die betrokke gebied bereik.
- (2) Indien 'n werknemer van 'n televisiekanaal of radiostasie 'n beëdigde verklaring
- 50 onderteken wat—
- (a) publikasie van 'n kennisgewing bevestig, word daar vermoed dat die kennisgewing gepubliseer is; of
- (b) bevestig dat 'n televisiekanaal of radiostasie na 'n bepaalde gebied uitgesaai word, word daar vermoed dat dit aldus uitgesaai word,
- 55 totdat die teendeel bewys word.

(3) If an employee of a newspaper signs an affidavit confirming that a newspaper circulates in a particular area, it is presumed that it does, until the contrary is proved.

Part 2

Repeal and amendment of laws, savings, short title and commencement

Repeal of laws

5

73. (1) The laws referred to in Schedule 1 are repealed to the extent indicated in the third column of that Schedule.

- (2) (a) The definitions of “chief executive officer”, “ ‘fund’ in Part IX”, “institute” and “national botanic garden” in section 1, and sections 57 to 72, 73(1)(g) and 89(3) of, and Schedule 1 to, the Forest Act, 1984 (Act No. 122 of 1984); 10
- (b) sections 1, 4 to 10 and 12 of the Forest Amendment Act, 1991 (Act No. 53 of 1991); and
- (c) sections 46 and 47 of the Transfer of Powers and Duties of the State President Act, 1986 (Act No. 97 of 1986), in so far as they amend the Forest Act, 1984, are repealed with effect from a date to be published by the Minister in the *Gazette*, which may not be earlier than the date on which a law or an amendment to a law is promulgated providing for the matters dealt with in those sections and that Schedule. 15

Savings

74. (1) Anything done in terms of a law repealed by this Act—
- (a) remains valid if it is consistent with this Act, until repealed or overridden; and 20
- (b) becomes administrative action in terms of the corresponding provision of this Act.
- (2) Any regulation made in terms of the Forest Act, 1984 (Act No. 122 of 1984)—
- (a) remains valid if it is consistent with this Act, until it is repealed by the Minister; and 25
- (b) becomes a regulation made in terms of sections 53 and 54 of this Act.
- (3) Assignments and delegations of powers or duties under the Forest Act, 1984, become assignments or delegations under this Act if they are consistent with this Act.
- (4) The Tweefontein Timber Company Limited continues to exist with the same assets, liabilities, rights and obligations despite the repeal by section 73(1). 30
- (5) Section 17 of the Forest Act, 1984, remains in force for purposes only of determining prices in contracts—
- (a) entered into before this Act comes into force; and
- (b) which would, in the absence of section 17, be incomplete.

Amendment of section 1 of Act 128 of 1992

35

75. Section 1 of the Management of State Forests Act, 1992, is amended by the substitution for the definition of “Forest Act” of the following definition:

“ ‘Forest Act’ means the [Forest Act, 1984 (Act No. 122 of 1984)] National Forests Act, 1998;”.

Substitution of section 3 of Act 128 of 1992

40

76. The following section is substituted for section 3 of the Management of State Forests Act, 1992:

“Objects of Company

3. The objects of the Company are the development in the long term of the forestry industry according to accepted commercial [management] and environmental practice.”. 45

(3) Indien 'n werknemer van 'n koerant 'n beëdigde verklaring onderteken wat bevestig dat 'n koerant in 'n bepaalde gebied sirkuleer, word daar vermoed dat dit die geval is, totdat die teendeel bewys word.

Deel 2

5 Herroeping en wysiging van wette, voorbehoudsbepalings, kort titel en inwerkingtreding

Herroeping van wette

73. (1) Die wette bedoel in Bylae 1 word herroep in die mate in die derde kolom van daardie Bylae aangedui.

