



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

(An Act to amend the Forests Act, 1920, so as to give effect to the recommendations of the Royal Commission on Forestry, 1968, and to make other provisions relating thereto.)

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KAAPSTAD, 19 MEI 1971.

DEPARTMENT OF THE PRIME MINISTER.

No. 846.

19th May, 1971.

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

No. 37 of 1971: Forest Amendment Act, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 846.

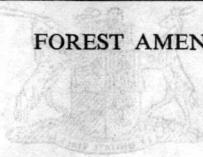
19 Mei 1971.

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

No. 37 van 1971: Boswysigingswet, 1971.

Act No. 37, 1971

FOREST AMENDMENT ACT, 1971.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

To amend the Forest Act, 1968, so as to regulate further the setting aside of land as nature reserves or protection forests; to provide for the setting aside of land as wilderness areas; to regulate further the clearing of firebelts; to regulate further the duty to prevent the spreading of fires; to apply the said Act in the territory of South-West Africa; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 13th May, 1971.)*

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

Amendment of section 2 of Act 72 of 1968.

1. Section 2 of the Forest Act, 1968, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Save as is otherwise provided in this Act, the provisions thereof shall not apply to any land in any area referred to in section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or any land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or any land or area referred to in section 4 (1) of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), which is not a demarcated forest.”.

Substitution of section 7 of Act 72 of 1968.

2. The following section is hereby substituted for section 7 of the Forest Act, 1968:

“Nature reserves and protection forests.

7. (1) (a) The Minister may by notice in the Gazette set aside any State forest or any defined portion thereof as a nature reserve for the preservation of forests, natural scenery and forest produce, or as a protection forest for the conservation of water supplies or the prevention of sand drift, and the control and management of any State forest or portion thereof so set aside shall vest in the department.

(b) Any such notice shall clearly specify the area set aside and may by like notice be withdrawn or amended.

(2) Subject to the provisions of section 13, no person shall cut, disturb, injure, take, collect, destroy or remove any forest produce on any land set aside under subsection (1): Provided that nothing herein contained shall prevent the Secretary from taking on such land any measures which he may deem necessary for the protection thereof against fire or sand drift, or for the conservation of water, forest produce or veld, or for the eradication of noxious weeds and pests, or for the control of any animals whose presence may in the Minister’s

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WET

Tot wysiging van die Boswet, 1968, ten einde die afsondering van grond as natuurreserve of beskermingsbosse verder te reël; voorsiening te maak vir die afsondering van grond as wildernisgebiede; die skoonmaak van brandstroke verder te reël; die verpligting om die verspreiding van brande te voorkom, verder te reël; genoemde Wet in die gebied Suid-wes-Afrika toe te pas; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Mei 1971.)

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

- 1.** Artikel 2 van die Boswet, 1968, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behalwe soos in hierdie Wet anders bepaal word, is die bepalings daarvan nie van toepassing nie op grond in 'n streek waarna verwys word in artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of grond waarna verwys word in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), of grond of 'n oppervlakte waarna verwys word in artikel 4 (1) van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), wat nie 'n gedemarkeerde bos is nie.”.

2. Artikel 7 van die Boswet, 1968, word hierby deur die volgende artikel vervang:

„Natuurreservate en beskermingsbosse.

Vervanging van artikel 7 van Wet 72 van 1968.

7. (1) (a) Die Minister kan by kennisgewing in die *Staatskoerant* 'n Staatsbos of 'n omskreve gedeelte daarvan afsonder as 'n natuurreservaat vir die bewaring van bosse, natuurskoon en bosprodukte, of as 'n beskermingsbos vir die bewaring van watervoorraad of die voorkoming van sandbeweging, en die beheer en bestuur van 'n Staatsbos of 'n gedeelte daarvan wat aldus afgesonder is, berus by die departement.

(b) So 'n kennisgewing moet die gebied wat afgesonder is duidelik omskryf en kan by dergeleike kennisgewing ingetrek of gewysig word.

(2) Behoudens die bepalings van artikel 13, mag niemand op grond wat kragtens subartikel (1) afgesonder is, enige bosprodukte kap, versteur, beskadig, neem, versamel, vernietig of verwyder nie: Met dien verstande dat niks hierin vervat die Sekretaris verhinder nie om op bedoelde grond die maatreëls te tref wat hy nodig ag vir die beskerming daarvan teen brand of sandbeweging of vir die bewaring van water, bosprodukte of veld, of vir die uitroeiing van skadelike onkruid of plae, of vir die

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opinion constitute a nuisance or is or may become detrimental to the objects for which such nature reserve or protection forest has been set aside, or from performing thereon any other acts which are not inconsistent with such objects.”.

Insertion of
section 7A in
Act 72 of 1968.

3. The following section is hereby inserted in the Forest Act, 1968, after section 7:

“Wilder-
ness areas.

7A. (1) The Minister may, on the recommendation of the National Monuments Council, by notice in the *Gazette* set aside any State forest or any defined portion thereof as a wilderness area for the preservation of forests, natural scenery and forest produce, and the control and management of any State forest or any portion thereof so set aside shall vest in the department.

(2) Any such notice shall clearly define the area set aside and may by like notice be withdrawn or amended.

(3) Subject to the provisions of section 13, no person shall cut, disturb, injure, take, collect, destroy or remove any forest produce on any land set aside under subsection (1): Provided that nothing herein contained shall prevent the Secretary or his deputy from performing on such land any acts or from taking thereon any measures which, in the opinion of the Secretary after consultation with the National Monuments Council, are not inconsistent with the objects of such setting aside.”.

