



**STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE**

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ALGEMENE KENNISGEWING

KENNISGEWING 667 VAN 1982

**DEPARTEMENT VAN
OMGEWINGSAKE**

KONSEP BOSWETSONTWERP

Die konsep Boswetsontwerp in die Bylae hiervan, word hierby vir algemene inligting en kommentaar gepubliseer. Enige persoon wat kommentaar wil lewer, word versoeke om sodanige kommentaar voor 20 Oktober 1982 te rig aan die Direkteur-generaal, Departement van Omgewingsake, Pri-vataatsak X313, Pretoria, 0001, met vermelding van verwysingsnommer A1/3/1.

Direkteur-generaal: Omgewingsake.

**BYLAE
WETSONTWERP**

Tot samevatting en wysiging van die wetsbepalings betreffende die aanwending van grond vir bebossing; die beskerming van bome; wetlike verskansing, beskerming en bestuur van Staatsbosse; die benutting van bosse en die reëling en beheer van handel met en die verwydering, uitvoer in invoer van bosprodukte; die voorkoming en bestryding van veld-, bos- en bergbrande; om voorsiening te maak vir die instelling van die Nasionale Voetslaanpadbeheerraad en die Nasionale Voetslaanpadtrust en beheer oor en bestuur van die Nasionale Voetslaanpadstelsel; om voorsiening te maak vir die instelling van die Bosbouraad en die Bosbounywerheidsfonds en die oplegging van heffings ten opsigte van hout en ingevoerde houtderivate; en om vir ander bykomstige aangeleenthede voorsiening te maak

*Ingedien deur die Minister van Omgewingsake
en Visserye*

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika soos volg:

INDELING VAN ARTIKELS

Woordomskrywing Artikel 1

Hoofstuk I

Toepassing en uitvoering van die Wet Artikels 2 tot 6

Hoofstuk II

Beheer oor bebossing Artikel 7

GENERAL NOTICE

NOTICE 667 OF 1982

**DEPARTMENT OF ENVIRONMENT
AFFAIRS**

DRAFT FOREST BILL

The draft Forest Bill in the Schedule hereto, is hereby published for general information and comment. Any person who wishes to comment, is requested to direct such comment before 20 October 1982 to the Director-General, Department of Environment Affairs, Private Bag X313, Pretoria, 0001, quoting reference number A1/3/1.

Direktor-General: Environment Affairs.

**SCHEDULE
BILL**

To consolidate and amend the law relating to the use of land for afforestation; the protection of trees, the statutory entrenchment, protection and management of State forests; the utilisation of forests and the regulating and control of trade in and the removal, exportation and importation of forest produce; the prevention and combating of veld, forest and mountain fires; to provide for the establishment of the National Hiking Way Control Board and the National Hiking Way Trust and the control and management of the National Hiking Way System; to provide for the establishment of the Forestry Council and the Forestry Industry Fund and the imposition of levies in respect of timber and imported timber derivatives; and to provide for other incidental matters

*Introduced by the Minister of Environment Affairs
and Fisheries*

Be it enacted by the State President and the House of Assembly of the Republic of South Africa as follows:

CLASSIFICATION OF SECTIONS

Definitions Section 1

Chapter I

Administration and execution Sections 2 to 6

Chapter II

Control of afforestation Section 7

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Misdrywe, strawwe en vermoedens en bevoegdhede van bosbeampetes, ander amptskleiders en howe	Artikels 46 tot 55		Offences, penalties and presumptions and powers of forest officers, other officials and courts	Sections 46 to 55
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WOORDOMSKRYWINGS

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

“aanvullende roete” ’n roete bykomend tot die hoofroete;

“advieskomitee” ’n advieskomitee kragtens artikel 30 (1) ingestel;

“adviserende komitee” ’n adviserende komitee kragtens artikel 11 (4) (a) ingestel;

“beheerraad” die Nasionale Voetslaanpadbeheerraad kragtens artikel 29 (1) (a) ingestel;

“beskermde boom” ’n boom of bome waarop ’n kennisgewing bedoel in artikel 11 (1) betrekking het;

“beskermingsbos” ’n Staatsbos of gedeelte daarvan wat ingevolge artikel 13 (1) (a) (i) as sodanig afgesonder is;

“bestuurskomitee” ’n bestuurskomitee kragtens artikel 30 (1) ingestel;

“boom” ook enige boonsaailing, jong boompie, oorplantsel of stomploot van enige ouderdom;

“bosbeampte” die bekleer van ’n pos kragtens artikels 5, 14 (3) (d) of 44 (9) (b) aange wys of ’n persoon ingevolge genoemde artikels aange wys;

