



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

REGULASIEKOERANT No. 3393

REGULATION GAZETTE No. 3393

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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. R. 510

19 Maart 1982

KANGWANE BOSWET, 1981 (WET 4 VAN 1981)

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die KaNgwane- Wetgewende Vergadering aangeneem is en wat hierby vir algemene inligting gepubliseer word:

GEBIED VAN DIE KANGWANE- WETGEWENDE
VERGADERING

WET

Om voorsiening te maak vir die afsondering van grond vir bosdoeleindes; die afbakening, beskerming, bestuur en benutting van bosse en plantasies; die beskerming van bome en ander bosprodukte; beheer van veldbrande; die reëling en beheer van handel in bosprodukte; en vir aangeleenthede wat daarmee in verband staan

Daar word bepaal, deur die KaNgwane- Wetgewende Vergadering, soos volg:

Woordskrywing

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

“afgebakende bos” ’n bosreservaat of enige gedeelte van ’n bosreservaat wat, ooreenkomstig die bepalings van artikel 6, tot ’n afgebakende bos verklaar is of geag word verklaar te wees;

“beskerm” beskerm soos bedoel in artikel 7 (5);

“boom” ook enige houtagtige plantsoort, met inbegrip van enige saailing, jong boompie, oorplantseel of stomploot van enige ouderdom;

GOVERNMENT NOTICE

DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. R. 510

19 Maart 1982

KANGWANE FORESTRY ACT, 1981 (ACT 4 OF 1981)

It is hereby notified that the State President has approved of the following Act which was passed by the KaNgwane Legislative Assembly and which is hereby published for general information:

AREA OF THE KANGWANE LEGISLATIVE
ASSEMBLY

ACT

To provide for the reservation of land for forest purposes; the demarcation, protection, management and use of forests and plantations; the protection of trees and other forest produce; veld fire control; the regulation and control of trading in forest produce; and for matters incidental thereto

Be it enacted by the KaNgwane Legislative Assembly, as follows:

Definitions

1. In this Act, unless the context otherwise indicates—
“authorisation” means any licence, permit or other authorisation issued in terms of section 10 (1);

“Executive Council” means the Executive Council of KaNgwane;

“chief” means the chief, as defined in section 1 of the Black Authorities Act, 1951 (Act 68 of 1951);

“demarcated forest” means any forest reserve or portion of a forest reserve which, in accordance with the provisions of section 6, has or is deemed to have been declared a demarcated forest;

“Department” means the Department of Agriculture and Forestry;

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

“bosbeampte” die bekleër van ’n pos wat kragtens artikel 4 (1) aangewys is;

“bosproduk” —

(a) enigiets wat deur bome voortgebring word of wat in ’n bos gekweek word of groei, en ook bome, timmerhout, hout, brandhout, pale, latte, kraalhout, takke, skale, spaanders, saagsels, houtskool, plante, gras, riete, dekgras, biesies, veen, klimplante, blare, mos, afval, humus, blomme, varings, vrugte, saad, wortels, bolle, kruie, bas, rubbermelk, gom, hars, sap en vlugtige olies; en

(b) wild, voëls, velle, horings, ivoor, vis, heuning, was, bye, skulpe, grond, klippe, sand of wat ook al wat natuurlikerwys in ’n bos aangetref word of daaruit verkry word;

“bosreservaat” grond wat, ooreenkomstig die bepalings van artikel 5 (1) of (2) vir bosbou-doeleindes gereserveer en afgesonder is of geag word gereserveer en afgesonder te wees;

“brandstrook” ’n strook grond, met of sonder bome daarop, waarvan ontlambare materiaal verwyder is ten einde veld- of bosbrande of die verspreiding daarvan te voorkom;

“Departement” die Departement van Landbou en Bosbou;

“grond” grond in KaNgwane en, met betrekking tot artikel 16 of 17, enige grond waarop enige Regeringsbos geleë is of aanliggend is aan grond waarop sodanige Regeringsbos geleë is, maar sluit nie vir die doeleindes van artikel 5, grond in nie wat die eiendom is van of wat berus by die Suid-Afrikaanse Ontwikkelingstrust;

“grondbewaringskema” ’n skema ingestel vir die bestryding en voorkoming van gronderosie en vir die bewaring, beskerming en die verbetering van die veld, die bodem, die plantegroei en die bronne en hulpbronne van watervoorrade;

“hierdie Wet” ook die regulasies daarkragtens uitgevaardig;

“hoofman” die hoofman, soos omskryf in artikel 1 van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951);

“indringer plante” plantspesies, uitheems of inheems wat, na die mening van die Raadslid, deur hul natuurlike aanwas, in enige omstandighede skadelik is vir bosbou-ontwikkeling;

“Uitvoerende Raad” die Uitvoerende Raad van KaNgwane;

“kaptein” die kaptein, soos omskryf in artikel 1 van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951);

“magtiging” ’n lisensie, permit of ander magtiging uitgereik ingevolge artikel 10 (1);

“Raadslid” die Uitvoerende Raadslid van Landbou en Bosbou;

“Raadslid van Finansies” die Uitvoerende Raadslid van die Departement van Ekonomiese Sake en Finansies;

“onafgebakende bos” —

(a) Regeringsgrond (wat nie ’n afgebakende bos of ’n plantasie is nie) wat kragtens artikel 5 (1) of (2) vir bosbou-doeleindes gereserveer en afgesonder is of geag word gereserveer en afgesonder te wees; en

(b) alle bome op Regeringsgrond (wat nie ’n afgebakende bos of ’n plantasie is nie);

“plaaslike bestuur” ’n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961) bedoel;

“forest officer” means the incumbent of a post designated under section 4 (1);

“forest produce” means—

(a) anything which is produced by trees or is grown or grows in a forest and includes trees, timber, firewood, wood, poles, laths, kraalwood, branchwood, slabs, chips, sawdust, charcoal, plants, grass, reeds, thatch, rushes, peat, creepers, leaves, moss, litter, humus, flowers, ferns, fruit, seeds, roots, bulbs, spices, bark, rubber latex, gum, oleoresin, sap and essential oils; and

(b) game, birds, skins, horns, ivory, fish, honey, wax, bees, shells, earth, stones, sand and any other thing naturally found in or obtained from a forest;

“forest reserve” means any land which, in accordance with the provisions of section 5 (1) or (2), has or is deemed to have been reserved and set aside for forest purposes;

“Government” means the Government of KaNgwane;

“Government land” means land in KaNgwane over which the KaNgwane Government exercises control, but does not include land of which any person or tribe is the registered owner;

“Government forest” means any demarcated or undemarcated forest and any forest reserve and includes a Government plantation, a Government saw mill, a Government timber preservation plant and any area controlled and managed by the Department for the prevention of sand drift or the protection of indigenous forests;

“headman” means the headman, as defined in section 1 of the Black Authorities Act, 1951 (Act 68 of 1951), of the administrative area concerned;

“invasive plant” means a plant species, exotic or indigenous, which, in the opinion of the Minister, is, by its natural increase in any circumstances, harmful to forestry development;

“land” means land in KaNgwane and, in relation to section 16 or 17, any land on which any Government forest is situate or which adjoins land on which such forest is situate, but does not, for the purposes of section 5, include land which is the property of or which vests in the South African Development Trust;

“local authority” means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);

“Councillor” means the Executive Councillor of Agriculture and Forestry;

“Councillor of Finance” means the Executive Councillor of the Department of Economic Affairs and Finance;

“plantation” means any land used or set aside for the establishment of trees but does not include any woodlot established in terms of any soil conservation scheme;

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

“prescribed” means prescribed by regulation under this Act;

“protected” means protected as referred to in section 7 (5);

"plantasie" grond wat gebruik word of afgesonder is vir die vestiging van bome, maar sluit nie 'n houtperseel in wat kragtens 'n grondbewaringsplan daargestel is nie;

"polisiebeampte" 'n lid van enige polisiemag wat by wet ingestel is;

"Regering" die Regering van KaNgwane;

"Regeringsbos" 'n afgebakende of onafgebakende bos en 'n bosreservaat en ook 'n plantasie van die Regering, 'n saagmeul van die Regering, 'n houtverduursamingsaanleg van die Regering en 'n gebied wat deur die Departement beheer en bestuur word vir die doel van die voorkoming van sandbeweging of die beskerming van inheemse bosse;

"Regeringsgrond" grond in KaNgwane waaroor die Regering beheer uitoefen, maar sluit nie grond waaroor 'n private persoon of stam die geregistreerde eienaar is, in nie;

"Direkteur" die Direkteur van Landbou en Bosbou;

"statutêre breedte", met betrekking tot 'n openbare pad, die statutêre breedte soos bedoel in die Padordonnansie, 1957 (Ordonnansie 22 van 1957) (Transvaal);

"Tesourie" die kantoor of afdeling van die Departement van Ekonomiese Sake en Finansies wat belas is met die koördinerende van die finansiële administrasie en handhawing van finansiële reëlmatigheid en orde in die sake van die Regering;

"timmerhout" alle hout van bome, hetsy staande, omgeval of afgekap, en alle hout, hetsy in KaNgwane geproduseer of ingebring en hetsy gesaag, gekloof, gekap of geskaaf of op 'n ander wyse bewerk of verwerk;

"voorgeskrewe" voorgeskryf by regulasie ingevolge hierdie Wet.

Werkzaamhede, bevoegdhede en pligte van die Departement met betrekking tot bosse en bosprodukte

2. (1) Behoudens die bepalinge van hierdie Wet, is die Departement, onder leiding en beheer van die Raadslid bevoeg om, uit fondse wat deur die Wetgewende Vergadering vir die doel bewillig word—

(a) Regeringsbosse te beskerm, te bestuur, te ontwikkel en te benut;

(b) plantasies te vestig, te bestuur en te benut;

(c) bosprodukte te verkoop of op 'n ander wyse daarvoor te beskik;

(d) saagmeulens, fabriek of ander ondernemings vir die saag, vervaardiging of verwerking van bosprodukte, op te rig en te bestuur en om navorsing te doen betreffende die gebruik, die vervaardiging of die verwerking van bosprodukte;

(e) handel of besigheid te dryf in bosprodukte en om enige ander werk of werkzaamheid wat met die dryf van sodanige handel of besigheid in verband staan, te onderneem;

(f) in Regeringsbosse waterbronne en watervoorrade te beskerm en te bewaar en om brande, gronderosie en sandbeweging te voorkom en te bestry;

(g) paaie, brûe, duikers, glybane, sleep-paaie en kabelbane vir die ontginning en vervoer van bosprodukte in Regeringsbosse aan te lê en te onderhou of die aanleg of onderhoud daarvan te magtig en om die verkeer op enige sodanige paaie te beheer en te reël;

(h) met inagneming van die wetsbepalinge betreffende die binnekoms van persone in KwaNgwane en die beskerming van wild, vis of voëls, die toegang van persone tot, en die gebruik daarvan, Regeringsbosse vir doeleindes van jag, visvang, pickniekhou, kampeer of ontspanning in die algemeen, te beheer en te reël;

"Director" means the Director for Agriculture and Forestry;

"soil conservation scheme" means any scheme introduced for the combating and prevention of soil erosion, and for the conservation, protection and improvement of the veld, the surface of the land, the vegetation and the sources and resources of water supplies;

"statutory width" in relation to any public road, means the statutory width referred to in the Roads Ordinance, 1957 (Ordinance 22 of 1957) (Transvaal);

"this Act" includes the regulations made thereunder;

"timber" means all wood of trees, whether standing, fallen or felled and all wood, whether produced in or brought into KaNgwane and whether sawn, split, hewn or planed or otherwise fashioned or processed;

"Treasury" means the office or branch of the Department of the Councillor of Finance charged with the co-ordination of the financial administration and maintenance of financial regularity and order in the business of the KaNgwane Government;

"tree" includes any woody plant species, including any seedling, sapling, transplant or coppice shoot of any age;

"undemarcated forest" means—

(a) any Government land (not being a demarcated forest or a plantation) which has, or is deemed to have been, reserved and set aside for forest purposes under section 5 (1) or (2); and

(b) all trees on Government land (not being a demarcated forest or plantation).

Functions, powers and duties of the Department in relation to forests and forest produce

2. (1) Subject to the provisions of this Act, the Department may, under the direction and control of the Councillor and out of moneys appropriated by the Legislative Assembly for that purpose—

(a) protect, manage, develop and use Government forests;

(b) establish, manage and use plantations;

(c) sell or otherwise dispose of forest produce;

(d) establish and manage saw mills, factories or other undertakings for sawing, manufacturing or processing forest produce and to conduct research into the use, manufacture or processing of forest produce;

(e) carry on trade or business in forest produce and engage in any work or other activity incidental to such trade or business;

(f) protect and conserve water sources and water supplies, and prevent and combat fires, soil erosion and sand drift in Government forests;

(g) construct and maintain or authorise the construction and maintenance of roads, bridges, culverts, paths, chutes, slipways and cableways in Government forests for the exploitation and transportation of forest produce and regulate and control traffic on any such roads;

(h) regulate and control, subject to the laws relating to the entry of persons into KaNgwane and the protection of game, fish and birds, the entry of persons into and the use of Government forests for the purpose of hunting, fishing, picknicking, camping or recreation generally;

(i) die gebruik en okkupasie van grond as meul-, fabrieks- of handelspersele, die skoonmaak, braak of bewerking van grond, of die wei van vee in Regeringsbosse te beheer en te reël;

(j) die versameling van heuning, die vang van bye en byeboerdery in Regeringsbosse te beheer en te reël;

(k) probleemdiere te verminder en indringerplante in Regeringsbosse uit te roei;

(l) bome en bosprodukte te bewaar en te beskerm;

(m) in Regeringsbosse sodanige huisvesting en ander geriewe vir beamptes en werknemers in die Departement, en sodanige geriewe vir openbare ontspanning, wat die Raadslid nodig ag, te voorsien;

(n) in die algemeen die bos- en houtbedryf in KaNgwane te ontwikkel of in die ontwikkeling daarvan behulpsaam te wees; en

(o) in die algemeen, al die bevoegdhede en pligte wat vir die bereiking van die doelstellings en oogmerke van hierdie Wet nodig mag wees, uit te oefen.