- 10 (2) (a) Die omskrywings van “ ‘fonds’ in Deel IX”, “hoof- uitvoerende beampte”, “instituut” en “nasionale botaniese tuin” in artikel 1, en artikels 57 tot 72, 73(1)(g) en 89(3) van, en Bylae 1 by, die Boswet, 1984 (Wet No. 122 van 1984);
- 15 (b) artikels 1, 4 tot 10 en 12 van die Boswysigingswet, 1991 (Wet No. 53 van 1991); en
- (c) artikels 46 en 47 van die Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986 (Wet No. 97 van 1986), in soverre dit die Boswet, 1984, wysig,

word herroep met ingang van 'n datum wat die Minister in die *Staatskoerant* moet publiseer, wat nie vroeër mag wees nie as die datum waarop 'n wet of 'n wysiging van 'n wet wat voorsiening maak vir die aangeleenthede wat in daardie artikels en daardie Bylae hanteer word, gepromulgeer word.

Voorbehoudsbepalings

74. (1) Enigiets wat gedoen is ingevolge 'n wet wat by hierdie Wet herroep word—
- 25 (a) bly geldig indien dit in ooreenstemming met hierdie Wet is, totdat dit herroep of geneutraliseer word; en
- (b) word 'n administratiewe handeling ingevolge die ooreenstemmende bepaling van hierdie Wet.
- (2) Enige regulasie uitgevaardig ingevolge die Boswet, 1984 (Wet No. 122 van 30 1984)—
- (a) bly geldig indien dit in ooreenstemming met hierdie Wet is, totdat dit deur die Minister herroep word; en
- (b) word 'n regulasie uitgevaardig ingevolge artikels 53 en 54 van hierdie Wet.
- (3) Toewysings en delegerings van bevoegdhede of pligte kragtens die Boswet, 35 1984, word toewysings of delegerings kragtens hierdie Wet indien dit in ooreenstemming met hierdie Wet is.
- (4) Die Tweefontein-houtmaatskappy Beperk gaan voort om te bestaan met dieselfde bates, laste, regte en verpligtinge ondanks die herroeping by artikel 73(1).
- (5) Artikel 17 van die Boswet, 1984, bly van krag slegs vir die doel van die bepaling 40 van pryse in kontrakte—
- (a) wat gesluit is voordat hierdie Wet in werking tree; en
- (b) wat in die afwesigheid van artikel 17 onvolledig sou wees.

Wysiging van artikel 1 van Wet 128 van 1992

75. Artikel 1 van die Wet op die Bestuur van Staatsbosse, 1992, word gewysig deur 45 die omskrywing van “Boswet” deur die volgende omskrywing te vervang:

“ ‘Boswet’ die [Boswet, 1984 (Wet No. 122 van 1984)] Nasionale Wet op Bosse, 1998;”.

Vervanging van artikel 3 van Wet 128 van 1992

76. Artikel 3 van die Wet op die Bestuur van Staatsbosse, 1992, word deur die 50 volgende artikel vervang:

“Oogmerke van Maatskappy

3. Die oogmerke van die Maatskappy is die ontwikkeling op die lang termyn van die bosboubedryf volgens aanvaarde kommersiële [bestuurspraktyk] en omgewingspraktyk.”.

Repeal of section 4 of Act 128 of 1992

77. (1) Section 4 of the Management of State Forests Act, 1992, is repealed.

(2) Agreements entered into in terms of section 4 which are valid at the commencement of this Act continue on the same terms subject to the following:

- (a) The right of access referred to in sections 19 and 20 of this Act applies to State forests to which such agreements relate. 5
- (b) The South African Forestry Company Limited does not own or have a right to acquire ownership or ninety-nine year leasehold of any State forest.
- (c) The parties may amend the existing agreements or enter into a new agreement or agreements replacing the existing agreements, save that any right to use a State forest in terms of a new agreement must be granted in terms of Chapter 4. 10
- (d) The South African Forestry Company Limited is deemed to be licensed under section 23 to carry on the activities allowed by the existing agreements for as long as the agreements remain in force. 15
- (e) No license fee is payable by the South African Forestry Company Limited as a result of paragraph (d) if it pays rent in terms of the existing agreements.
- (f) Powers and duties of the Director-General in terms of the Forest Act, 1984, (Act No. 122 of 1984), and the regulations made in terms of that Act, which have been delegated or assigned to the South African Forestry Company Limited in terms of the existing agreements and which— 20
 - (i) exist under a corresponding provision in this Act, are deemed to have been delegated or assigned to the South African Forestry Company Limited under section 47 or 48;
 - (ii) do not exist under a corresponding provision in this Act, no longer vest 25 in the South African Forestry Company Limited.