“bosproduk” enige iets wat deur bome voortgebring word of wat in ’n bos voorkom of gekweek word of groei; en ook—

(a) bome, plantjies, ronde houtblokke, brandhout, pale, latte, takke, gras, riete, dekgras, biesies, klimplante, blare, mos, afval, humus, blomme, varings, vrugte, saad, wortels, bolle, kruie, bas, rubbermelk, gom, harpuis, sap en vlugtige olies;

(b) ru-gesaagde of geskaafde of verder verwerkte hout, chemies geimpregneerde hout of pale, skaalplanke, spaanders, saagsels en houkool; en

(c) voëls, insekte, reptiele en enige vis of soogdier, velle, horings, ivoor, heuning, was, skulpe, grond, gruis, klippe, sand, klei en enige ander stof of voorwerp wat natuurlikerwys in ’n bos aangetref word of daaruit verkry word;

“brandbeheergebied” ’n gebied as sodanig verklaar ingevolge artikel 15 (1);

“brandbeheerkomitee” ’n brandbeheerkomitee ingestel kragtens artikel 16 (1);

“brandbestrydingsplan” ’n brandbestrydingsplan bedoel in artikel 17;

DEFINITIONS

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

“advisory committee” means an advisory committee established in terms of section 30 (1);

“connecting route” means a branch of the main route which connects a starting point or terminus on such branch with a point on the main route;

“consulting committee” means a consulting committee established in terms of section 11 (4) (a) (i);

“control board” means the National Hiking Way Control Board established in terms of section 29 (1) (a);

“council” means the Forestry Council established by section 34 (1);

“demarcated forest” means any undermarked forest which has been converted into demarcated forest in terms of section 8 (1);

“department” means the Department of Environment Affairs;

“director-general” means the Director-General: Environment Affairs;

“fire-belt” means a strip of land whether under trees or not, on which inflammable matter has been destroyed by burning or by any other means, with the purpose of preventing the spreading of veld, forest or mountain fires;

“fire control area” means an area declared as such in terms of section 15 (1);

“fire control committee” means a fire control committee established in terms of section 16 (1);

“fire protection scheme” means a fire protection scheme contemplated in section 17;

“fodder tree” means a tree of which the leaves, bark, fruit or seed can be used as a stock feed;

“forest officer” means the incumbent of a post designated in terms of sections 5, 14 (3) (d) or 44 (9) (b) or a person designated in terms of the said sections;

“forest produce” means anything which is produced by trees or which is found or is grown or which grows in a forest, and also—

(a) trees, plants, timber, firewood, poles, laths, branchwood, grass, reeds, thatch, rushes, creepers, leaves, moss, litter, humus, flowers, ferns, fruit, seeds, roots, bulbs, spices, bark, rubber latex, gum, resin, sap and essential oils;

“brandstrook” ’n strook grond met of sonder bome daarop waarop ontvlambare stowwe vernietig is deur verbranding of op enige ander wyse, met die doel om die verspreiding van veld-, bos-en bergbrande te voorkom;

“departement” die Departement van Omgewingsake;

“direkteur-generaal” die Direkteur-generaal: Omgewingsake;

“eienaar” in Hoofstukke II en VI ook ’n persoon wat uit hoofde van ’n ooreenkoms, erflating, wetsbepaling of andersins regtens bevoeg is om beheer oor ’n bepaalde stuk grond uit te oefen;

“fonds” die Bosbouwonderheidsfonds by artikel 41 (1) (a) ingestel;

“gedemarkeerde bos” enige ongedemarkeerde bos wat ingevolge artikel 8 (1) in gedemarkeerde bos omskep is;

“hierdie Wet” ook enige regulasie uitgevaardig kragtens artikel 44;

“hoofroete” die primêre roete van die nasionale voetslaanpadstelsel soos deur die Minister van tyd tot tyd ingevolge artikel 25 (2) bepaal;

“hout” alle hout bevat in bome hetsy staande, omgeval of afgekap en alle hout hetsy in die Republiek geproduseer of ingevoer en hetsy gesaag, gekloof, gekap of geskaaf of op ’n ander wyse bewerk of verwerk;

“Minister” die Minister van Omgewingsake en Visserye;

“nasionale voetslaanpadstelsel” die stelsel bedoel in artikel 25;

“ongedemarkeerde bos” enige Staatsbos of ’n gedeelte daarvan;

“plaaslike beheerkomitee” ’n komitee kragtens artikel 11 (4) (a) (ii) ingestel;

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

“polisiebeamppte” ’n lid van enige by wet ingestelde polisiemag in die Republiek;