(2) In die uitvoering van sy bevoegdhede, pligte en werksaamhede kragtens subartikel (1) kan die Departement, van tyd tot tyd, by kennisgewing in die amptelike tale wat in 'n opvallende plek in of op of naby die grens van 'n Regeringsbos vertoon word, reëls uitvaardig en verbodsbepalings of beperkings opleë ten opsigte van sodanige bos of enige gedeelte daarvan.

Bosafdelings, -distrikte of -gebiede

3. Die Raadslid kan, van tyd tot tyd, by kennisgewing in die *Staatskoerant*, KaNgwane in bosafdelings, bosdistrikte of bosgebiede verdeel en hy kan 'n naam aan so 'n bosafdeling, bosdistrik of bosgebied of aan 'n Regeringsbos toeken.

Bepalings betreffende bosbeamptes en ander werknemers

4. (1) Die Direkteur kan van tyd tot tyd die poste in die Departement aanwys waarvan die bekleërs bosbeamptes is.

(2) Geen bosbeampte, ander beampte of werknemer in die Departement mag—

(a) enige betaling, voordeel of beloning van geldelike of ander aard, vra of ontvang of instem om dit te ontvang nie, hetsy vir homself of vir iemand anders, as beloning vir die verrigting van 'n handeling in stryd met sy plig of vir versuim om sy plig uit te voer; of

(b) enige betaling, voordeel of beloning van geldelike of ander aard van enige ander persoon as die Departement, vra of ontvang of instem om dit te ontvang nie as beloning vir die verrigting van sy ampspligte.

(3) Geen bosbeampte, ander beampte of werknemer in die Departement en geen kaptein of hoofman mag handel dryf in bosprodukte (behalwe bosprodukte wat op private eiendom gekweek of geproduseer word) of as agent optree vir enigiemand (behalwe die Departement) wat met bosprodukte handel dryf nie.

Reservering en afsondering van Regeringsgrond vir bosboudoeleindes

5. (1) Enige Regeringsgrond kan, na oorlegpleging met die betrokke stamowerheid of gemeenskapsowerheid ingestel kragtens die Wet op Swart Owerhede, 1951 (Wet 58 1951), deur die Uitvoerende Raad vir bosboudoeleindes gereserveer en afgesonder word.

(2) Enige grond wat onmiddellik voor die inwerkingtreding van hierdie Wet afgesonder of gereserveer is vir bosboudoeleindes kragtens 'n wet wat deur artikel 29 (1) herroep is, word geag kragtens subartikel (1) gereserveer en afgesonder te gewees het.

(i) regulate and control the use and occupation of land for mill, factory or trading sites, the clearing, breaking up or cultivation of land or the grazing of stock in Government forests;

(j) regulate and control the collection of honey, the catching of bees and bee-farming in Government forests;

(k) reduce problem animals and eradicate invasive plants in Government forests;

(l) conserve and protect trees and forest produce;

(m) provide such accommodation and other facilities for officers or employees in the Department and such facilities for public recreation in Government forests, as the Councillor may deem necessary;

(n) develop or assist in the development of, the forest and timber industry generally in KaNgwane; and

(o) generally exercise all such powers and duties as may be necessary for the attainment of the aims and objects of this Act.

(2) In the fulfilment of its powers, duties and functions under subsection (1) the Department may from time to time, by notice in the official languages displayed in a conspicuous place in or on or near the boundary of any Government forest make rules or impose prohibitions or restrictions in respect of such Government forest or any part thereof.

Forest divisions, districts or areas

(3) The Councillor may, from time to time, by notice in the *Gazette* divide KaNgwane into forest divisions, forest districts or forest areas and he may assign a name to any such forest division, forest district or forest area or to any Government forest.

Provisions relating to forest officers and employees

4. (1) The director may, from time to time designate the posts in the Department, the incumbents of which shall be forest officers.

(2) No forest officer, other officer or employee in the Department shall—

(a) solicit or receive or agree to receive, whether for himself or otherwise, any payment, advantage or reward, pecuniary or otherwise, in consideration of his doing anything in conflict with his duty or of his refraining from doing his duty; or

(b) solicit or receive or agree to receive from any person, other than the Department, any payment, advantage or reward, pecuniary or otherwise, in consideration of doing his duty.

(3) No forest officer, other officer or employee of the Department and no chief or headman shall trade in forest produce (other than forest produce grown or produced on private property) or act as an agent for any person (other than the Department) trading in forest produce.

Reservation and setting aside of Government land for forest purposes

5. (1) Any Government land may, after consultation with the appropriate tribal or community authority established under the Black Authorities Act, 1951 (Act 68 of 1951), be reserved and set aside by the Executive Council for forest purposes.

(2) Any land which immediately prior to the commencement of this Act was set aside or reserved for forest purposes under any law repealed by section 29 (1) shall be deemed to have been reserved and set aside under subsection (1).

(3) Grond wat ingevolge hierdie Wet vir bosboudoel-eindes gereserveer en afgesonder is of geag gereserveer en afgesonder te wees, kan, in die geheel of gedeeltelik, aan sodanige reservering deur die Kabinet onttrek word.

Afgebakende bosse

6. (1) Die Raadslid kan, by kennisgewing in die *Staatskoerant*, enige bosreservaat of enige omskrewe gedeelte van 'n bosreservaat tot 'n afgebakende bos verklaar.

(2) Vanaf die inwerkingtreding van hierdie Wet word elke bos of plantasie, wat onmiddellik voor sodanige inwerkingtreding by die toepassing van enige wetsbepaling by artikel 29 (1) herroep, 'n beskermende bos was, geag kragtens subartikel (1) tot 'n afgebakende bos verklaar te gewees het.

(3) Die Raadslid kan, by kennisgewing in die *Staatskoerant*—

(a) 'n kennisgewing wat kragtens subartikel (1) afgekondig is, wysig;

(b) die grense van 'n bos of plantasie in subartikel (2) bedoel omskryf of heromskryf; of

(c) 'n afgebakende bos of enige omskrewe gedeelte van 'n afgebakende bos aan afbakening onttrek.

(4) Die Raadslid laat die grense van elke afgebakende bos paslik afbaken of merk en hy kan sodanige bos laat omhein.

Reservering of beskerming van bome, bosprodukte of bosse

7. (1) Alle inheemse bome en plante in enige Regeringsbos is beskerm.

(2) Wanneer, na die oordeel van die Raadslid, dit in die openbare belang is om aldus te doen, kan hy, by kennisgewing in die *Staatskoerant*, ten opsigte van grond wat nie 'n Regeringsbos is nie, die geheel of 'n omskrewe gedeelte van 'n bos, of 'n besondere boom of bome beskerm verklaar.

(3) Daar word beskerm alle lewende bome en alle lewende bosprodukte op grond—

(a) binne 25 meter van die walle van enige stroom;

(b) wat uit waaisand bestaan of waarskynlik waaisand kan word; of

(c) binne die statutêre breedte maar buite die ryvlak of die voorgestelde ryvlak, van enige openbare pad.

(4) Behalwe met die skriftelike toestemming van die Raadslid en onderworpe aan die voorwaardes wat hy mag stel en behalwe soos in subartikel (5) bepaal, mag niemand—

(a) enige inheemse boom of plant wat kragtens subartikel (1) beskerm is;

(b) enige boom of bosprodukt in 'n bos of gedeelte van 'n bos, of enige besondere boom of bome, wat kragtens subartikel (2) beskerm verklaar is;

(c) enige lewende boom of bosprodukt wat kragtens subartikel (3) beskerm is;

kap, versteur, beskadig, neem, versamel, vernietig of verwyder.

(5) Die bepalinge van subartikel (4) word nie so vertolk dat—

(a) dit die bevoegde gesag verhinder nie om, na oorlegging met die Departement of die eienaar van die grond, na gelang van die geval, 'n reg uit te oefen om bome of bosprodukte te kap, te snoei of te verwyder vir die doeleindes van die uitvoering van die Poswet, 1958 (Wet 44 van 1958), of enige wet betreffende die aanlê en

(3) Land which in terms of this Act has, or is deemed to have been reserved and set aside for forest purposes may, whether in whole or in part, be withdrawn from such reservation by the Executive Council.

Demarcated forests

6. (1) The Councillor may, by notice in the *Gazette*, declare any forest reserve or any defined portion of a forest reserve to be a demarcated forest.

(2) As from the commencement of this Act, every forest or plantation, which immediately prior to such commencement, was a reserved forest for the purposes of any law repealed by section 29 (1) shall be deemed to have been declared demarcated under subsection (1).

(3) The Councillor may, by notice in the *Gazette*—

(a) amend any notice published under subsection (1);

(b) define or redefine the boundaries of any forest or plantation referred to in subsection (2); or

(c) withdraw from demarcation any demarcated forest or defined portion of a demarcated forest.

(4) The Councillor shall cause the boundaries of every demarcated forest to be suitably beacons or marked and may cause such forest to be fenced.

Reservation or protection of trees, forest produce or forests

7. (1) All indigenous trees and plants in any Government forest shall be protected.

(2) Whenever, in the opinion of the Councillor, it is in the public interest to do so, he may, by notice in the *Gazette*, in respect of land other than a Government forest, declare to be protected the whole or any defined part of a forest or any particular tree or trees.

(3) There shall be protected every living tree and all living forest produce on land—

(a) within 25 metres of the banks of any stream;

(b) which consists of drift sand or is liable to become drift sand; or

(c) within the statutory width, but outside the roadway or proposed roadway of any public road.

(4) Except with the written consent of the Councillor and subject to such conditions as he may determine and except as provided in subsection (5), no person shall cut, disturb, injure, take, collect, destroy or remove—

(a) any indigenous tree or plant protected under subsection (1);

(b) any tree or forest produce in any forest or portion of a forest, or any particular tree or trees declared to be protected under subsection (2); or

(c) any living tree or forest produce protected under subsection (3).

(5) Nothing contained in subsection (4) shall be construed as—

(a) preventing the competent authority from exercising, after consultation with the Department or owner of the land, as the case may be, any right of cutting, trimming or removing trees or forest produce on any land for the purposes of the execution of the Post Office Act, 1958 (Act 44 of 1958), or of any law relating to the

instandhouding van paaie, spoorweë of elektriese kragleidings: Met dien verstande dat enige boom of bosprodukt wat aldus gekap, gesnoei of verwyder is, die eiendom bly van die Regering of die eienaar van die grond, na gelang van die geval, om na goeddunke mee te handel; of

(b) die eienaar of wettige okkupeerder van grond 'n in subartikel (3) (a) bedoel, verbied om enige gekweekte vrugteboom of voerboom wat op sodanige grond groei, te snoei of die vrugte of ander bosprodukt daarvan te neem nie.

Vergoeding vir verlies wat ontstaan uit beskerming van bosse of bome

8. Waar, as gevolg van die toepassing van die bepalings van artikel 7 (2) op enige grond—

(a) die eienaar van sodanige grond of bos vermoenskade gely het, of

(b) daar 'n wesenlike belemmering is van sodanige eienaar se voordelige okkupering van bedoelde grond of enige gedeelte daarvan;

het sodanige eienaar die reg om die vergoeding te verhaal waaroor daar ooreengekom is tussen die eienaar en die Raadslid (handelende in oorleg met die Raadslid van Finansies) of, by gebrek aan ooreenkoms, wat vasgestel word ooreenkomstig arbitrasie ingevolge die Wet op Arbitrasie, 1965 (Wet 42 van 1965).

Serwitude of ander regte oor Regeringsbosse

9. (1) Behoudens die bepalings van artikel 36 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), en van subartikel (2) van hierdie artikel—

(a) mag geen serwituut of ander reg van watter aard hoegenaamd ten opsigte van enige gedeelte van 'n Regeringsbos deur verjaring verkry word nie, en

(b) mag geen sodanige serwituut of reg, behalwe met die goedkeuring by besluit van die Wetgewende Vergadering, verleen of vervreem word nie.