Amendment of Act 51 of 1994

78. The Forestry Laws Rationalisation and Amendment Act, 1994, is amended on the basis set out in Schedule 2.

Short title

30

79. This Act is the National Forests Act, 1998.

Commencement

80. This Act takes effect on a date fixed by the President in the *Gazette*.

Herroeping van artikel 4 van Wet 128 van 1992

77. (1) Artikel 4 van die Wet op die Bestuur van Staatsbosse, 1992, word herroep.

(2) Ooreenkomste wat ingevolge artikel 4 aangegaan is en geldig is by die inwerkingtreding van hierdie Wet, gaan op dieselfde bepalings voort, behoudens die volgende:

- (a) Die reg van toegang in artikels 19 en 20 van hierdie Wet bedoel, is van toepassing op Staatsbosse waarop sulke ooreenkomste betrekking het.
- (b) Die Suid-Afrikaanse Bosboumaatskappy Beperk besit nie enige Staatsbos nie en het geen reg om eienaarskap of nege en negentig jaar huurbesit van enige Staatsbos te verkry nie.
- (c) Die partye kan die bestaande ooreenkomste wysig of 'n nuwe ooreenkoms of ooreenkomste aangaan wat die bestaande ooreenkomste vervang, maar enige reg om 'n Staatsbos ingevolge 'n nuwe ooreenkoms te gebruik, moet ingevolge Hoofstuk 4 verleen word.
- (d) Die Suid-Afrikaanse Bosboumaatskappy Beperk word geag kragtens artikel 23 gelisensieer te wees om die bedrywighede te verrig waarvoor die bestaande ooreenkomste voorsiening maak, vir so lank as wat die ooreenkomste van krag bly.
- (e) Geen lisensiegeld is deur die Suid-Afrikaanse Bosboumaatskappy Beperk betaalbaar nie as gevolg van paragraaf (d) indien hy huur betaal ingevolge die bestaande ooreenkomste.
- (f) Bevoegdhede en pligte van die Direkteur-generaal ingevolge die Boswet, 1984 (Wet No. 122 van 1984), en die regulasies uitgevaardig ingevolge daardie Wet, wat ingevolge die bestaande ooreenkomste aan die Suid-Afrikaanse Bosboumaatskappy Beperk gedelegeer of opgedra is en wat—
 - (i) bestaan kragtens 'n ooreenstemmende bepaling in hierdie Wet, word geag kragtens artikel 47 of 48 aan die Suid-Afrikaanse Bosboumaatskappy Beperk gedelegeer of opgedra te wees;
 - (ii) nie kragtens 'n ooreenstemmende bepaling in hierdie Wet bestaan nie, berus nie meer by die Suid-Afrikaanse Bosboumaatskappy Beperk nie.