Amendment of
section 13 of
Act 72 of 1968.

4. Section 13 of the Forest Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) Subject to the provisions of paragraph (b), nothing in this section contained shall be construed as precluding the Secretary 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 Secretary 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;
- (ii) on any State forest or private forest or land adjacent thereto.

(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 payable (if any) 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.”.

Amendment of
section 21 of
Act 72 of 1968.

5. Section 21 of the Forest Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection:

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beheer van diere die teenwoordigheid waarvan na die Minister se oordeel 'n oorlas uitmaak of nadelig is of kan word vir die oogmerke waarvoor die natuurreservaat of beskermingsbos afgesonder is, of ander handelinge te verrig wat nie met sodanige oogmerke onbestaanbaar is nie.”

3. Die volgende artikel word hierby in die Boswet, 1968, na artikel 7 ingevoeg:

Invoeging van artikel 7A in Wet 72 van 1968.

„Wilder-
nisgebiede. 7A. (1) Die Minister kan, op aanbeveling van die Raad vir Nasionale Gedenkwaardighede, by kennis-
gewing in die *Staatskoerant* 'n Staatsbos of 'n
omskreve gedeelte daarvan afsonder as 'n wildernis-
gebied vir die bewaring van bosse, natuurskoon
en bosprodukte, en die beheer en bestuur van 'n
Staatsbos of 'n gedeelte daarvan wat aldus af-
gesonder is, berus by die departement.

(2) So 'n kennisgewing moet die gebied wat afgesonder is duidelik omskryf en kan by dergelyke kennisgewing ingetrek of gewysig word.

(3) Behoudens die bepaling van artikel 13 mag niemand op grond wat kragtens subartikel (1) afgesonder is, bosprodukte kap, versteur, beskadig, neem, versamel, vernietig of verwyder nie: Met dien verstande dat nijs hierin vervat die Sekretaris of sy gemagtigde verhinder om op bedoelde grond handelinge te verrig en maatreëls te tref wat na die oordeel van die Sekretaris, na oorleg met die Raad vir Nasionale Gedenkwaardighede, nie met die oogmerke van sodanige afsondering onbestaanbaar is nie.”

4. Artikel 13 van die Boswet, 1968, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 13 van Wet 72 van 1968.

„(4) (a) Behoudens die bepaling van paragraaf (b) word nijs in hierdie artikel vertolk nie as sou dit die Sekretaris 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 Sekretaris 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;
- (ii) op 'n Staatsbos of private bos of grond aangelynd daaranaan.

(b) Sodanige ooreenkoms moet voorsiening maak—

- (i) vir die tipe brandstrook en die lengte, wydte en ligging daarvan, die wyse waarop dit skoon-gemaak 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.”

5. Artikel 21 van die Boswet, 1968, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 21 van Wet 72 van 1968.

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“(4) Any owner, occupier or person in charge of any land who fails—
 (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 on any adjacent land,
 shall be guilty of an offence.”.

Substitution of section 32 of Act 72 of 1968.

6. The following section is hereby substituted for section 32 of the Forest Act, 1968:

“**Applica-** **32. The provisions of sections 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 and 29 (2), (3) and (4) shall to land or an area referred apply also to land in an area referred to in section 25 to in section (1) of the Bantu Administration Act, 1927 (Act No. 25 (1) of Act 38 of 1927), or any land referred to in section 21 (1) 38 of 1927, of the Bantu Trust and Land Act, 1936 (Act No. 18 section 21 (1) of Act 18 of 1936), or any land or area referred to in section of 1936 or 4 (1) of the South-West Africa Bantu Affairs section 4 (1) Administration Act, 1954 (Act No. 56 of 1954), of Act 56 of which is not a demarcated forest.”.**

Insertion of section 32A in Act 72 of 1968.

7. The following section is hereby inserted in the Forest Act, 1968, after section 32:

“**Applica-** **32A. This Act and any amendment thereof shall to also apply in the territory of South-West Africa, South-West including the Eastern Caprivi Zipfel.”.**
Africa.

Short title.

8. This Act shall be called the Forest Amendment Act, 1971.

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,,(4) 'n Eienaar, okkuperdeer of persoon in beheer van grond wat versuim om—
 (a) vooraf die brandstroke 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,
 is aan 'n misdryf skuldig.”.

6. Artikel 32 van die Boswet, 1968, word hierby deur die volgende artikel vervang:

„Toepassing van Wet 32. Die bepalings van artikels 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23 en 29 (2), (3) en (4) is ook van toepassing op grond in 'n streek waarna verwys word in artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of grond waarna verwys word in artikel 21 (1) van die Bantoerust en -grond Wet, 1936 (Wet No. 18 van 1936), of grond of 'n oppervlakte waarna verwys word in artikel 4 (1) van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), wat nie 'n gedemarkeerde bos is nie.”.

7. Die volgende artikel word hierby in die Boswet, 1968, na artikel 32 ingevoeg:

„Toepassing van Wet 32A. Hierdie Wet en iedere wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.”.

8. Hierdie Wet heet die Boswysigingswet, 1971.

Kort titel.

Vervanging van artikel 32 van Wet 72 van 1968.

Invoeging van artikel 32A in Wet 72 van 1968.

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