(2) Niks in subartikel (1) vervat, word so vertolk nie dat dit—

(a) afbreuk doen aan 'n wetsbepaling wat voorsiening maak vir die verkryging deur onteining of andersins vir 'n doel daarin vermeld van die reg om grond te gebruik en te okkupeer deur 'n departement van die Regering van die Republiek van Suid-Afrika, die Suid-Afrikaanse Spoorweg- en Hawe-administrasie die Poskantooradministrasie, 'n plaaslike owerheid of liggaam wat met regspersoonlikheid bekleed en by of kragtens 'n wet ingestel is;

(b) 'n verbod plaas op die verkoop van of ander beskikking oor bosprodukte kragtens hierdie Wet;

(c) 'n verbod plaas op die verlening aan enigiemand volgens wet van tydelike regte van gebruik en okkupasie van grond in 'n Regeringsbos vir 'n doel genoem in artikel 2 (1) (h), (i) of (j) of artikel 5 (3) (b) (i) of (ii);

(d) afbreuk doen aan 'n wetsbepaling met betrekking tot prospektering vir en myn van edele en onedele metale en minerale en edelgesteentes: Met dien verstande dat geen persoon, wat kragtens sodanige wet die hoer is van 'n permit, lisensie of huurkontrak, sonder magtiging bosprodukte in 'n Regeringsbos mag kap, beskadig, inneem of daaruit verwyder nie.

(3) Indien daar by die inwerkingtreding van hierdie Wet 'n serwituut of reg op bosprodukte of reg van weiding, verbouing, verblyf of kampering, of op die gebruik van water of 'n ander reg ten opsigte van 'n Staatsbos, of 'n gedeelte daarvan, bedoel in die Boswet, 1968 (Wet 72 van

construction and maintenance of roads, railways or electrical power lines: Provided that any tree or forest produce that had so been cut, trimmed or removed shall remain the property of the Government or the owner of the land, as the case may be, to be dealt with at will;

(b) prohibiting the owner or lawful occupier of land referred to in subsection (3) (a) from pruning and taking the fruit or other forest produce of any cultivated fruit tree or fodder tree growing on such land.

Compensation for loss arising from protection of forests or trees

8. Where, by reason of the application of the provisions of section 7 (2) to any land—

(a) the owner of such land or forest has suffered patrimonial loss, or

(b) there has been substantial interference with such owner's beneficial occupation of such land or any portion thereof;

such owner shall be entitled to such compensation as may be agreed upon by such owner and the Councillor (acting in consultation with the Councillor of Finance) or, in the absence of agreement, as may be determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965).

Servitudes or other rights over Government forests

9. (1) Subject to the provisions of section 36 of the National States Constitution Act, 1971 (Act 21 of 1971), and of subsection (2) of this section—

(a) no servitude or other right of whatever nature in respect of any portion of any Government forest shall be capable of being acquired by prescription; and

(b) no such servitude or other right shall, except with the approval by resolution of the Legislative Assembly, be granted or alienated.

(2) Nothing in subsection (1) contained shall be construed as—

(a) derogating from the provisions of any law which provides for the acquisition for any purpose mentioned therein by expropriation or otherwise of the right of use and occupation of any land by any department of the Government of the Republic of South Africa, the South African Railways and Harbours Administration, the Post Office Administration, any local authority or any body corporate established by or under any law;

(b) prohibiting the sale or other disposal of forest produce under this Act;

(c) prohibiting the granting to any person, in accordance with law, of temporary rights of use and occupation of land in a Government forest for any purpose referred to in section 2 (1), (h), (i) or (j) or section 5 (3) (b) (i) or (ii);

(d) derogating from the provisions of any law relating to prospecting and mining for precious and base metals and minerals and precious stones: Provided that no holder of any permit, licence or lease under such laws shall without authorisation cut, injure, take into or remove from any Government forest any forest produce.

(3) If at the commencement of this Act any servitude or right to forest produce or right of grazing, cultivation, residence or camping or to the use of water or any other right exists in respect of any State forest, or portion thereof, referred to in the Forest Act, 1968 (Act 72 of 1968), which

1968), wat ingevolge hierdie Wet 'n Regeringsbos word, bestaan, kan die Raadslid met betrekking tot daardie bos of gedeelte daarvan, maar behoudens enige sodanige bestaande reg, regulasies uitvaardig—

(a) wat die soorte bosprodukte en die hoeveelhede daarvan wat gekap of geneem of verwyder kan word, en die seisoen waarin of tyd wanneer dit gekap, geneem of verwyder kan word, spesifiseer;

(b) wat beweiding van vee of die kap of neem van bosprodukte in of die verwydering van bosprodukte uit 'n gespesifiseerde gebied, vir bepaalde tydperke, verbied, met die doel om die bos te verjong, of om die bosprodukte of weiding daarop te bewaar, of om gronderosie of sandbeweging te voorkom, of om grond of waaisand te herwin;

(c) wat die besondere plekke waarop regte van beweiding of van kap of neem of verwydering van bosprodukte in besondere jare of tydperke uitgeoefen kan word, voorskryf, met die doel om die bos te verjong, of om jong bome wat daarop groei, te bewaar, of om die opbrengs van bosprodukte te reël;

(d) wat die kap, neem of verwydering van bosprodukte tot huishoudelike of boerderybenodigdhede beperk en die verkoop daarvan verbied;

(e) wat die gebiede waarin en die tydperke waarin die reg van verblyf of kampering uitgeoefen kan word, vasstel;

(f) wat die houer van 'n serwituut of reg van enige aard, verplig om van die Direkteur 'n dokument te verkry wat die aard van daardie serwituut of reg omskryf en die plekke waar en die wyse waarop dit uitgeoefen kan word, uiteensit.

(4) (a) Ondanks andersluidende wetsbepalings, kan die Raadslid te eniger tyd wanneer omstandighede dit na sy oordeel regverdig, 'n pad in 'n Regeringsbos (behalwe 'n pad aangêlê of in stand gehou deur 'n persoon of gesag wat regtens bevoeg is om paaie aan te lê of in stand te hou) sluit of toegang tot enige sodanige pad gedurende die tyd wat hy nodig ag, verbied.

(b) Wanneer die Raadslid 'n bevoegdheid uitgeoefen het wat by paragraaf (a) aan hom verleen word, moet kennis daarvan gegee word op die wyse wat hy nodig ag.

(c) Iemand wat 'n pad wat kragtens paragraaf (a) gesluit is, gebruik of wat 'n pad gebruik op 'n tydstip wanneer toegang daartoe kragtens daardie paragraaf verbied is, is aan 'n misdryf skuldig en 'n bosbeampte kan iemand summier uit die betrokke Regeringsbos uitsit en kan vir daardie doel die dwang gebruik wat nodig is.

(5) Die Raadslid laat 'n register hou van alle sodanige serwitute en regte (behalwe 'n reg om te "theza") wat in elke geval die aard van die serwituut of reg, die wyse waarop dit tot stand gekom het en die naam van die houer daarvan, aandui.

Magtigings

10. (1) Behoudens die bepalinge van artikel 11, kan die Departement, vir die doel om enigiemand te magtig om 'n handeling te verrig waarvoor volgens hierdie Wet 'n magtiging vereis word, lisensie of permitte of ander magtigings uitreik in dié vorm en op dié voorwaardes wat die Raadslid bepaal en teen betaling van die fooie of gelde (as daar is) wat die Raadslid in oorleg met die Raadslid van Finansies voorskryf.

(2) 'n Magtiging—

(a) word nie sonder die voorafgaande goedkeuring van die Direkteur, deur die houer daarvan aan enige ander persoon oorgedra nie;

in terms of this Act becomes a Government forest, the Councillor may, subject to such existing right, make regulations in relation to that forest or portion thereof—

(a) specifying the kinds of forest produce and quantities thereof which may be cut or taken or removed and the season or time of cutting and removal;

(b) prohibiting for specified periods, grazing of stock or the cutting or taking or removing of forest produce from any specified area for the purpose of regenerating the forest or preserving thereon the forest produce or pasturage or for the prevention of soil erosion or sand drift or for the reclamation of the soil or driftsand;

(c) prescribing the particular areas over which rights of grazing or for cutting or taking or removing of forest produce may be exercised in particular years or periods for the purpose of regenerating the forest or of preserving young trees growing thereon or of regulating the yield of forest produce;

(d) limiting the cutting, taking or removal of forest produce to domestic or farm requirements and prohibiting the sale thereof;

(e) determining the areas on which and the periods during which the right of residence or camping may be exercised;

(f) requiring the holder of a servitude or right of any nature to obtain from the Director a document defining the nature of such servitude or right and specifying where and in what manner it may be exercised.

(4) (a) Notwithstanding anything to the contrary in any law contained, the Councillor may, at any time when circumstances in his opinion warrant it, close any road (other than a road constructed or maintained by any person who or authority which, by law, has the power to establish or maintain roads) in any Government forest or prohibit access to any such road during such times as he may deem necessary.

(b) Whenever the Councillor has exercised any power conferred upon him in paragraph (a), notice thereof shall be given in such manner as he may deem necessary.

(c) Any person who uses any road closed under paragraph (a) or uses any road at any time when access thereto is prohibited under that paragraph, shall be guilty of an offence and any forest officer may summarily eject such person from the Government forest in question and may for that purpose use such force as may be necessary.

(5) The Councillor shall cause a register to be kept of all such servitudes or rights (other than the right to "theza") indicating in each case the nature of the servitude or right, the manner in which it came into existence and the name of the holder thereof.

Authorisations

10. (1) Subject to the provisions of section 11, the Department may, for the purpose of enabling any person to do any act for which by this Act any authorisation is required, issue licences, permits or other authorisations in such form and upon such conditions as the Councillor may determine, and upon payment of such fees or charges, if any, as he may prescribe in consultation with the Councillor of Finance.

(2) An authorisation—

(a) shall not, without prior consent of the Director, be transferred by the holder to any other person;

(b) verleen aan die wettige houer daarvan slegs sodanige magtiging, reg of voorreg, en is beskikbaar slegs vir sodanige Regeringsbos of gedeelte daarvan en vir dié tydperk, wat daarin bepaal is; en

(c) word op aanvraag aan 'n magistraat, vrederegt, bosbeampte of polisiebeampte deur die houer daarvan getoon.

(3) Indien die houer van 'n magtiging versuim om aan enige voorwaardes daarvan te voldoen, of indien hy skuldig bevind word aan 'n oortreding van hierdie Wet, kan die Direkteur, na goeë dunde, sodanige magtiging kanselleer en in so 'n geval is die persoon wat die houer daarvan was nie geregtig op die terugbetaling van enige gelde, of gedeelte van enige gelde, wat hy ten opsigte van die magtiging betaal het nie.

Raadslid mag tariewe en gelde vasstel

11. (1) Die Raadslid kan, in ooreenstemming met die Raadslid van Finansies—

(a) tariewe bepaal vir die verkoop van bosprodukte deur die Departement of vir die gebruik of okkupasie van grond vir enige doel genoem in artikel 2 (1) (h), (i) of (j);

(b) die gelde voorskryf wat gehef moet word vir enige dienste gelewer deur beamptes of werknemers in die Departement; en

(c) die omstandighede en die voorwaardes bepaal waaronder—

(i) sodanige tariewe of heffings verander kan word, of

(ii) vrystelling van betaling deur die Departement aan enigiemand verleen mag word.

(2) Verskillende tariewe of gelde kan vir verskillende Regeringsbosse, bosafdelings, bosdistrikte of bosgebiede bepaal of voorgeskryf word.

Verkoop van of ander beskikking oor bosprodukte

12. (1) Die Departement kan oor bosprodukte beskik deur dit uit die hand te verkoop of by private ooreenkoms of, na sodanige advertensie as wat die Direkteur mag gelas, by informele tender of openbare veiling: Met dien verstande dat, behalwe met die goedkeuring van die Raadslid van Finansies, geen bosprodukte verkoop word teen 'n prys laer as die minimum bedrag voorgeskryf in 'n tarief wat kragtens artikel 11 bepaal is nie: Met dien verstande voorts dat die Departement, met die goedkeuring van die Raadslid bosprodukte gratis beskikbaar kan stel vir opvoedkundige, navorsings-, demonstrasie- of advertensie-doeleindes.

(2) Behoudens die bepalings van subartikel (3) en behalwe soos anders bepaal in 'n skriftelike ooreenkoms, is die verkoop van bosprodukte deur die Departement nie finaal en bindend nie totdat—

(a) die koopprys ten volle betaal is; en

(b) die Departement ten opsigte van sodanige verkoping, 'n magtiging aan die koper uitgereik het.

(3) Die Direkteur kan, ten opsigte van enige verkoping van bosprodukte, van die koper vereis om sekerheid tot sy bevrediging te stel op die wyse wat hy goedkeur vir die volle betaling van die koopprys en die behoorlike nakoming deur die koper van enige ander verpligting onder hierdie Wet of enige skriftelike ooreenkoms.

Pak en verwydering van bosprodukte

13. Die koper van enige timmerhout of ander bosprodukt in 'n Regeringsbos moet—

(a) indien 'n bosbeampte aldus vereis, die timmerhout stapel op so 'n wyse dat elke stuk daarvan bereikbaar is om gemerk te word soos in subartikel (2) bepaal en hy moet redelike kennis aan 'n bosbeampte gee dat sodanige timmerhout aldus gestapel is;

(b) shall confer on its lawful holder only such authority, right or privilege and be available only for such Government forest or portion thereof for such period as may be specified therein; and

(c) shall on demand be produced by the holder thereof to a magistrate, justice of the peace, forest officer or police officer.

(3) If the holder of any authorisation fails to comply with any condition thereof or is convicted of any offence under this Act, the Director may at his discretion cancel such authorisation and, in that event, the person who was the holder thereof shall have no claim to the refund of any fee, or portion of any fee, paid in respect thereof.