Wysiging van Wet 51 van 1994

78. Die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word gewysig op die grondslag in Bylae 2 uiteengesit.

Kort titel

79. Hierdie Wet is die Nasionale Wet op Bosse, 1998.

Inwerkingtreding

80. Hierdie Wet tree in werking op 'n datum wat die President in die *Staatskoerant* bepaal.

Act No. 84, 1998

NATIONAL FORESTS ACT, 1998

SCHEDULE 1**[Section 73]**

Number and year of law	Short title	Extent of repeal
Act No. 122 of 1984	Forest Act, 1984	The whole, save for sections 7, 8, and 9 and the provisions referred to in section 73(2) of this Act and section 34 of the National Veld and Forest Fire Act, 1998
Act No. 52 of 1987	Forest Amendment Act, 1987	The whole
Act No. 90 of 1987	Forest Second Amendment Act, 1987	The whole
Act No. 14 of 1988	Forest Amendment Act, 1988	The whole
Act No. 25 of 1989	Forest Amendment Act, 1989	The whole
Act No. 53 of 1991	Forest Amendment Act, 1991	The whole, save for the provisions referred to in section 73(2) of this Act.
Act No. 85 of 1991	Post Office Amendment Act, 1991	Section 78, only in so far as it amends the Forest Act, 1984
Act No. 108 of 1991	Abolition of Racially Based Land Measures Act, 1991	Section 43
Act No. 54 of 1992	The Conversion of the Tweefontein Timber Company Limited Act, 1992	The whole
Act No. 129 of 1993	General Law Third Amendment Act, 1993	Sections 59 and 60
Act No. 63 of 1995	Forest Amendment Act, 1995	The whole

BYLAE 1

[Artikel 73]

No. en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 122 van 1984	Boswet, 1984	Die geheel, uitgesonderd artikels 7, 8 en 9 en die bepalinge bedoel in artikel 73(2) van hierdie Wet en artikel 34 van die Wet op Nasionale Veld- en Bosbrande, 1998
Wet No. 52 van 1987	Boswysigingswet, 1987	Die geheel
Wet No. 90 van 1987	Tweede Boswysigingswet, 1987	Die geheel
Wet No. 14 van 1988	Boswysigingswet, 1988	Die geheel
Wet No. 25 van 1989	Boswysigingswet, 1989	Die geheel
Wet No. 53 van 1991	Boswysigingswet, 1991	Die geheel, uitgesonderd die bepalinge bedoel in artikel 73(2) van hierdie Wet
Wet No. 85 van 1991	Poswysigingswet, 1991	Artikel 78, net in soverre dit die Boswet, 1984, wysig
Wet No. 108 van 1991	Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991	Artikel 43
Wet No. 54 van 1992	Wet op die Omskepping van die Tweefontein-houtmaatskappy Beperk, 1992	Die geheel
Wet No. 129 van 1993	Derde Algemene Regswysigingswet, 1993	Artikels 59 en 60
Wet No. 63 van 1995	Boswysigingswet, 1995	Die geheel

SCHEDULE 2**[Section 78]****Amendments to Act 51 of 1994****Amendment of section 2 of Act 51 of 1994**

1. Section 2 of the Forestry Laws Rationalisation and Amendment Act, 1994, is amended by the deletion of subsection (2).

Substitution of section 3 of Act 51 of 1994

2. The following section is substituted for section 3 of the Forestry Laws Rationalisation and Amendment Act, 1994:

“Repeal of Act 15 of 1984 (Transkei)

3. The Forestry Council Act, 1984 (Act No. 15 of 1984) (Transkei), is repealed.”.

Repeal of sections 5, 6 and 7 of Act 51 of 1994

3. Sections 5, 6 and 7 of the Forestry Laws Rationalisation and Amendment Act, 1994, are repealed.

Substitution of Schedule 1 to Act 51 of 1994

4. The following Schedule is substituted for Schedule 1 to the Forestry Laws Rationalisation and Amendment Act, 1994:

“Schedule 1**Laws repealed by section 1(1)**

Number and year of law	Short title	Extent of repeal	Area of national territory in respect of which law is repealed
Act No. 23 of 1960	Wattle Bark Industry Act, 1960	The whole	The former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 44 of 1967	Wattle Bark Industry Amendment Act, 1967	The whole	
Act No. 59 of 1974	Wattle Bark Industry Amendment Act, 1974	The whole	
Act No. 24 of 1986	Wattle Bark Industry Amendment Act, 1986	The whole	The former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Proclamation No. 191 of 1967	Trust Forest Regulations, 1967	The whole, except regulation 27	The former Republic of Bophuthatswana and the former self-governing territories of Gazankulu, Qwaqwa and KwaNdebele
Proclamation No. 340 of 1968	“	The whole	
Act No. 72 of 1968	Forest Act, 1968	The whole	
Act No. 37 of 1971	Forest Amendment Act, 1971	The whole	
Act No. 46 of 1972	Forest Amendment Act, 1972	The whole	