“private bos” ’n bos of houtplantasie geleë op grond wat nie aan die Staat behoort nie maar sluit nie ’n bos of houtplantasie in nie wat geleë is op sodanige grond ten opsigte waarvan die Staat kragtens grondbrief of andersins die reg tot die bome daarop hou;

“raad” die Bosbouraad by artikel 34 (1) ingestel;

“regulasie” ’n regulasie kragtens artikel 44 uitgevaardig of wat geag word daarkragtens uitgevaardig te wees;

“Staatsbos” Staatsgrond wat vir die doeleindes van hierdie Wet verkry is of met die toestemming van die Minister van Gemeenskapsontwikkeling vir genoemde doeleindes voorbehou is en sluit in ’n Staatsplantasie, Staatsaagmeule, Staatshoutverduursamingsinstallasie, grond wat deur die departement beheer en bestuur word vir navorsingsdoeleindes, as ’n boomkwekery, vir die vestiging in die toekoms van ’n kommersiële houtplantasie, ’n gebied wat afgesonder is vir die bewaring van *fauna* en *flora*, vir die bestuur van ’n wateropvanggebied, die voorkoming van gronderosie of sandbeweging of die beskerming van inheemse bosse en ook alle bome op—

(i) enige ander Staatsgrond uitgesonderd grond wat van die Staat gekoop is maar nog nie aan die koper oorgedra is nie; en

(ii) enige ander grond indien die reg op daardie bome in die Staat vestig;

“trust” die Nasionale Voetslaanpadtrust by artikel 31 (1) (a) ingestel;

(b) roughly sawn or planed or further processed wood, chemically impregnated wood or poles, slabs, chippings, sawdust and charcoal; and

(c) birds, insects, reptiles and any fish or mammal, hides, horns, ivory, honey, wax, shells, soil, gravel, stones, sand, clay and any other matter or object which is naturally found in or obtained from a forest;

“fund” means the Forest Industry Fund established by section 41 (1) (a);

“hiker” means any person who as a walker makes authorised use of the national hiking way system;

“hiking way” means that part of the national hiking way system on which facilities for overnight stays are provided;

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

“local management committee” means a committee established in terms of section 11 (4) (a) (ii);

“main route” means the primary route of the national hiking way system as determined by the Minister from time to time in terms of section 25 (2);

“management committee” means a management committee established in terms of section 30 (1);

“Minister” means the Minister of Environment Affairs and Fisheries;

“national hiking way system” means the system contemplated in section 25;

“owner” in Chapters II and VI includes a person who, by virtue of an agreement, testation, statutory provision or otherwise, is legally competent to exercised control over a particular piece of land;

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

“private forest” means a forest or timber plantation situated on land not owned by the State but does not include a forest or timber plantation on such land in respect of which the State is vested with the right to the trees thereon in terms of a deed of grant or otherwise;

“protected tree” means a tree or trees to which a notice contemplated in section 11 (1) relates;

“protection forest” means a State forest or a portion thereof which, in terms of section 13 (1) (a) (i) has been set aside as such;

“regulation” means a regulation promulgated in terms of section 44 or which is deemed to be promulgated in terms thereof;

“State forest” means State land which, was procured for the purposes of this Act or which, with the approval of the Minister of Community Development, was reserved for these purposes and includes a State plantation, State saw mill, State timber preservation plant, land controlled and managed by the department for research purposes, as a tree nursery or the establishment in the future of a commercial timber plantation, an area which has been set aside for the protection of *fauna* and *flora*, for the management of a water catchment area, the prevention of soil erosion or sand drift or the protection of indigenous forests and also all trees on—

(i) any other State land excluding land purchased from the State but not yet transferred to the purchaser; and

(ii) any other land if the right to such trees vests in the State;

“supplementary route” means a route additional to the main route;

“this Act” includes any regulation promulgated in terms of section 44;

"verbindingsroete" 'n vertakking van die hoofroete wat 'n begin- of eindpunt van sodanige vertakking met 'n punt op die hoofroete verbind;

"voerboom" 'n boom waarvan die blare, bas, vrugte of saad as vervoer gebruik kan word;

"voetslaanpad" daardie deel van die nasionale voetslaanpadstelsel waarop oornagfasilitete vir voetslaners verskaf word;

"voetslaner" iemand wat as stapper gemagtigde gebruik van die nasionale voetslaanpadstelsel maak;

"wandelpad" daardie deel van die nasionale voetslaanpadstelsel waarop geen oornagfasilitete verskaf word nie, en die gebruik waarvan beperk is tot tussen sonop en sononder; en

"wildernisgebied" 'n Staatsbos of 'n gedeelte daarvan wat ingevolge artikel 13 (1) (a) (ii) as sodanig afgesonder is.