Councillor may fix tariffs and charges

11. (1) The Councillor may in consultation with the Councillor of Finance—

(a) determine tariffs for the sale of forest produce by the Department or for the use or occupation of land for any purpose referred to in section 2 (1) (h), (i) or (j);

(b) prescribe the charges to be levied for any services rendered by officers or employees in the Department; and

(c) determine the circumstances in which and the conditions subject to which—

(i) such tariffs or charges may be varied, or

(ii) exemption from payment may be granted to any person by the Department.

(2) Different tariffs or charges may be determined or prescribed for different Government forests, forest divisions, forest districts or forest areas.

Sale or other disposal of forest produce

12. (1) The Department may dispose of forest produce by sale out of hand or by private treaty or, after such advertisement as the director may direct, on informal tender or by public auction: Provided that, except with the approval of the Councillor of Finance, no forest produce shall be sold at a price lower than the minimum rate prescribed in any tariff under section 11: Provided further that the Department may, with the approval of the Councillor, make forest produce available free of charge for educational, research, demonstration or advertising purposes.

(2) Subject to the provisions of subsection (3) and except as otherwise provided in any agreement in writing, the sale of any forest produce by the Department shall not become final and binding until—

(a) the purchase price has been paid in full, and

(b) the Department has, in respect of such sale, issued an authorisation to the purchaser.

(3) The Director may, in respect of any sale of forest produce, require the purchaser to furnish security to his satisfaction, in such a manner as he may approve, for the payment in full of the purchase price and the due fulfilment by the purchaser of any other obligation under this Act or under any agreement in writing.

Stacking and removal of forest produce

13. The purchaser of any timber or other forest produce in a Government forest shall—

(a) if so required by a forest officer stack such timber in such manner that every piece thereof shall be accessible for marking as provided for in subsection (2) and give reasonable notice to a forest officer that such timber has been so stacked;

(b) voor die verstryking van die geldigheidstydperk van sy magtiging of van sodanige verdere tydperk as wat 'n bosbeampte mag toelaat, maar behoudens die bepalinge van artikel 21 (1) (c), sodanige timmerhout of ander bosprodukt uit sodanige bos verwyder of dit verskuif na 'n plek wat deur 'n bosbeampte aangewys word, by versuim waarvan sodanige timmerhout of ander bosprodukt aan die Regering verbeur word;

(c) betaal—

(i) vir alle timmerhout of ander bosprodukte wat gesond is wanneer dit aan hom toegeken of verkoop word of deur hom gevel word: Met dien verstande dat die koper enige timmerhout of ander bosprodukt wat van geen waarde is vir die doel waarvoor dit gewoonlik gebruik word nie van die hand kan wys voordat dit bewerk of verwyder is, indien die Direkteur dit magtig;

(ii) vir alle timmerhout wat, na die oordeel van 'n bosbeampte, onnodig vermors is by die vel van 'n boom of by die verwerking of bewerking van die timmerhout daarin bevat; en

(iii) vir die timmerhout bevat in 'n boom of deel van 'n boom wat, na die oordeel van 'n bosbeampte, noodwendig gevel of verwyder moet word om die koper in staat te stel om die timmerhout wat hy gekoop het, te vel of the bewerk; en

(d) staande bome so na as moontlik aan die grond vel en, waar dit prakties is, met 'n saag.

Mates van massa en volume in verband staande met die verkoop van bosprodukte

14. (1) Behalwe soos in 'n magtiging bepaal, vind die verkoop van bosprodukte kragtens hierdie Wet plaas by die standaardmate van massa en volume voorgeskryf in die Wet op Mate en Gewigte, 1958 (Wet 13 van 1958).

(2) Die volume van timmerhout (bereken tot die derde desimaal van 'n kubieke meter) is—

(a) in die geval van ronde timmerhout, die produk van die lengte (tot die naaste 0,3 meter) en die gemiddelde deursnee-oppervlakte, en word die gemiddelde deursnee van sodanige timmerhout bereken ooreenkomstig sodanige voorskrifte en metodes wat die Direkteur van tyd tot tyd uitreik en bepaal;

(b) in die geval van ronde timmerhout wat reghoekig gestapel is, die produk van die lengte, breedte en hoogte (tot die naaste sentimeter) van die stapel, omgesit in soliede volume deur toepassing van 'n gemiddelde omsettingsfaktor wat die Direkteur bepaal;

(c) in die geval van 'n vierkantige blok van gesaagde of verwerkte timmerhout, die produk van die lengte, breedte en hoogte volgens werklike of nominale mate ooreenkomstig die erkende handelsgebruik.

(3) By die meet van enige timmerhout moet behoorlike toegewing vir bas en enige gebreke gemaak word.

(4) Die volume van bosprodukte wat deur die Departement verkoop word, moet vasgestel word voordat sodanige bosprodukte bewerk of verwerk word: Met dien verstande dat 'n bosbeampte die bewerking of verwerking van die timmerhout in 'n gebrekkige boom kan magtig tot 'n mate wat hom in staat sal stel om die volume van die gesonde timmerhout in die boom vas te stel.

Paale en paadjies in Regeringsbosse

15. (1) Die Direkteur kan na goeddunke—

(a) 'n pad of paadjie in 'n Regeringsbos (wat nie 'n openbare pad of paadjie is nie) vir verkeer sluit; of

(b) before the expiration of the period of validity of his authorisation or of such further period as a forest officer may allow, but subject to the provisions of section 21 (1) (c), remove such timber or other forest produce from such forest or remove it to a place indicated by a forest officer, failing which such timber or other forest produce shall be forfeited to the Government;

(c) pay—

(i) for all timber or other forest produce which is sound at the time when it is allotted or sold to, or is felled by him: Provided that, if the Director has so authorised, the purchaser may reject, before it is worked or removed, any timber or other forest produce which is of no value for the purpose for which it can ordinarily be used;

(ii) for all timber which, in the opinion of a forest officer, has been needlessly wasted in the felling of any tree or the conversion or working of the timber contained therein; and

(iii) for any timber contained in any tree or part of a tree which, in the opinion of a forest officer, must necessarily be felled or removed to enable such purchaser to fell or work any timber purchased by him; and

(d) fell standing trees as close to the ground as possible and, wherever practicable, with a saw.

Measures of mass and volume germane to sale of forest produce

14. (1) Except as provided in any authorisation, the sale of forest produce under this Act shall be by the standard measures of mass and volume prescribed in the Weights and Measures Act, 1958 (Act 13 of 1958).

(2) The volume of timber (calculated to the third decimal place of a cubic meter) shall—

(a) in the case of round timber, be the product of its length (to the nearest 0,3 meter) and its mean sectional area and the average diameter of such timber shall be determined in accordance with such directives and methods as the Director may from time to time issue and determine;

(b) in the case of round timber stacked at right angles, be the product of the length, width and height (to the nearest centimeter) of the stack, converted to solid volume by the application of an average conversion factor to be determined by the Director;

(c) in the case of a squared log of sawn or worked timber, be the product of its length, width and depth based on the actual or nominal measurements according to the recognised custom of the trade.

(3) In the measurement of timber, due allowance shall be made for bark and any defects.

(4) The volume of forest produce sold by the Department shall be determined before such forest produce is converted or worked: Provided that a forest officer may authorise the conversion or working of the timber in a defective tree to an extent which will enable him to determine the volume of sound timber in such tree.

Roads and paths in Government forests

15. (1) The Director may at his discretion—

(a) close to traffic any road or path (other than a public road or public path) in a Government forest; or

(b) deur middel van padverkeertekens wesenlik in die vorm voorgeskryf by of ingevolge 'n wet met betrekking tot padverkeer wat in KaNgwane van toepassing is, die gebruik van so 'n pad deur verkeer in die algemeen of deur 'n besondere klas van verkeer, verbied of beperk of reguleer en beheer.

(2) Enigiemand wat gebruik maak van, of reis op, 'n pad of paadjie wat deur die Departement in 'n Regeringsbos aangelê is of in stand gehou word—

(a) gebruik of reis op sodanige pad of paadjie op sy eie risiko; en

(b) sal geen eis teen die Regering of 'n beampte of werknemer in die Regeringsdiens vir of ten opsigte van enige besering, verlies of skade opgedoen of deur hom gely by die gebruik deur of namens hom van so 'n pad of paadjie nie.

(3) 'n Pad of paadjie wat in 'n Regeringsbos deur die Departement aangelê is of in stand gehou word, of wat kragtens 'n magtiging aangelê is, word, by die toepassing van Hoofstukke VI, VII, VIII, IX en X van die KaNgwane-Wet op Padverkeer, 1981, geag 'n openbare pad te wees.

Skoonmaak van brandstroke op gemeenskaplike grense van eiendom

16. (1) (a) Ondanks andersluidende wetsbepalings, maar behoudens die bepalinge van hierdie artikel, kan 'n eienaar of okkupeerder of persoon in beheer van grond 'n brandstrook op die gemeenskaplike grens tussen sodanige grond en enige aanliggende grond of langs 'n lyn aan weerskante of aan die een of ander kant daarvan skoonmaak of laat skoonmaak.

(b) Die persoon wat voornemens is om so 'n brandstrook skoon te maak of te laat skoonmaak, moet in die vorm deur Bylae 1 voorgeskryf, aan die eienaar of persoon in beheer van die aanliggende grond minstens 14 dae kennis van sy voorneme gee.

(c) Die party aan wie sodanige kennis gegee is, moet by die skoonmaak van enige sodanige brandstrook hulp verleen, maar kan redelike uitstel eis om hom in staat te stel om 'n ruimte skoon te maak of om werksmense en toerusting byeen te bring ten einde enige brand- en ander werksaamhede wat redelikerwys nodig is in verband met die skoonmaak, meer doeltreffend te kan uitvoer en beheer.

(d) Die wyse waarop en die tyd wanneer sodanige brandstrook skoongemaak moet word, die tipe brandstrook, die lengte wydte en ligging daarvan en die aard van die hulp wat deur elke party verleen moet word en die gedeelte van die onkoste wat deur elke party gedra moet word, is onderworpe aan onderlinge reëling tussen die betrokke partye of word, by gebrek aan ooreenkoms, op aansoek van die een of die ander party summier beslis deur die magistraat, wat regsbevoeg is in die distrik waarin bedoelde aanliggende grond geleë is, wat die bevel aangaande die betaling van die onkoste van die skoonmaak van die brandstrook en aangaande die koste van die aansoek, kan maak wat hy billik ag.

(e) (i) Op die vasgestelde dag en daarna totdat die skoonmaak van die brandstrook afgehandel is, moet elkeen van die betrokke partye of persoonlik of deur 'n behoorlik gemagtigde verteenwoordiger aanwesig wees tesame met die getal werksmense en die toerusting waarop ooreengekom is, en alle werksaamhede word deur die twee partye of hulle verteenwoordigers gesamentlik bestuur en beheer.

(ii) As weersomstandighede op die vasgestelde dag ongunstig is, kan 'n ander dag ooreenkomstig paragraaf (d) vasgestel word.

(f) (i) In geval die een of die ander van bedoelde partye in gebreke bly om met dié getal werksmense en dié toerusting op te daag of om die hulp te verleen, soos deur die partye onderling ooreengekom of summier deur die magistraat in

(b) by means of road traffic signs substantially in the form prescribed by or under any law relating to road traffic applicable in KaNgwane, prohibit, restrict or regulate and control the use of any such road by traffic generally or by any particular class of traffic.

(2) Any person who uses or travels upon any road or path constructed or maintained by the Department in any Government forest shall—

(a) use or travel upon such road or path at his own risk; and

(b) shall have no claim against the Government or any officer or employee in the Public Service for or in respect of any injury, loss or damage sustained or suffered by him in the use by him or on his behalf of any such road or path.

(3) Any road or path constructed or maintained by the Department in any Government forest or constructed under any authorisation shall, for the purposes of Chapters VI, VII, VIII, IX and X of the KaNgwane Road Traffic Act, 1981, be deemed to be a public road.

Clearing of fire-belts on common boundaries of properties

16. (1) (a) Notwithstanding anything to the contrary in any law contained but subject to the provisions of this section, any owner or occupier or person in charge of any land, may clear or cause to be cleared a fire-belt on the boundary common to such land and any land adjacent thereto or on any line on each or on one or the other side thereof.

(b) The person proposing to clear such a fire-belt or to cause it to be cleared, shall, in the form prescribed by Schedule 1, give to the owner or person in charge of the adjacent land at least 14 days notice of his intention.

(c) The party to whom such notice is given shall assist in the clearing of any such fire-belt, but may claim a reasonable extension of time to enable him to clear any space or to bring up workmen and equipment the more effectually to execute and control any burning or other operations which may be reasonably necessary in connection with such clearing.

(d) The manner and time of clearing such fire-belt, the type, length, width and position thereof, and the nature of the assistance to be rendered by each party and the share of the cost to be borne by each party, shall be subject to mutual agreement between the parties concerned or, failing agreement, shall on the application of either party be decided summarily by the magistrate having jurisdiction in the district in which the said adjacent land is situated, who may make such order as to the payment of the cost of clearing such fire-belt and as to the costs of the application as he may deem just.

(e) (i) On the appointed day and thereafter until the clearing of the fire-belt has been completed the parties concerned shall each in person or through a duly authorised representative attend with the number of workmen and equipment as agreed upon, and all operations shall be under the joint direction and control of both parties or their representatives.

(ii) Should weather conditions on the appointed day prove unfavourable, another day may be fixed as provided for in paragraph (d).