BYLAE 2**[Artikel 78]****Wysigings van Wet 51 van 1994****Wysiging van artikel 2 van Wet 51 van 1994**

1. Artikel 2 van die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word gewysig deur subartikel (2) te skrap.

Vervanging van artikel 3 van Wet 51 van 1994

2. Artikel 3 van die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word deur die volgende artikel vervang:

“Herroeping van Wet 15 van 1984 (Transkei)

3. Die ‘Forestry Council Act’, 1984 (Wet No. 15 van 1984) (Transkei), word herroep.”.

Herroeping van artikels 5, 6 en 7 van Wet 51 van 1994

3. Artikels 5, 6 en 7 van die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word herroep.

Vervanging van Bylae 1 by Wet 51 van 1994

4. Bylae 1 by die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word deur die volgende Bylae vervang:

“Bylae 1**Wette by artikel 1(1) herroep**

No. en jaar van wet	Kort titel	Mate waarin herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
Wet No. 23 van 1960	Wet op die Wattelbasnywerheid, 1960	Die geheel	Die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei en die voormalige selfregerende gebiede Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 44 van 1967	Wysigingswet op die Wattelbasnywerheid, 1967	Die geheel	
Wet No. 59 van 1974	Wysigingswet op die Wattelbasnywerheid, 1974	Die geheel	
Wet No. 24 van 1986	Wysigingswet op die Wattelbasnywerheid, 1986	Die geheel	Die voormalige selfregerende gebiede Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Proklamasie No. 191 van 1967	Trustbosregulasies, 1967	Die geheel, uitgesonderd regulasie 27	Die voormalige Republiek van Bophuthatswana en die voormalige selfregerende gebiede Gazankulu, Qwaqwa en KwaNdebele
Proklamasie No. 340 van 1968		Die geheel	
Wet No. 72 van 1968	Boswet, 1968	Die geheel	
Wet No. 37 van 1971	Boswysigingswet, 1971	Die geheel	
Wet No. 46 van 1972	Boswysigingswet, 1972	Die geheel	

Act No. 84, 1998

NATIONAL FORESTS ACT, 1998

Number and year of law	Short title	Extent of repeal	Area of national territory in respect of which law is repealed
Act No. 45 of 1973	Forest Amendment Act, 1973	The whole	The former self-governing territories of Qwaqwa and KwaNdebele
Act No. 57 of 1974	Forest Amendment Act, 1974	The whole	
Act No. 36 of 1975	Forest Amendment Act, 1975	The whole	The former self-governing territory of KwaNdebele
Act No. 58 of 1976	Forest Amendment Act, 1976	The whole	
Act No. 60 of 1969	Transkei Forest Act, 1969	The whole	The former Republic of Transkei
Act No. 6 of 1971	Transkeian Nature Conservation Act, 1971	Section 38 only in so far as it amends the Transkei Forest Act, 1969	
Act No. 5 of 1972	Transkeian General Law Amendment Act, 1972	The whole	
Act No. 7 of 1974	Transkeian Forest Amendment Act, 1974	The whole	
Act No. 6 of 1976	Ciskeian Forestry Act, 1976	The whole	The former Republic of Ciskei
Act No. 20 of 1985	Forestry Amendment Act, 1985 (Ciskei)	The whole	
Act No. 13 of 1978	Lebowa Forestry Act, 1978	The whole	The former self-governing territory of Lebowa
Act No. 15 of 1980	KwaZulu Forestry Act, 1980	The whole	The former self-governing territory of KwaZulu
Act No. 2 of 1990	KwaZulu Forestry Amendment Act, 1990	The whole	
Act No. 16 of 1981	Forest Act, 1981 (Venda)	The whole	The former Republic of Venda
Act No. 4 of 1981	KaNgwane Forestry Act, 1981	The whole	The former self-governing territory of KaNgwane"