HOOFSTUK I: TOEPASSING EN UITVOERING VAN DIE WET

Toepassing van die Wet

2. (1) Hierdie Wet is behalwe vir die bepalings van artikels 14 tot 24, 44 (5), (6), (8), (10) en (11), 46 (2), (3), (5) tot (8), en (10) tot (12), 47, 48, 52 (1) (a) en (b), 52 (2) en 54 nie van toepassing nie ten opsigte van grond—

(a) geleë in 'n streek bedoel in artikel 25 (1) van die Swart Administrasie Wet, 1927; of

(b) bedoel in artikel 21 (1) van die Ontwikkelingstrust en grond Wet, 1936, wat nie gedemarkeerde bos is nie.

(2) (a) Die Minister kan op skriftelike versoek van die eienaar van 'n private bos by kennisgewing in die *Staatskoerant* enige bepaling van hierdie Wet wat slegs ten opsigte van Staatsbosse van toepassing is, van toepassing verklaar ten opsigte van sodanige private bos indien dit bevorderlik is vir die meer doeltreffende bewaring van sodanige private bos of die meer doeltreffende beskerming van enige boom of bome of bosproduk wat in sodanige private bos voorkom.

(b) 'n Kennisgewing bedoel in paragraaf (a) moet die gebied waarop dit betrekking het duidelik omskryf.

(c) Die Minister kan met die toestemming van die eienaar van 'n private bos ten opsigte waarvan 'n kennisgewing bedoel in subartikel (2) (a) gepubliseer is, sodanige kennisgewing op dergelike wyse wysig of intrek.

Verlening van bevoegdhede aan 'n persoon in beheer van 'n private bos

3. (1) Die direkteur-generaal kan skriftelik aan 'n persoon wat spesiaal deur 'n eienaar van 'n private bos in beheer van daardie private bos gestel is, enige of al die bevoegdhede verleen wat behoudens die bepalings kragtens van subartikel (2) hierdie Wet in 'n bosbeampte vestig, verleen.

(2) 'n Persoon bedoel in subartikel (1) oefen die genoemde bevoegdhede uit slegs ten opsigte van die private bos vermeld in die magtiging van die direkteur-generaal, gedurende die tydperk wat hy in beheer van daardie private bos is.

Delegering van bevoegdhede

4. (1) Die Minister kan onderworpe aan die voorwaardes wat hy bepaal aan 'n beampte in die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid om regulasies uit te vaardig, deleger.

(2) Die direkteur-generaal kan onderworpe aan die voorwaardes wat hy bepaal, enige van of al die bevoegdhede deur hierdie Wet aan hom verleen aan 'n beampte in die departement deleger.

"timber" means all wood contained in trees whether standing, fallen down or felled and all wood whether produced in or imported into the Republic and whether sawn, split, hewn or planed or otherwise fashioned or processed;

"tree" includes any tree seedling, sapling, transplant or coppice shoot of any age;

"trust" means the National Hiking Way Trust established by section 31 (1) (a);

"undemarcated forest" means any State forest or a portion thereof;

"walks" means that part of the national hiking way system on which no facilities for overnight stay are provided, and the use whereof is limited to between sunrise and sunset; and

"wilderness area" means a State forest or a portion thereof which in terms of section 13 (1) (a) (ii) has been set aside as such.

CHAPTER I: ADMINISTRATION AND EXECUTION OF THE ACT

Administration of the Act

2. (1) This Act except for the provisions of section 14 to 24, 44 (5), (6), (8), (10) and (11), 46 (2), (3), (5) to (8) and (10) to (12), 47, 48, 52 (1) (a) and (b), 52 (2) and 54, is not applicable in respect of land—

(a) situated in an area contemplated in section 25 (1) of the Black Administration Act, 1927; or

(b) contemplated in section 21 (1) of the Development Trust and Land Act, 1936;

which is not demarcated forest.

(2) (a) The Minister may upon the written request of the owner of a private forest, by notice in the *Gazette* declare any provision of this Act which is applicable only in respect of State forests, to be applicable in respect of such private forest if this is beneficial for the better conservation of such private forest, or the better protection of any tree or trees or forest produce which is found in such private forest.

(b) A notice contemplated in paragraph (a) shall clearly define the area to which it relates.

(c) The Minister may with the consent of the owner of a private forest in respect of which a notice contemplated in subsection (2) (a) has been published, in like manner withdraw or amend such notice.

Granting of powers to a person in control of a private forest

3. (1) The director-general may in writing, grant to a person specially placed in control of a private forest by the owner of that forest, subject to the provisions of subsection (2) all or any of the powers vested in terms of this Act in a forest officer.