(f) (i) In the event of one or the other of the said parties failing to attend with such number of workmen and such equipment or to render such assistance as may have been

wie se distrik die genoemde aangrensende grond geleë is, beslis, of soos in die in paragraaf (b) bedoelde kennisgewing van voorneme aangedui, na gelang van die geval, kan die party wat wel opdaag of wat op die eerste geskikte dag daarna opdaag onverwyld en van dag tot dag, self en deur sy werksmense die brandstrook soos in bedoelde kennisgewing aangedui of soos ooreengekom of deur die genoemde magistraat beslis, skoonmaak of laat skoonmaak, en hy is geregtig om van die party wat in gebreke gebly het die onkoste of ander verpligting wat die genoemde magistraat beslis, te eis en te verhaal.

(ii) Niemand is aanspreeklik nie ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur hom van 'n bevoegdheid wat deur subparagraaf (i) verleen word: Met dien verstande dat sodanige skade of verlies nie die gevolg van nalatigheid of kwaadwillige daad van sodanige persoon of sy agent of werksman is nie.

(2) Ondanks andersluidende wetsbepalings, maar behoudens die bepalinge van hierdie artikel, kan 'n eienaar of okkupeerder of persoon in beheer van grond, nadat hy op die in Bylae 2 voorgeskrewe wyse minstens 14 dae kennis gee het aan die eienaar of die persoon in beheer van grond aanliggend aan eersgenoemde grond, op die in die kennisgewing gemelde dag of binne 'n redelike tydperk daarna, aan sy eie kant van die gemeenskaplike grens van die betrokke eiendomme 'n brandstrook skoonmaak ter beskerming van sy grond of die grond wat hy okkupeer of die grond onder sy beheer, teen brand: Met dien verstande dat die persoon op wie bedoelde kennisgewing gedien word, te eniger tyd voor die verstryking van die tydperk in daardie kennisgewing vermeld, die persoon wat die kennis gee, skriftelik kan aansê om die in subartikel (1) voorgeskrewe prosedure te volg, en in so 'n geval is die bepalinge van daardie subartikel *mutatis mutandis* van toepassing en word sodanige kennisgewing geag 'n kennisgewing kragtens paragraaf (b) daarvan te wees.

(3) (a) Behoudens die bepalinge van paragraaf (b) word niks in hierdie artikel vertolk nie as sou dit die Direkteur of die eienaar van grond verbied om 'n ooreenkoms met 'n plaaslike bestuur of 'n ander gesag of persoon aan te gaan ingevolge waarvan die Direkteur of sodanige eienaar of sodanige plaaslike bestuur of sodanige ander gesag of persoon onderneem om 'n brandstrook skoon te maak en in stand te hou—

(i) aan een kant of albei kante van 'n pad wat aangelê is of in stand gehou word deur 'n persoon of gesag wat regtens die bevoegdheid het om paaie aan te lê of in stand te hou; en

(ii) op 'n Regeringsbos of private bos of enige ander grond.

(b) Sodanige ooreenkoms moet voorsiening maak—

(i) vir die tipe brandstrook en die lengte, wydte en ligging daarvan, die wyse waarop dit skoongemaak en in stand gehou moet word en die vergoeding (indien daar is) wat betaalbaar is vir die skoonmaak en instandhouding daarvan; en

(ii) in die geval van brandstroke langs openbare paaie, vir voorsorgmaatreëls vir die behoorlike beskerming van die reisende publiek.

(4) (a) Wanneer die Raadslid oortuig is dat die skoonmaak in die een of ander gebied van 'n brandstrook deur te brand gedurende die een of ander tydperk in 'n jaar tot 'n brandgevaar sou lei, kan hy, by kennisgewing in die *Staatskoerant*, bepaal dat niemand 'n in hierdie artikel bedoelde brandstrook mag skoonmaak nie deur te brand gedurende enige sodanige tydperk in sodanige kennisgewing vermeld in enige sodanige gebied aldus vermeld.

mutually agreed upon by the parties or decided summarily by the magistrate in whose district the said adjacent land is situated or as is specified in the notice of intention referred to in paragraph (b), as the case may be, the party who does so attend or who attends on the first succeeding suitable day, may forthwith and from day to day by himself and his workmen clear or cause to be cleared the fire-belt specified in the said notice or agreed upon or decided by the said magistrate, and he shall be entitled to claim and recover from the defaulting party such expenses or other relief as such magistrate may decide.

(ii) No liability shall attach to any person in respect of any loss or damage arising out of the lawful exercise by him of any power conferred by subparagraph (i): Provided that such damage or loss is not the result of negligence or malicious act of such person or his agent or workmen.

(2) Notwithstanding anything to the contrary in any law contained but subject to the provisions of this section, any owner or occupier or person in charge of any land, may for the protection from fire of his land or the land occupied by him or in his charge, after having given, in the form prescribed in Schedule 2, not less than 14 days notice to the owner or the person in charge of any land adjacent to such first-mentioned land, on the day stated within that notice or within a reasonable time thereafter, clear a fire-belt on his own side of the common boundary between the properties concerned: Provided that the person on whom such notice is served may, at any time before the expiration of the period mentioned in that notice, in writing, require the person giving such notice to follow the procedure prescribed in subsection (1), and in that event the provisions of that subsection shall *mutatis mutandis* apply and such notice shall be deemed to be a notice given under paragraph (b) thereof.

(3) (a) Subject to the provisions of paragraph (b), nothing in this section contained shall be construed as precluding the Director or the owner of any land from entering into an agreement with any local authority or any other authority or person in terms of which the Director or such owner or such local authority or such other authority or person undertakes to clear and maintain a fire-belt—

(i) on one side or both sides of a road established or maintained by any person who or authority which by law, has the power to establish or maintain roads; and

(ii) on any Government forest or private forest or any other land.

(b) Such agreement shall provide—

(i) for the type, length, width and position of the fire-belt, the manner in which it shall be cleared and maintained and the remuneration (if any) payable for the clearing and maintenance thereof; and

(ii) in the case of fire-belts along public roads, for precautions for the proper protection of the travelling public.

(4) (a) Whenever the Councillor is of the opinion that the clearing in any area of a fire-belt by burning during any period in any year would give rise to a fire hazard he may, by notice in the *Gazette*, determine that no person shall clear any fire-belt referred to in this section by burning during any such period specified in such notice in any such area so specified.

(b) Wanneer die Raadslid dit nodig ag dat buitengewone of spesiale maatreëls getref word om 'n Regeringsbos of private bos teen brandgevaar te beskerm, kan hy by kennisgewing in die *Staatskoerant* bepaal dat in 'n gespesifiseerde gebied buite sodanige Regeringsbos of private bos of binne 'n gespesifiseerde afstand van die grense van sodanige Regeringsbos of private bos niemand 'n vuur in die ope lug mag maak of laat maak nie of, as so 'n vuur wel gemaak is, mag toelaat dat sodanige vuur voortbrand nie of brandstof daarby mag voeg nie of weer mag aansteek nie, anders as ooreenkomstig die voorwaardes in sodanige kennisgewing vermeld.

(c) Wanneer die Raadslid van oordeel is dat die vernietiging, deur verbranding, van takafval in enige plantasie in die een of ander gebied gedurende die een of ander tydperk in 'n jaar tot 'n brandgevaar sou lei, kan hy by kennisgewing in die *Staatskoerant* bepaal dat niemand takafval in enige plantasie mag vernietig nie deur dit te verbrand gedurende enige sodanige tydperk in sodanige kennisgewing vermeld in enige sodanige gebied aldus vermeld.

(d) Die Raadslid kan 'n kragtens (a) (b) of (c) uitgevaardigde kennisgewing te enige tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

(5) Die bepalings van subartikels (1) en (2) is nie van toepassing nie ten opsigte van 'n brandstrook wat deur 'n eienaar of okkupeerder of persoon in beheer van grond skoongemaak gaan word geheel en al aan sy eie kant van die gemeenskaplike grens tussen sodanige grond en enige ander grond en op 'n ander wyse as deur te brand en niks in hierdie Wet vervat, word vertolk as sou dit die skoonmaak van so 'n brandstrook verbied nie.

Procedure in verband met die blus van brande

17. (1) Wanneer daar rede bestaan om te glo dat 'n brand in die ope lug 'n gevaar vir lewe of eiendom kan word, kan enigiemand wat te goeder trou handel, of alleen of tesame met persone onder sy beheer, enige grond betree met die doel om daardie brand te blus of om die verspreiding daarvan te voorkom.

(2) Indien sodanige brand binne 10 kilometer van die grens van 'n Regeringsbos is, het 'n bosbeampte, behoudens die bedinge van 'n ooreenkoms aangegaan ingevolge artikel 18, die reg om volle beheer oor die bestryding van sodanige brand te neem.

(3) Iemand wat ooreenkomstig subartikel (1) optree—

(a) het, behoudens die bepalings van subartikel (2), ook die beheer oor persone wat hulle dienste vrywillig tot sy beskikking stel;

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

(c) kan iemand aanwesig by sodanige brand of iemand op eiendom waarheen sodanige brand sou kon versprei of iemand wat 'n belang in sodanige eiendom het, aansê om te help of om enigiets te doen of om enige diens te verrig wat redelikerwys noodsaaklik of raadsaam geag word om die brand te beheer of te blus of die verspreiding daarvan te voorkom;

(d) kan iemand wie se lewe in gevaar is of kan kom of wie se aanwesigheid by of in die nabyheid van die brand enige optrede in verband met die brand kan belemmer, beveel om weg te gaan of om 'n voertuig of ander voorwerp onder sy beheer te verwyder.

(4) Iemand wat versuim om aan 'n vereiste of bevel kragtens subartikel (3) te voldoen, is aan 'n misdryf skuldig.

(b) Whenever the Councillor deems it necessary that extraordinary or special measures be taken to protect any forest or private forest against fire hazard, he may by notice in the *Gazette* provide that in any specified area outside such Government forest or private forest or within any specified distance from the boundaries of such Government forest or private forest no person shall make or cause to be made any fire in the open air or, if such a fire has been made, allow such fire to continue to burn or add fuel thereto or rekindle it, otherwise than in accordance with such conditions as may be specified in such notice.

(c) Whenever the Councillor is of the opinion that the destroying of slash by burning in any plantation in any area during any period in any year would give rise to a fire hazard he may by notice in the *Gazette* provide that no person shall destroy slash in any plantation by burning it during any such period specified in such notice in any such area so specified.

(d) The Councillor may, at any time, by notice in the *Gazette* amend or repeal any notice issued in terms of paragraph (a).

(5) The provisions of subsections (1) and (2) shall not apply in respect of any fire-belt which is to be cleared by any owner or occupier or person in charge of any land wholly on his own side of the common boundary between such land and any other land and in a manner other than by burning, and nothing in this Act contained shall be construed as prohibiting the clearing of any such fire-belt.

Procedure in regard to extinguishing fire

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

(2) If such fire is within 10 km of the boundary of a Government forest, any forest officer shall, subject to the terms of any agreement entered into in terms of section 18, have the right to take full control of the fighting of such fire.

(3) Any person acting in terms of subsection (1)—

(a) shall, subject to the provisions of subsection (2), also have the control of persons who voluntarily place their services at his disposal;

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

(c) may call upon any person present at such fire or upon any person on any property to which such fire is liable to spread or upon any person who has any interest in any such property to assist or to do any act or perform any service which may reasonably be considered necessary or expedient to control or extinguish or prevent the spreading of the fire;

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

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

(5) Nòg die Departement nòg enige persoon is aanspreeklik ten opsigte van verlies of skade wat ontstaan as gevolg van die wettige uitoefening deur 'n bosbeampte of sodanige persoon van 'n bevoegdheid wat deur hierdie artikel verleen word, en niemand is geregtig nie op enige vergoeding of beloning hoegenaamd ten opsigte van 'n handeling of diens deur hom verrig ter voldoening aan 'n vereiste of bevel kragtens subartikel (3): Met dien verstande dat die Direkteur aan iemand wat in verband met die beskerming van 'n Regeringsbos teen brand aldus verlies of skade gely het of so 'n handeling of diens verrig het, die vergoeding of beloning kan betaal wat die Raadslid in oorleg met die Raadslid van Finansies, bepaal.

(6) Geen aksie kan ingestel word vir oortreding of vir skade wat te goeder trou veroorsaak word deur iemand in bevel van werksaamhede wat wettiglik kragtens hierdie artikel onderneem word, of deur iemand wat by daardie werksaamhede hulp verleen nie, maar die persoon in bevel van sodanige werksaamhede moet by die eerste gerieflike geleentheid die omstandighede en die stappe gedoen by die naaste polisiebeampte of vrederegter of by die magistraat van die betrokke distrik aanmeld.

Ooreenkomste vir wedersydse bystand

18. Die Direkteur kan 'n ooreenkoms met 'n plaaslike bestuur of ander persoon aangaan waarby voorsiening gemaak word vir wedersydse bystand in geval van brand wat voorkom op grond wat behoort aan of onder beheer is van sodanige plaaslike bestuur of persoon of 'n Regeringsbos of wat dit bedreig of in gevaar bring en, in oorleg met die Tesourie, vir die gelde (as daar is) wat betaal moet word vir 'n diens wat ingevolge die ooreenkoms gelewer word.