Repeal of Schedule 2 to Act 51 of 1994

5. Schedule 2 to the Forestry Laws Rationalisation and Amendment Act, 1994, is repealed.

Substitution of Schedule 3 to Act 51 of 1994

6. The following Schedule is substituted for Schedule 3 to the Forestry Laws Rationalisation and Amendment Act, 1994:

"Schedule 3**EXTENSION OF APPLICATION OF CERTAIN LAWS BY SECTION 2**

Number and year of law	Short title	Extent of extension of application
Act No. 23 of 1960	Wattle Bark Industry Act, 1960	The whole
Act No. 128 of 1992	Management of State Forests Act, 1992	The whole
Act of 1998	National Forests Act, 1998	The whole
Act of 1998	National Veld and Forest Fire Act, 1998	The whole"

NASIONALE WET OP BOSSE, 1998

Wet No. 84, 1998

No. en jaar van wet	Kort titel	Mate waarin herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
Wet No. 45 van 1973 Wet No. 57 van 1974	Boswysigingswet, 1973 Boswysigingswet, 1974	Die geheel Die geheel	Die voormalige self-regerende gebiede Qwaqwa en Kwa-Ndebele
Wet No. 36 van 1975 Wet No. 58 van 1976	Boswysigingswet, 1975 Boswysigingswet, 1976	Die geheel Die geheel	Die voormalige self-regerende gebied KwaNdebele
Wet No. 60 van 1969 Wet No. 6 van 1971 Wet No. 5 van 1972 Wet No. 7 van 1974	Transkei Forest Act, 1969 Transkeian Nature Conservation Act, 1971 Transkeian General Law Amendment Act, 1972 Transkeian Forest Amendment Act, 1974	Die geheel Artikel 38, net in soverre dit die Transkei Forest Act, 1969, wysig Die geheel Die geheel	Die voormalige Republiek van Transkei
Wet No. 6 van 1976 Wet No. 20 van 1985	Ciskeise Wet op Bosbou, 1976 Bosbouwysigingswet, 1985 (Ciskei)	Die geheel Die geheel	Die voormalige Republiek van Ciskei
Wet No. 13 van 1978	Lebowa Forestry Act, 1978	Die geheel	Die voormalige self-regerende gebied Lebowa
Wet No. 15 van 1980 Wet No. 2 van 1990	KwaZulu Boswet, 1980 KwaZulu Boswysigingswet, 1990	Die geheel Die geheel	Die voormalige self-regerende gebied KwaZulu
Wet No. 16 van 1981	Forest Act, 1981 (Venda)	Die geheel	Die voormalige Republiek van Venda
Wet No. 4 van 1981	KaNgwane Boswet, 1981	Die geheel	Die voormalige self-regerende gebied KaNgwane"

Herroeping van Bylae 2 by Wet 51 van 1994

5. Bylae 2 by die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word herroep.

Vervanging van Bylae 3 by Wet 51 van 1994

6. Bylae 3 by die Rasionaliserings- en Wysigingswet op Bosbouwette, 1994, word deur die volgende Bylae vervang:

"Bylae 3**UITBREIDING VAN DIE TOEPASSING VAN SEKERE WETTE BY ARTIKEL 2**

No. en jaar van wet	Kort titel	Mate van uitbreiding van toepassing
Wet No. 23 van 1960	Wet op die Wattelbasnywerheid, 1960	Die geheel
Wet No. 128 van 1992	Wet op die Bestuur van Staatsbosse, 1992	Die geheel
Wet van 1998	Nasionale Wet op Bosse, 1998	Die geheel
Wet van 1998	Wet op Nasionale Veld- en Bosbrande, 1998	Die geheel"