(2) A person contemplated in subsection (1) shall exercise the said powers only in respect of the private forest referred to in the authorisation by the director-general, during the period in which he is in control of that private forest.

Delegation of powers

4. (1) The Minister may subject to the conditions which he determines, delegate to any officer in the department, any or all of the powers conferred upon him by this Act save the power to promulgate regulations.

(2) The director-general may subject to the conditions which he determines, delegate to any officer in the department any or all of the powers conferred upon him by this Act.

Aanwysing van bosbeampes

5. Die direkteur-generaal kan van tyd tot tyd die poste in die departement aanwys waarvan die bekleërs vir die doelindes van hierdie Wet bosbeampes is.

Aanstelling van erebosbeampete

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

(2) 'n Erebosbeampete het ten opsigte van—

(a) 'n Staatsbos;

(b) grond ten opsigte waarvan 'n kennisgewing bedoel in artikel 11 (1) van toepassing is;

(c) 'n gebied omskryf in enige kennisgewing kragtens artikel 22; en

(d) enige gedeelte van die nasionale voetslaanpadstelsel;

dieselfde bevoegdhede as 'n bosbeampete uitgesonderd die bevoegdhede bedoel in artikels 47 en 48: Met dien verstande dat die bevoegdhede van 'n aldus aangestelde erebosbeampete wat 'n minderjarige is, na goeddunke deur die direkteur-generaal beperk kan word.

(3) Die direkteur-generaal kan te enigertyd sonder om redes te verstrek die aanstelling van enige persoon as 'n erebosbeampete intrek indien hy dit wenslik ag.

HOOFSTUK II: BEHEER OOR BEBOSSING**Aanwending van grond vir bebossing**

7. (1) (a) Sonder die voorafgaande skriftelike goedkeuring van die direkteur-generaal word geen grond insluitende grond in Staatsbesit—

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

(ii) wat vir 'n tydperk van langer as vyf jaar na die verwydering, inoesting of vernietiging van 'n kommersiële houttoes nie weer aldus benut is nie;

aangewend vir die aanplant van bome, uitgesonderd vrugte- of voerbome, met die doel om bosprodukte vir handels- of nywerheidsdoeleindes te produseer nie.

(b) Ondanks 'n goedkeuring bedoel in subartikel (1) (a) word grond geleë binne 'n afstand van 20 meter vanaf die oevers van 'n standhoudende stroom of vanaf 'n vlei, moeras of ander natuurlike waterbron nie aldus aangewend nie en sodanige grond waarop by die inwerkingtreding van hierdie Wet 'n kommersiële houtplantasie voorkom, word na die verwydering, inoesting of vernietiging van 'n bestaande houttoes op daardie grond nie herbeplant nie.

(c) 'n Eienaar van grond bedoel in subartikel (1) (b) moet jaarliks enige natuurlike verjonging van 'n kommersiële houtplantasie wat verwijder, geoes of vernietig is, verwijder.

(2) Enige eienaar van grond kan op die wyse by regulasie voorgeskryf kragtens artikel 44 (1) ten opsigte van 'n bepaalde stuk grond aansoek doen om die goedkeuring bedoel in subartikel (1) (a).

(3) Die direkteur-generaal kan die in subartikel (2) bedoelde goedkeuring weerhou of verleen en as hy dit verleen kan hy dit doen onderworpe aan die voorwaarde wat hy goed vind.

(4) 'n Applikant bedoel in subartikel (2) wat verontreg voel oor die weerhouding van die goedkeuring waarvoor aansoek gedoen is of oor enige voorwaarde waaraan kragtens subartikel (3) 'n goedkeuring onderworpe gestel is, kan na die Minister appelleer en die beslissing van die Minister is afdoende.

Designation of forest officers

5. The director-general may from time to time designate the posts in the department, the incumbents of which shall for the purposes of this Act be forest officers.

Appointment of honorary forest officers

6. (1) The director-general may in writing appoint any person as a honorary forest officer.

(2) An honorary forest officer has in respect of—

(a) a State Forest;

(b) land in respect of which a notice contemplated in section 11 (1) is applicable;

(c) an area defined in any notice in terms of section 22; and

(d) any part of the national hiking way system;

the same powers as a forest officer save the powers contemplated in sections 47 and 48: Provided that the powers of an honorary forest officer so appointed, who is a minor, may in his discretion be restricted by the director-general.

(3) The director-general may at any time without having to furnish any reason, withdraw the appointment of any person as an honorary forest officer if he considers it desirable.