Inbring, verwydering, verkoop, vervaardiging, en gradering van bosprodukte en die gebruik van handelsname ten opsigte daarvan

19. (1) Behoudens die bepalings van subartikel (4) kan die Raadslid, by kennisgewing in die *Staatskoerant* 'n verbod plaas op—

- (a) die inbring in KaNgwane of die verwydering daaruit van;
- (b) die verskuiwing van een plek na 'n ander binne KaNgwane van; of
- (c) die koop of verkoop van of die beskikking oor; enige bosproduk, met uitsondering van die vrugte van vrugtebome, behalwe op die voorwaardes wat in die kennisgewing voorgeskryf word.

(2) So 'n kennisgewing kan—

- (a) die afmetings en die metodes van droogmaak van enige sodanige bosproduk en die grade, standarde van gehalte en die wyse van gradering, verpakking of merk van enige sodanige bosproduk, onderworpe waaraan sodanige bosproduk vir handelsdoeleindes gesaag, vervaardig of verwerk of gekoop of verkoop of in KaNgwane ingebring of daaruit verwyder kan word, voorskryf;
- (b) die gebruik vir handelsdoeleindes of die verkoop van, die beskikking oor of verwydering van een plek na 'n ander in KaNgwane, of die inbring in of verwydering uit KaNgwane van enige sodanige bosproduk wat nie van die voorgeskrewe afmetings is nie of nie volgens die voorgeskrewe metode drooggemaak is nie of wat nie van die voorgeskrewe graad of standaard van gehalte is nie, of wat nie op die voorgeskrewe wyse gegradeer, verpak of gemerk is nie, verbied;
- (c) die handelsnaam of beskrywing voorskryf of omskryf waarby enige sodanige bosproduk of enige produk daaruit verkry, bekend sal wees of beskryf sal word en

(5) No liability shall attach to the Department or any person in respect of any loss or damage arising out of the lawful exercise by a forest officer or such person of any power conferred by this section, and no person shall be entitled to any compensation or reward whatsoever in respect of any act performed or service rendered by him in pursuance of any requirement or order under subsection (3): Provided that the Director may pay to any person who has so suffered loss or damage or who has performed any such act or rendered any such service in connection with the protection from fire of a Government forest, such compensation or reward as the Councillor, in consultation with the Councillor of Finance may determine.

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

Agreements for reciprocal assistance

18. The Director may enter into an agreement with any local authority or other person whereby provision is made for reciprocal assistance in the event of any fire occurring on, threatening or endangering any land belonging to or in charge of such local authority or person or any Government forest and, in consultation with the Treasury, for the charges (if any) to be paid for any service rendered in terms of the agreement.

Introduction, removal, sale, manufacture and grading of forest produce and the use of trade names in respect thereof

19. (1) Subject to the provisions of subsection (4), the Councillor may, by notice in the *Gazette* prohibit—

- (a) the introduction into or the removal from KaNgwane;
- (b) the removal from any place to another within KaNgwane; or
- (c) the purchase, sale or disposal;

of any forest produce (other than fruit of fruit trees), except on such conditions as may be prescribed in the notice.

(2) Any such notice may—

- (a) prescribe the dimensions and methods of seasoning of any such forest produce and the grades, standards of quality and the manner of grading, packing or marking of any such forest produce, subject to which such forest produce may be sawn, manufactured or processed for trade purposes or purchased or sold or introduced into or removed from KaNgwane;
- (b) prohibit the use for trade purposes or the sale or disposal of or removal from any place to another in KaNgwane or the introduction into or removal from KaNgwane of any such forest produce which is not of the prescribed dimensions or has not been seasoned in the prescribed manner or which is not of the prescribed grade or standard of quality or has not been graded, packed or marked in the prescribed manner;
- (c) prescribe or define the trade name or description whereby any such forest produce or any product derived therefrom shall be known or described and under which it

waaronder dit in KaNgwane ingebring of daaruit verwyder of daarin verkoop of andersins van die hand gesit moet word, en die gebruik van 'n ander handelsnaam of beskrywing, ten opsigte daarvan belet;

(d) voorsiening maak vir die inspeksie van bedoelde bosprodukt deur enige persoon (met inbegrip van die bekleër van 'n pos in die Departement) wat vir die doel deur die Raadslid aangewys is;

(e) die plek, tyd en wyse van inspeksie van enige sodanige bosprodukt wat vir verwydering uit KaNgwane of vir verskuiwing van een plek na 'n ander binne KaNgwane bestem is of in KaNgwane ingebring is, voorskryf, asook die persone aan wie kennis van die voorneme om sodanige bosprodukt te verwyder, te verskuif of in te bring, gegee moet word;

(f) in ooreenstemming met die Raadslid van Finansies die gelde voorskryf wat ten opsigte van die inspeksie van sodanige bosprodukt betaal moet word, die tye wanneer daardie gelde betaal moet word en die persone aan wie sodanige betaling moet geskied;

(g) die wyse voorskryf waarop monsters van 'n bosprodukt wat vir inbring in of verwydering uit KaNgwane bestem is, vir ondersoek, ontleding of toetsing geneem moet word en die omstandighede waaronder en die wyse waarop sodanige bosprodukte gegradeer, gemerk, hergradeer of hermerk kan word; en

(h) in die algemeen voorsiening maak vir die verbetering van die gehalte en die metodes van vervaardiging en bemarking van so 'n bosprodukt.

(3) Die voorwaardes voorgeskryf of gestel in so 'n kennisgewing kan voorwaardes insluit ten effekte dat die graad, standaard van gehalte en verpakking of merk van die bosprodukt moet wees soos voorgeskryf deur die Suid-Afrikaanse Buro vir Standaard, by artikel 4 van die Wet op Standaard, 1962 (Wet 33 van 1962), ingestel, en dat elke item van die bosprodukt op so 'n wyse gemerk moet word om aan te dui dat dit aan die toepaslike spesifikasies van genoemde buro voldoen.

(4) Voor die afkondiging van 'n kennisgewing kragtens subartikel (1) moet die Raadslid in die *Staatskoerant* 'n ontwerp van sodanige kennisgewing publiseer tesame met 'n kennisgewing waarby 'n beroep gedoen word op alle belanghebbende persone wat enige besware teen die inhoud van die voorgename kennisgewing het, om hulle binne 30 dae vanaf die datum van publikasie van die ontwerp kennisgewing skriftelik by die Direkteur in te dien: Met dien verstande dat, indien die Raadslid daarna op 'n verandering van die kennisgewing besluit, as gevolg van 'n beswaar, dit nie nodig is om sodanige verandering te publiseer voordat die kennisgewing uiteindelik ingevolge hierdie artikel afgekondig word nie.

Spesiale bevoegdhede van verskillende beamptes

20. (1) 'n Magistraat, vrederegt, bosbeampte of polisiebeampte kan te alle redelike tye van enige persoon die oortreding vorder van enige magtiging wat hy kragtens hierdie Wet moet besit.

(2) 'n Bosbeampte het, ten opsigte van 'n oortreding, poging tot oortreding of verdagte oortreding ingevolge hierdie Wet, al die bevoegdhede waarmee polisiebeamptes regtens bekleë is.

(3) 'n Bosbeampte kan, benewens die bevoegdhede kragtens subartikel (2) aan hom verleen, en 'n polisiebeampte kan—

(a) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word artikel 21 (4), 21 (5) of 21 (7) (e), (f), (g) of (k) te oortree het;

shall be introduced into or removed from, or sold or otherwise disposed of in KaNgwane, and prohibit the use of any other trade name or description in respect thereof;

(d) provide for the inspection of any such forest produce by any person (including the incumbent of any post in the Department) designated by the Councillor for the purpose;

(e) prescribe the place, time and manner of inspection of any such forest produce intended for removal from, or from any place to another within KaNgwane, or introduce into KaNgwane and the persons to whom notice of intention to remove or to introduce such forest produce shall be given;

(f) prescribe, in consultation with the Councillor of Finance, the fees to be paid in respect of the inspection of such forest produce, the times of payment of such fees and the persons to whom such payment shall be made;

(g) prescribe the method of taking samples for examination, analysis or testing of any forest produce intended for introduction into or removal from KaNgwane, and the circumstances under which and the manner in which such forest produce may be graded, marked, regraded or re-marked; and

(h) provide generally for improvement in the quality and method of manufacture and marketing of any such forest produce.

(3) The conditions prescribed or specified in any such notice may include any conditions to the effect that the grade, standards of quality and packing or marking of any such forest produce shall be as prescribed by the South African Bureau of Standards established by section 4 of the Standards Act, 1962 (Act 33 of 1962), and that each item of such forest produce shall be marked in such a manner as to indicate conformity with the relevant specification of the said bureau.

(4) Before the publication of a notice under subsection (1), the Councillor shall publish in the *Gazette* a draft of such notice together with a notice calling upon all interested persons who have any objections against the contents of the proposed notice to lodge them in writing with the Director within a period of 30 days of the publication thereof: Provided that if the Councillor thereafter, as a result of any objection, decides to alter the notice, it shall not be necessary to publish such alteration before the notice is finally published in terms of this section.

Special powers of various officers

20. (1) Any magistrate, justice of the peace, forest officer or police officer may at all reasonable times demand from any person the production of any authorisation which he is required to have under this Act.

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

(3) Any forest officer may, in addition to exercising any of the powers conferred upon him by subsection (2), and any police officer may—

(a) arrest without warrant any person reasonably suspected of having contravened section 21 (4), 21 (5) or 21 (7) (e), (f), (g) or (k);

(b) sonder lasbrief iemand in hegtenis neem wat redelikerwys vermoed word betrokke te gewees het by 'n misdryf ingevolge hierdie Wet, indien sodanige beampte rede het om te glo dat so iemand nie in antwoord op 'n dagvaarding sal verskyn nie;

(c) beslag lê op bosprodukte ten opsigte waarvan sodanige beampte rede het om te glo dat 'n misdryf ingevolge hierdie Wet gepleeg is;

(d) beslag lê op 'n wapen, voertuig, werktuig, dier of ander voorwerp wat sodanige beampte redelikerwys glo by die pleeg van 'n misdryf ingevolge hierdie Wet gebruik is; of

(e) 'n hond doodmaak wat deur hom gevind word terwyl dit in 'n Regeringsbos oortree, of wild aanval of agtervolg of jag (behalwe ooreenkomstig 'n magtiging).

(4) 'n Beslaglegging kragtens subartikel (3) moet onverwyld aangemeld word by die magistraat van die betrokke distrik wat ten aansien van die verdere aanhouding van of beskikking oor die inbeslaggenome eiendom die bevel kan uitvaardig wat hy, volgens die voorgelegde feite, billik of raadsaam ag.

(5) (a) Wanneer 'n bosbeampte of polisiebeampte redelikerwys vermoed dat enige bosprodukt aanwesig in of afkomstig uit of onderweg van 'n Regeringsbos wederregtelik verwyder is of gaan word, kan hy daardie bosprodukt in beslag neem en dit aanhou tot na afhandeling van ondersoek.

(b) Geen eis vir skadevergoeding kan op grond van sodanige beslaglegging of aanhouding ingestel word nie.

(6) 'n Bosbeampte of polisiebeampte kan iemand wat hy in besit van 'n bosprodukt wat hy op redelike gronde vermoed onwettiglik uit 'n Regeringsbos verkry is, sonder lasbrief in hegtenis neem.

(7) 'n Bosbeampte kan enige vee wat in 'n Regeringsbos oortree of in stryd met die voorwaardes van enige magtiging daarin wei, skut of laat skut en die oortredings- en aanjaag-gelde betaalbaar ten opsigte van vee wat aldus geskut en aangejaag is, word bereken ooreenkomstig die tariewe deur die Raadslid in oorleg met die Raadslid van Finansies bepaal.

Beheer oor Regeringsbosse en bosprodukte

21. (1) Niemand mag, sonder magtiging—

(a) aan 'n bosprodukt 'n merk maak of heg wat deur die Departement gebruik word om aan te dui dat sodanige bosprodukt die eiendom van die Regering is, of aan 'n bosprodukt in 'n Regeringsbos 'n merk maak of heg om aan te dui dat sodanige bosprodukt wettiglik gekap of van sodanige bos verwyder kan word nie;

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

(c) timmerhout, wat nie gemerk is nie soos in artikel 13 (2) bepaal, kap of vel of dit uit 'n Regeringsbos verwyder nie;

(d) timmerhout vanaf 'n plek in 'n Regeringsbos waar dit deur die Departement gevel, geplaas of afgelewer is, verskuif na 'n ander plek binne sodanige bos nie; of

(e) op enige wyse timmerhout of ander bosprodukte verwerk op 'n ander plek as die plek wat deur 'n bosbeampte vir die doel aangewys is nie.

(2) Niemand mag sonder magtiging—

(a) Gebruik maak van 'n pad of paadjie wat kragtens artikel 15 (1) (a) vir verkeer gesluit is nie;

(b) arrest without warrant any person reasonably suspected of having been a party to any offence under this Act if such officer has reason to believe that such person will fail to appear in answer to a summons;

(c) seize any forest produce in respect of which such officer has reason to believe that an offence under this Act has been committed;

(d) seize any weapon, vehicle, instrument, animal or other thing which such officer has reason to believe has been used in the commission of an offence under this Act; or

(e) destroy any dog found trespassing, or attacking, pursuing or hunting (except in accordance with any authorisation) any game in a Government forest.