CHAPTER II: CONTROL OF AFFORESTATION**Use of land for afforestation**

7. (1) (a) Without the prior written approval of the director-general no land including land in the possession of the State—

(i) which has not previously been utilised for the establishment and management of a commercial timber plantation; or

(ii) which for a period of more than five years after the removal, harvesting or destruction of a commercial timber crop, has not been utilised in this manner;

shall be utilised for the planting of trees, save fruit or fodder trees, with a view to producing forest produce for commercial or industrial purposes.

(b) Notwithstanding an approval contemplated in subsection (1) (a), no land situated within a distance of 20 metres from the banks of a perennial stream or from a vlei, marsh or other natural water source, shall be utilised in this manner and such land on which at the date on which this Act commences, a commercial timber plantation exists, shall, after the removal, harvesting or destruction of an existing timber crop on that land, not be replanted.

(c) An owner of land contemplated in subsection (1) (b), shall annually remove any natural rejuvenation of a commercial timber plantation which was removed, harvested or destroyed.

(2) Any owner of land may in the manner prescribed by regulation in terms of section 44 (1), in respect of any particular piece of land, apply for the approval contemplated in subsection (1) (a).

(3) The director-general may withhold or grant the approval contemplated in subsection (2) and if he grants it, he may do so subject to the conditions he deems fit.

(4) An applicant contemplated in subsection (2) who feels aggrieved by the withholding of the approval applied for or by any condition to which an approval was made subject in terms of subsection (3), may appeal to the Minister and the decision of the Minister shall be final.

(5) In 'n geval waar die direkteur-generaal die in subartikel (1) (a) bedoelde goedkeuring weerhou of 'n beperkende voorwaarde ople of waar die Minister na appèl die sodanige weerhouding of voorwaarde bekratig, het die applikant geen eis vir vergoeding nie.

(6) Enige voorwaarde deur die direkteur-generaal kragtens subartikel (3) gestel of na gelang van die geval, 'n beslissing van die Minister ingevolge subartikel (4), bind die applikant en alle latere eienaars van die betrokke stuk grond.

HOOFTUK III: BEHEER VAN STAATSBOSSE

Demarkering en onttrekking aan demarkering van 'n Staatsbos

8. (1) (a) Indien die Minister van oordeel is dat dit nodig is vir die beter bereiking van die doelstellings en oogmerke van hierdie Wet dat 'n bepaalde ongedemarkeerde bos of 'n deel daarvan teen vervreemding verskans moet word, kan hy sodanige ongedemarkeerde bos in gedemarkeerde bos omskep deur—

(i) kennis van sy voorneme in die *Staatskoerant* te gee; en

(ii) 'n afskrif van sodanige kennisgewing te dien op die liggaam wat deur hom erken word as verteenwoordigend te wees van die georganiseerde landbou in die distrik waarin die betrokke ongedemarkeerde bos geleë is asook aan die landdros van die betrokke distrik.

(b) Enige persoon wat beswaar wil aanteken teen die voorgenome demarkering van ongedemarkeerde bos moet binne 30 dae na die publikasie van 'n kennisgewing bedoel in subartikel (1) (a) (i) skriftelik by die Minister sodanige beswaar aanteken met vermelding van die gronde waarop hy beswaar maak.

(c) Die Minister kan sodanige beswaar na goeddunke handhaaf of verwerp.

(d) Na verstryking van die genoemde tydperk van 30 dae kan die Minister indien geen beswaar ontvang is nie of indien enige beswaar wat ontvang is verwerp is, by kennisgewing in die *Staatskoerant* die betrokke ongedemarkeerde bos of enige omskrewe gedeelte daarvan as gedemarkeerde bos verklaar.

(2) Geen gedemarkeerde bos of enige gedeelte daarvan mag aan demarkering onttrek word nie behalwe met die goedkeuring by besluit van die Volksraad.

(3) Enige besluit van die Volksraad bedoel in subartikel (2) word eers van krag op die datum waarop die Minister in die *Staatskoerant* van sodanige besluit kennis gee.

(4) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) ondanks die bepalings van subartikels (2) en (3) die omskrywing van 'n gedemarkeerde bos wysig indien die omskrywing daarvan na 'n opmeting of heropmeting van sodanige gedemarkeerde bos foutief bevind word; en

(b) 'n naam aan 'n gedemarkeerde bos toeken en 'n naam aldus toegeken, wysig.

Toekenning van regte ten opsigte van Staatsbosse

9. (1) Ondanks andersluidende wetsbepalings word geen serwituut of ander reg van watter aard ook al ten opsigte van 'n Staatsbos of enige gedeelte daarvan deur verjaring verkry nie en behoudens subartikel (2) van hierdie artikel en artikel 13 (5) en (6) en 26 (2) word geen serwituut of ander sodanige reg ten opsigte van 'n Staatsbos of enige gedeelte daarvan verleen nie behalwe met die goedkeuring by besluit van die Volksraad en onderworpe aan die voorwaardes wat die Volksraad bepaal.

(5) In any instance where the director-general withholds the approval contemplated in subsection (1) (a) or imposes a restrictive condition or where the Minister on appeal confirms such withholding or condition, the applicant shall have no claim for compensation.

(6) Any condition imposed by the director-general in terms of subsection (3) or, as the case may be, a decision by the Minister in terms of subsection (4), binds the applicant and all successive owners of the piece of land involved.

CHAPTER III: CONTROL OVER STATE FORESTS

Demarcation and withdrawal from demarcation of a State forest

8. (1) (a) If the Minister is of the opinion that it is necessary for the better achievement of the purposes and objects of this Act, that a particular undemarcated forest or a portion thereof shall be entrenched against alienation, he may convert such undemarcated forest into demarcated forest by—

(i) giving notice in the *Gazette* of his intention; and

(ii) causing a copy of such notice to be served on the body recognised by him as representing organised agriculture in the district in which the undemarcated forest concerned is situated as well as on the magistrate of the district concerned.

(b) Any person who wishes to object against the intended demarcation of undemarcated forest, shall within 30 days of the publication of a notice contemplated in subsection (1) (a) (i), lodge such objection in writing with the Minister, setting out the grounds on which he objects.

(c) The Minister may in his discretion uphold or reject such objection.

(d) After the expiry of the said period of 30 days, the Minister may, if no objection was lodged or if any objection that was lodged, has been rejected, by notice in the *Gazette* declare the undemarcated forest concerned or any defined portion thereof, as demarcated forest.

(2) No demarcated forest or any portion thereof may be withdrawn from demarcation, except with the approval by resolution, of the House of Assembly.

(3) Any resolution by the House of Assembly contemplated in subsection (2), shall only come into effect on the date on which the Minister gives notice of such resolution in the *Gazette*.

(4) The Minister may by notice in the *Gazette*—

(a) notwithstanding the provisions of subsections (2) and (3), amend the definition of a demarcated forest if, after the surveying or resurveying of such demarcated forest, the definition is found to be incorrect; and

(b) give a name to a demarcated forest and amend any name so given.

Granting of rights in respect of State forests

9. (1) Notwithstanding anything to the contrary in any law contained, no servitude or other right of whatever nature in respect of a State forest or any portion thereof, shall be capable of being acquired by prescription and subject to subsection (2) of this section and sections 13 (5) and (6) and 26 (2), no servitude or other such right in respect of a State forest or any portion thereof, shall be granted except with the approval by resolution of the House of Assembly and subject to the conditions which the House of Assembly determines.

(2) Ondanks die bepalings van subartikel (1)—

(a) kan die direkteur-generaal op die wyse by regulasie voorgeskry kragtens artikel 44 (2) (a)—

(i) enige reg van watter aard ook al tydelik of permanent ten opsigte van enige gedeelte van 'n Staatsbos vir openbare doeleindeste toeken aan die Suid-Afrikaanse Vervoerdienste, die Poskantooradministrasie, die Nasionale Vervoerkommissie, 'n Proviniale Administrasie, 'n plaaslike bestuur of 'n ander statutêre liggaam;

(ii) 'n tydelike reg ten opsigte van enige gedeelte van 'n Staatsbos aan enige persoon toeken vir doeleindeste van handel, beweidig, bewerking van die betrokke grond, opdamming of vervoer van water, die uitvoer van boorwerk, die besetting van die betrokke grond deur die oprigting van meulens, fabrieke, wonings of kampeerfasiliteite, die aanlê en gebruik van paaie en geleidings vir die oorbring of vervoer van krag, gas, enige vloeistof of ander goed en die daarstelling en gebruik van fasiliteite vir die deursending van kommunikasies oor land of per radio of op 'n ander wyse of vir enige ander doel wat nie onbestaanbaar is nie met die bestuur van die betrokke Staatsbos;

(b) kan enige bevoegde Staatsminister of beampete van die Staat ingevolge toepaslike wetsbepalings regte toeken vir prospektering vir en myn van edele en onedele metale en minerale en edelgestentes en vir die beskikking oor sodanige metale, minerale en edelgestentes op 'n Staatsbos: Met dien verstande dat geen bosproduk deur die houer van sodanige reg gekap, beskadig, geneem of verwijder kan word nie behalwe op gesag van 'n lisensie of permit van die direkteur-generaal.