(4) Any seizure under subsection (3) shall forthwith be reported to the magistrate of the district concerned who may make such order as to the further retention or disposal of the seized property as may, from the facts reported, appear to him to be just or expedient.

(5) (a) Whenever a forest officer or police officer suspects on reasonable grounds that any forest produce found in or obtainable from or in transit from a Government forest is about to be or has been wrongfully removed, he may seize and detain such forest produce until the completion of the investigation.

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

(6) A forest officer or police officer may without warrant arrest any person found by him in possession of forest produce which he suspects on reasonable grounds to have been obtained unlawfully from any Government forest.

(7) A forest officer may impound or cause to be impounded any stock trespassing on a Government forest or grazing therein in contravention of the conditions of any authorisation and the trespass fees and driving fees payable in respect of cattle thus impounded and driven shall be calculated in accordance with the tariffs determined by the Councillor in consultation with the Councillor of Finance.

Control over Government forests and forest produce

21. (1) No person shall, without authority—

(a) make upon or affix to any forest produce a mark which is used to indicate that such forest produce is the property of the Government, or make upon or affix to any forest produce in a Government forest a mark to indicate that such forest produce may be lawfully cut or removed from such forest;

(b) alter or deface any mark placed upon any forest produce in terms of this Act or any notice issued thereunder or any licence, permit or other authorisation issued under this Act;

(c) cut, fell or remove from a Government forest any timber which has not been marked as provided for in section 13 (2);

(d) move timber from any place in any Government forest where it was felled, placed or delivered by the Department to any other place within such forest; or

(e) in any manner work timber or other forest produce elsewhere than at a place set aside for the purpose by a forest officer.

(2) No person shall without authorisation—

(a) use any road or path which has been closed to traffic under section 15 (1) (a);

(b) 'n voorskrif van 'n padverkeersteken wat kragtens artikel 15 (1) (b) vertoon word, verontagsaam of versuim om daaraan te voldoen nie; of

(c) (behalwe die Departement of 'n bevoegde padowerheid) 'n pad, paadjie, glybaan, kabelbaan of sleepbaan in 'n Regeringsbos aanlê nie.

(3) geen eienaar, okkupeerder of persoon in beheer van grond mag nalaat of weier om—

(a) vooraf die brandstoke skoon te maak wat redelikerwys nodig is om te verhoed dat 'n brand wat op sodanige grond ontstaan, na aanliggende grond versprei; of

(b) terwyl daar 'n brand op sodanige grond is, dié stappe te doen wat onder die omstandighede redelikerwys nodig is om dié brand te blus of dit tot sodanige grond te beperk of te verhoed dat dié brand skade berokken aan eiendom op aanliggende grond.

(4) Niemand mag in of op 'n Regeringsbos of binne 'n afstand van een kilometer vanaf die grens van sodanige bos—

(a) sonder magtiging 'n vuur maak of laat maak of help maak of gebruik, weer aansteek of brandstof daarby voeg nie;

(b) toelaat dat 'n vuur wat hy sonder magtiging gemaak of laat maak of gehelp maak het of gebruik het of weer aangesteek het of waarby hy aldus brandstof gevoeg het, voortbrand of weer aangesteek word of dat brandstof daarby gevoeg word nie;

(c) hetsy opsetlik of nalatiglik 'n brandende vuurhoutjie of ander brandende materiaal of enige materiaal wat tot selfontbranding of selfontsteking in staat is, neergooi, neerplaas of laat val of 'n vuur aan die gang sit of veld aan die brand steek en daardeur 'n brand veroorsaak wat mag versprei en waardeur weivelde afgebrand of plantasiemateriaal verbrand mag word of wat skade aan of verlies van enige ander roerende of onroerende goed veroorsaak nie;

(d) in die ope lug 'n vuur wat hy met of sonder magtiging gemaak het of gehelp maak het of gebruik het of weer aangesteek het of waarby hy brandstof gevoeg het, onbewaak laat voordat die vuur deeglik geblus is nie;

(e) rook waar rook by kennisgewing verbied is nie;

(f) 'n vuur maak op 'n ander plek as wat 'n bosbeampte aangewys het of wat die Departement vir die doel afgesonder het nie; of

(g) ontplofbare stowwe of petroleum of ander ontvlambare stof in sy besit hê nie sonder om te kan bewys dat hy dit vir 'n regmatige doel nodig het.

(5) Niemand mag 'n bosbeampte, polisiebeampte of ander persoon by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of die uitvoering van sy pligte kragtens hierdie Wet, hinder of belemmer nie.

(6) Niemand wat wettiglik in 'n Regeringsbos reis, kampeer of pieknik maak, mag—

(a) meer droë brandhout bymekaar maak as wat hy onmiddellik vir kookdoeleindes benodig nie;

(b) brandhout versamel in 'n gebied vanwaar die verwydering van bosprodukte by kennisgewing verbied is nie; of

(c) brandhout wat aldus wettiglik versamel is, van die Regeringsbos verwyder nie.

(7) Niemand mag, sonder magtiging, in of op 'n Regeringsbos—

(a) enige gedeelte of plek betree waar toegang deur kennisgewing verbied is nie;

(b) disobey or fail to comply with any direction conveyed by any road traffic sign in terms of section 15 (1) (b); or

(c) (other than the Department or any competent road authority) make any road, path, slipway, cableway or dragway in any Government forest.

(3) No owner, occupier or person in charge of any land shall omit or refuse—

(a) to clear beforehand such fire-belts as may be reasonably necessary for preventing any fire that may arise on such land from spreading to any adjacent land; or

(b) while there is any fire on such land, to take such steps as in the circumstances are reasonably necessary to extinguish such fire or to confine it to such land or to prevent such fire causing damage to any property or any adjacent land.

(4) No person shall, in or on any Government forest or within one kilometre of the boundary of such forest—

(a) without authorisation light or cause to be lighted or assist in lighting or use, rekindle or add fuel to any fire;

(b) allow any fire which he has without authority lighted or caused to be used or rekindled or to which he has so added fuel, to continue to burn or to be rekindled or fuel to be added thereto;

(c) wilfully or negligently throw down, put down or drop any burning match or other burning material capable of spontaneous combustion or self-ignition or start a fire or set alight veld and thereby cause a fire which may spread and by which pasturage may be burnt down or plant material may be burnt or which may cause damage to or loss of any other movable or immovable property;

(d) leave unattended, in the open air, a fire which he, with or without authority, has lighted or assisted in lighting or used or rekindled or to which he has added fuel, before such fire is thoroughly extinguished;

(e) smoke where by notice any smoking is prohibited;

(f) light any fire elsewhere than at a place indicated by a forest officer or set aside by the Department for the purpose; or

(g) have in his possession, any explosives or petroleum or other inflammable substance, without being able to prove that he required it for lawful purposes.

(5) No person shall obstruct or hinder any forest officer, police officer or other person in the exercise of his powers or the performance of his functions or the carrying out of his duties under this Act.

(6) No person lawfully travelling, camping or picnicking in a Government forest shall—

(a) gather more dry firewood than he needs for immediate cooking purposes;

(b) gather firewood in any area from which the removal of forest produce is by notice prohibited; or

(c) remove from such Government forest any firewood so lawfully gathered.

(7) No person shall, without authorisation, in or on any Government forest—

(a) enter any part or place where entry is by notice prohibited;

- (b) deur of oor 'n heining of hek klim nie;
 - (c) woon, kampeer, plak of enige struktuur bou nie;
 - (d) enige grond skoonmaak, braak of bewerk nie;
 - (e) opsetlik 'n baken, grensmerk, heining, kennisgewing of kennisgewingsbord beskadig, verander, verskuif of hom op enige ander wyse daarmee bemoei nie;
 - (f) op enige wyse wild, voëls of ander diere jag of doodmaak of probeer jag of doodmaak nie;
 - (g) vergesel wees van 'n hond of 'n geweer in sy besit hê nie;
 - (h) op enige wyse vis vang of doodmaak of probeer vang of doodmaak nie;
 - (i) 'n byenes uithaal of probeer uithaal of 'n byeswerm steur of verwyder nie;
 - (j) met bye boer nie; of
 - (k) bosprodukte kap, beskadig, vernietig, versamel, neem of verwyder of op enige ander wyse in stryd met die bepalings van artikel 7 optree nie.
- (8) Niemand mag, in of op 'n Regeringsbos—
- (a) rommel stort of strooi nie; of
 - (b) 'n voorwaarde of regulasie wat vermeld of waarna daar verwys word in 'n kragtens hierdie Wet uitgereikte lisensie, permit of ander magtiging, oortree of versuim om daaraan te voldoen nie.
- (9) Behoudens die bepalings van artikel 9 (3) en van enige grondbewaringsplan, mag niemand sonder magtiging—
- (a) in of op 'n afgebakende bos wat omhein is of in enige plantasie, vee laat wei behalwe gedurende die tyd wanneer hy wettiglik bosprodukte neem of verwyder nie; of
 - (b) in of op 'n Regeringsbos (wat nie 'n afgebakende bos is nie)—
- (i) vee laat wei nie (indien dit andersins wettig is om aldus te doen) tensy sodanige vee behoorlik opgepas word; of
 - (ii) toelaat of duld dat sy hond of vee in so 'n bos ingaan nie.

Misdrywe

22. Iemand wat 'n bepaling van artikel 21, of 'n voorwaarde van 'n magtiging, lisensie of permit kragtens hierdie Wet uitgereik, oortree of versuim om daaraan te voldoen, of in stryd met die bepalings van 'n kennisgewing kragtens artikel 19 (1) uitgereik, optree, begaan 'n misdryf.

Strafbepalings

23. Iemand wat—

- (a) 'n in artikel 21 (4) bedoelde misdryf begaan het is, by skuldigbevinding, strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf van 'n tydperk van hoogstens 12 maande of met sowel sodanige boete as sodanige gevangenisstraf; of
- (b) enige ander in hierdie Wet bedoelde misdryf begaan het is by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

Vermoedens

24. (1) Wanneer, by 'n vervolging ingevolge hierdie Wet, daar in die aanklag beweer word dat enige bosprodukt die eiendom van die Regering is, word daar vermoed, totdat die teendeel bewys is, dat sodanige produk inderdaad die eiendom van die Regering is.

- (b) climb through or over any fence or gate;
 - (c) reside, camp, squat or build any structure;
 - (d) clear, break up or cultivate any land;
 - (e) wilfully damage, alter, shift or in any other way interfere with any beacon, boundary mark, fence, notice or notice-board;
 - (f) in any manner hunt or destroy or attempt to hunt or destroy game, birds or other animals;
 - (g) be accompanied by any dog or have in his possession any gun;
 - (h) in any manner fish for destroy or attempt to fish for or destroy fish;
 - (i) rob or attempt to rob any bees' nest or disturb or remove any swarm of bees;
 - (j) farm with bees; or
 - (k) cut, injure, destroy, collect, take or remove any forest produce or in any other manner act contrary to the provisions of section 7.
- (8) No person shall, in or on any Government forest—
- (a) dump or scatter litter; or
 - (b) contravene or fail to comply with any condition or regulation mentioned or referred to in any licence, permit or other authorisation issued under this Act.
- (9) Subject to the provisions of section 9 (3) and of any soil conservation scheme, no person shall without authorisation—
- (a) in or on any demarcated forest which is fenced or in or on any plantation, graze any stock except during the time when he is lawfully obtaining or transporting forest produce; or
 - (b) in or on any Government forest (other than an undermarked forest)—
- (i) graze any stock (if it is otherwise lawful to do so) unless such stock is properly herded; or
 - (ii) allow or suffer his dog or stock to enter such forest.

Offences

22. Any person who contravenes or fails to comply with any provision of section 21 or any condition of an authorisation, licence or permit granted under this Act or acts contrary to the provisions of any notice issued in terms of section 19 (1), shall be guilty of an offence.

Penalties

23. Any person who—

- (a) commits any offence referred to in section 21 (4), shall on conviction be liable to a fine not exceeding R500 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment; or
- (b) commits any other offence referred to in this Act, shall on conviction be liable to a fine not exceeding R100 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Presumptions

24. (1) Whenever in any prosecution under this Act it is alleged in the charge sheet that any forest produce is the property of the Government, it shall be presumed, until the contrary is proved, that such produce is in fact the property of the Government.

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

(3) Wanneer in verrigtings kragtens hierdie Wet die vraag van nalatigheid in verband met bosbrande ontstaan, word vermoed dat daar nalatigheid was, tensy die teendeel bewys word.

Toekenning van gedeelte van verhaalde boete aan aanbinger

25. Die hof wat 'n boete weens 'n misdryf ingevolge hierdie Wet oplê, kan gelas dat 'n som gelyk aan hoogstens een vierde van die verhaalde boete betaal word aan enige persoon wat nie 'n beampte in diens van die Regering is nie en wat die inligting verstrek het waarop die veroordeling weens daardie misdryf verkry is, of wat wesenlik daartoe bygedra het om die oortreder tereg te laat staan.

Regulasies

26. (1) Die Raadslid kan regulasies uitvaardig betreffende—

(a) enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;

(b) almal of enige van die aangeleenthede in artikel 2 (1) bedoel;

(c) enige fooie, tariewe of gelde wat ingevolge hierdie Wet voorgeskryf of gehef kan word; en

(d) in die algemeen enigiets wat hy nodig of dienstig ag om te verseker dat die doelstellings van hierdie Wet bereik word en om doeltreffende uitvoering daarvan te verseker.

(2) 'n Regulasie kragtens hierdie Wet uitvaardig, kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf, wat nie die strawwe in paragraaf (b) van artikel 23 voorgeskryf, te bowe gaan nie.

(3) Verskillende regulasies kan uitvaardig word kragtens hierdie artikel met betrekking tot verskillende dele van KaNgwane, verskillende plantasies of bosse of verskillende klasse plantasies of bosse, verskillende eienaars van plantasies of bosse of verskillende klasse eienaars van plantasies of bosse en in die ander opsigte wat die Raadslid bepaal.

Delegasie van bevoegdheid

27. (1) Daar kan gedelegeer word—

(a) deur die Raadslid aan die Direkteur of aan enige ander beampte in die Departement, enige van die bevoegdhede wat kragtens artikel 7 (5) aan hom verleen word; en

(b) deur die Direkteur aan 'n beampte in die Departement, enige van die bevoegdhede wat kragtens hierdie Wet aan hom verleen word.

(2) Die Raadslid of die Direkteur kan te eniger tyd enige delegering kragtens hierdie Wet herroep en geen delegering van 'n bevoegdheid belet of verhinder die Raadslid of die Direkteur, na gelang van die geval, om dit self uit te oefen nie.

Beperking op gedinge

28. Behoudens die bepalings van hierdie Wet, is die Regering, die Raadslid, die Direkteur, 'n bosbeampte of 'n ander beampte in die Departement of 'n polisiebeampte, tensy nalatigheid bewys word, nie aanspreeklik vir skade wat ontstaan weens besering van of verlies gely deur enige persoon as gevolg van enigiets wat kragtens hierdie Wet gedoen is nie.

(2) Any person charged with doing any act, for which by this Act an authorisation is required, shall be deemed to be without such authorisation unless he produces the same to the court or gives other satisfactory proof of having been issued with the same.

(3) Whenever in any proceedings under this Act the question of negligence in respect of forest fires arises, negligence shall be presumed unless the contrary is proved.

Award of portion of fine recovered to informer

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

Regulations

26. (1) The Councillor may make regulations relating to—

(a) any matter which by this Act is required or permitted to be prescribed by regulation;

(b) all or any of the matters referred to in section 2 (1);

(c) any fees, tariffs or charges to be prescribed or levied in terms of this Act; and

(d) generally, anything which he may deem necessary or expedient in order to ensure that the purposes of this Act are achieved and to ensure the effective operation thereof.

(2) Any regulation made under this Act may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in paragraph (b) of section 23.

(3) Different regulations may be made under this section with reference to different portions of KaNgwane, different plantations or forests or different classes of plantations or forests, different owners of plantations or forests or different classes of owners of plantations or forests and in such other respects as the Councillor may determine.

Delegation of powers

27. (1) There may be delegated—

(a) by the Councillor to the Director or to any other officer in the Department, any of the powers conferred upon him by this Act, except the powers to make regulations;

(b) by the Director to any officer in the Department, any of the powers conferred upon him by this Act.

(2) The Councillor or the Director may at any time revoke any delegation under this Act and no delegation of any power shall prohibit or prevent the exercise thereof by the Councillor or the Director as the case may be.

Restriction upon actions

28. Subject to the provisions of this Act, the Government, the Councillor, the Director, any forest officer or any other officer in the Department or a police officer shall not be liable for damages arising from injury to or loss sustained by any person in consequence of anything done under this Act, unless negligence is proved.

Herroeping van wette en voorbehoude

29. (1) Behoudens die bepalings van subartikels (2), (3) en (4), word die Boswet, 1968 (Wet 72 van 1968) en die Trustbosregulasies, 1967, afgekondig by Proklamasie R. 191 van 1967, hierby herroep.

(2) enige lisensie, permit, toestemming, goedkeuring of ooreenkoms uitgereik, verleen, gegee of aangegaan of enige stappe gedoen of enigiets gedoen deur of kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag by of kragtens die ooreenstemmende bepalings van hierdie Wet, indien enige, uitgereik, verleen, gegee, aangegaan of gedoen te gewees het.

(3) Enigiets wat deur enige gesag gedoen is kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag op die voorgeskrewe wyse gedoen te gewees het deur die gepaste gesag kragtens die ooreenstemmende bepalings van hierdie Wet.

(4) Die bepalings van hierdie Wet word nie uitgelê as sou dit op enige wyse hoegenaamd 'n ooreenkoms in verband met die beskikking oor bosprodukte of die verlening van regte in Regeringsbosse, wat tussen die Regering en enige persoon bestaan en wat by die inwerkingtreding van hierdie Wet van krag is, raak nie.

Toepassing van Wet op private bosse

30. (1) (a) Op skriftelike versoek van die eienaar van 'n private bos (dit wil sê 'n bos of plantasie wat geleë is op grond in KaNgwane wat nie 'n Regeringsbos is nie) kan die Raadslid indien hy oortuig is dat die openbare belang nie daardeur benadeel sal word nie, enige bepalings van hierdie Wet wat slegs op Regeringsbosse betrekking het en wat hy nodig ag vir beter bewaring van bedoelde bos en vir beter beskerming van die bome en ander bosprodukte daarin, by kennisgewing in die *Staatskoerant*, op daardie private bos van toepassing maak.

(b) So 'n kennisgewing moet die betrokke grond duidelik omskryf en kan by dergelike kennisgewing ingetrek word of (met die toestemming van die eienaar) gewysig word.

(2) Onderworpe aan die skriftelike goedkeuring van die Direkteur besit 'n persoon wat spesiaal deur 'n plaaslike bestuur of ander eienaar as ere-bosbeampte aangestel is ten opsigte van 'n private bos onder die beheer van sodanige bestuur of eienaar en waarop enige bepalings van hierdie Wet kragtens subartikel (1) toegepas is, al die bevoegdhede wat deur hierdie Wet aan bosbeamptes van die Departement verleen word.

Aanstelling van ere-bosbeamptes

30. (1) Die Raadslid kan van tyd tot tyd enige persoon, wat vanweë sy persoonlike belangstelling in bosbou en die beskerming van bosse, aanstel as ere-bosbeamptes, en kan, wanneer hy dit dienstig ag, sodanige aanstelling terug trek.

(2) 'n Persoon wat ingevolge subartikel (1) aangestel is het die mag om van enige persoon wat hy in 'n Regeringsbos teëkom, 'n bewys van sy magtiging te eis.

Kort titel

32. Hierdie Wet heet die KaNgwane Boswet, 1981.

BYLAE 1**REGERING VAN KANGWANE**

KENNISGEWING VAN VOORNEME OM 'N BRANDSTROOK SKOON TE MAAK EN VAN HULP IN VERBAND DAARMEE BENODIG

Aan.....
naamlik die persoon belas met die toesig oor.....

Adres

Repeal of laws and savings

29. (1) Subject to the provisions of subsections (2), (3) and (4), the Forest Act, 1968 (Act 72 of 1968), and the Trust Forest Regulations, 1967, published under Proclamation R. 191 of 1967, are hereby repealed.

(2) Any licence, permit, permission, approval or agreement issued, granted, given or entered into or action taken or anything done by or under any provision of a law repealed by subsection (1) shall be deemed to have been issued, granted, given or entered into, taken or done by or under the corresponding provision, if any, of this Act.

(3) Anything done by any authority under any provision of any law repealed by subsection (1) shall be deemed to have been done in the prescribed manner by the appropriate authority under the corresponding provision of this Act.

(4) Nothing in this Act contained shall be construed as affecting in any manner whatsoever any agreement in connection with the disposal of forest produce, or the granting of rights in Government forests existing between the Government and any person and in force at the commencement of this Act.

Application of Act to private forests

30. (1) (a) Upon the written request of the owner of any private forest (that is to say any forest or plantation situated on land in KaNgwane which is not Government forest) the Councillor, may, if he is satisfied that the public interest will not be prejudiced thereby, by notice in the *Gazette*, apply to that private forest any provisions of this Act which relate to Government forests and which he may deem necessary for the better preservation of the said forest and for the better protection of the trees and other forest produce therein.

(b) Any such notice shall clearly define the land concerned and may, by like notice, be withdrawn or (with the consent of the owner) amended.

(2) Subject to the written approval of the Director, a person specially appointed as forest officer by a local authority or other owner in respect of a private forest under the control of such authority or owner to which any provisions of this Act have been applied under subsection (1) shall have all the powers conferred by this Act on forest officers of the Department.

Appointment of honorary forest officers

31. (1) The Councillor may, from time to time, because of his personal interest in forestry and the protection of forests, appoint any person as a honorary forest officer, and may, any time he deems it fit to do so, withdraw such appointment.

(2) A person appointed in terms of subsection (1) shall have the power to demand proof of his authorisation from any person he encounters in any Government forest or part thereof.

Short title

32. This Act shall be called the KaNgwane Forest Act, 1981.

SCHEDULE 1**GOVERNMENT OF KANGWANE****NOTICE OF INTENTION TO CLEAR A FIRE-BELT AND OF ASSISTANCE REQUIRED**

To
being the person in charge of

Address

Neem kennis ingevolge artikel 16 (1) (b) van die KaNgwane Boswet, 1981 (Wet van 1981), dat ek voornemens is om op die grens tussen die Regeringsbos/eiendom bekend as * en die eiendom/Regeringsbos bekend as * in die Magistraatsdistrik 'n brandstrook en/of 'n gee-en-neem-brandstrook (waarvan volle besonderhede in bygaande kaart gegee word) skoon te maak.

Ek is voornemens om die strook skoon te maak deur dit te brand, te skoffel, te ploeg, skoon te kap, te hark of † en om met die werk te begin om vm./nm.† op die dag van 19..... of op die eerste geskikte dag daarna.

Ek sal (getal) werksmense verskaf en sal die volgende gereedskap, uitrusting, ens., gebruik:

U word versoek om op die aangewese dag en tyd met dieselfde getal werksmense en met soortgelyke uitrusting teenwoordig te wees ten einde 'n dergelike brandstrook aan u kant van die grens skoon te maak, of my vooraf van u voorneme in hierdie verband in kennis te stel.

Adres

Datum

Handtekening

* Gee nommer en/of naam van eiendom.

† Skrap wat nie van toepassing is nie.

BYLAE 2

REGERING VAN KANGWANE

KENNISGEWING VAN VOORNEME OM 'N BRANDSTROOK SKOON TE MAAK

Aan naamlik die persoon belas met die toesig oor

Adres

Neem kennis ingevolge artikel 16 (2) van die KaNgwane Boswet, 1981 (Wet van 1981), dat ek voornemens is om aan my kant van die grens tussen die Regeringsbos/Eiendom bekend as* en die eiendom/Regeringsbos bekend as* in die Magistraatsdistrik 'n brandstrook skoon te brand.

Ek is voornemens om met die werk te begin om vm./nm.† op die dag van 19..... of op die eerste geskikte dag daarna.

Ek sal (getal) werksmense verskaf en sal die volgende gereedskap, uitrusting, ens., gebruik:

Kragtens die voorbehoudsbepaling by artikel van die Wet hierbo genoem, word u versoek om my betyds in kennis te stel van u voorneme, anders sal daar ooreenkomstig hierdie kennisgewing met die werk voortgegaan word.

Adres

Datum

Handtekening

* Gee nommer en/of naam van eiendom.

† Skrap wat nie van toepassing is nie.

Take notice in terms of section 16 (1) (b) of the KaNgwane Forest Act, 1981 (Act of 1981), that it is my intention to clear a fire-belt and/or a give-and-take fire-belt (full particulars of which are given on the attached map)† on the boundary common to the Government forest/property known as* and the property/Government forest known as* in the Magisterial District of

I intend to clear the belt by burning, hoeing, ploughing, slashing, raking or † and to commence the work at a.m./p.m.† on the day of 19..... or the first suitable day thereafter.

I will provide (number) workmen and will use the following tools, equipment, etc.:

You are requested to attend on the appointed day and time with a like number of workmen and with similar equipment for the purpose of clearing a similar fire-belt on your side of the boundary or to notify me in advance of your intentions in this connection.

Address

Date

Signature

* Give number and/or name of property.

† Delete what is not applicable.

SCHEDULE 2

GOVERNMENT OF KANGWANE

NOTICE OF INTENTION TO CLEAR A FIRE-BELT

To being the person in charge of

Address

Take notice in terms of section 16 (2) of the KaNgwane Forest Act, 1981 (Act of 1981), that it is my intention to clear a fire-belt on my side of the boundary common to the Government forest/property known as* and the property/Government forest known as* in the Magisterial District of by burning.

I intend to commence the work at a.m./p.m.† on the day of 19..... or the first suitable day thereafter.

I will provide (number) workmen and will use the following tools, equipment, etc.:

In terms of the proviso to the section of the Act referred to above you are requested to inform me of your intention in good time failing which the work will be proceeded with in terms of this notice.

Address

Date

Signature

* Give number and/or name of property.

† Delete what is not applicable.

INHOUD

No.	Bladsy No.	Staatskoerant No.
Samewerking en Ontwikkeling, Departement van Goewermenskennisgewing		
R. 510 Kangwane Boswet, 1981	1	8114

CONTENTS

No.	Page No.	Gazette No.
Co-operation and Development, Department of Government Notice		
R. 510 Kangwane Forestry Act, 1981	1	8114