(3) 'n Serwituut of reg op 'n bosproduk of 'n reg van beweidig, verbouing, verblyf of kampering of 'n reg op die vervoer of gebruik van water of enige ander reg ten opsigte van 'n Staatsbos of enige gedeelte daarvan wat op die datum van inwerkingtreding van hierdie Wet bestaan en wat ook op die datum van inwerkingtreding van die Boswet, 1941, bestaan het, bly van krag maar mag slegs uitgeoefen word ooreenkomsdig die voorskrifte van enige regulasie kragtens artikel 44 (2) (b) uitgevaardig.

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

(a) die aard daarvan;

(b) die wyse waarop dit tot stand gekom het;

(c) die naam van die houer van die reg of die reghebbende kragtens 'n persoonlike serwituut; en

(d) in die geval van 'n saaklike serwituut, 'n omskrywing van die betrokke heersende erf.

Beperking op gebruik van paaie op Staatsbosse

10. (1) Ondanks andersluidende wetsbepalings kan die direkteur-generaal te eniger tyd na goeddunke 'n pad in 'n Staatsbos, behalwe 'n pad aangele of in stand gehou deur 'n persoon of gesag wat regtens bevoeg is om sodanige pad aan te lê of in stand te hou, tydelik sluit of toegang deur die publiek tot enige sodanige pad gedurende die tye wat hy nodig ag belet.

(2) Die direkteur-generaal of sodanige ander beampete moet van 'n besluit kragtens subartikel (1) skriftelik kennis gee aan die persone of instansies wat hy goed ag.

(2) Notwithstanding the provisions of subsection (1)—

(a) the director-general may in the manner prescribed by regulation in terms of section 44 (2) (a)—

(i) grant any permanent or temporary right of whatever nature in respect of any portion of a State forest for public purposes to the South African Transport Services, the Post Office Administration, the National Transport Commission, a provincial administration, a local authority or any other statutory body;

(ii) grant a temporary right in respect of any portion of a State forest to any person for the purposes of trading, grazing, cultivation of the land involved, abutment or conveyance of water, the execution of drilling, the occupation of the land involved by the erection of mills, factories, residences or camping facilities, the establishment and use of roads and conduits for the transmission or conveyance of power, gas, any liquid or other things and the establishment and use of facilities for the transmission of communications by land or by radio or by other means or for any other purpose which is not inconsistent with the management of the State forest concerned;

(b) any competent Minister of State or officer of the State may in terms of applicable legislation, grant rights for prospecting for and mining of precious and base metals and minerals and precious stones and for the disposal of such metals, minerals and precious stones on a State forest: Provided that no forest produce shall be cut, damaged, taken or removed by the holder of such right, except on the authority of a licence or permit from the director-general.

(3) A servitude or right to forest produce or a right of grazing, cultivation, residence or camping or a right to the conveyance or use of water or any other right in respect of a State forest or any portion thereof which exists on the date of commencement of this Act and which existed on the date of commencement of the Forest Act, 1941, remains of force but may only be exercised in accordance with the provisions of any regulations promulgated in terms of section 44 (2) (b).

(4) The director-general shall cause a register to be kept in which is noted all servitudes and rights of whatever nature in respect of State forests and which reflects in respect of each such servitude or right—

(a) the nature thereof;

(b) the manner in which it came into existence;

(c) the name of the holder of the right or the beneficiary in terms of a personal servitude; and

(d) in the case of a praedial servitude, a description of the dominant tenement.

Restriction on the use of roads on State forests

10. (1) Notwithstanding anything to the contrary in any law contained, the director-general or any other officer in the department designated by him for this purpose, may in his discretion at any time close any road in a State forest except a road established or maintained by any person who or authority which is legally competent to establish or maintain such road, or to prohibit access to such road by the public during such times as he may deem necessary.

(2) The director-general or such other officer, shall in writing give notice of a decision in terms of subsection (1), to all persons or authorities which he may deem fit.

HOOFSTUK IV: BESKERMING VAN FAUNA EN FLORA

Beskerming van bome op private grond

11. (1) Behoudens die bepalings van subartikel (2) kan die Minister, ten opsigte van enige grond wat nie 'n Staatsbos is nie 'n besondere boom of besondere bome of bome wat tot 'n besondere boomsoort behoort by kennisgewing in die *Staatskoerant* as 'n beskermde boom of beskermde bome verklaar.

(2) 'n Verklaring beoog in subartikel (1) word nie deur die Minister gedoen nie behalwe met die oog op—

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

(3) 'n Kennisgewing kragtens subartikel (1) uitgereik—

(a) moet die besondere boom, bome of boomsoort identifiseer wat betrokke is, die grond beskryf ten opsigte waarvan die kennisgewing van toepassing is en die toepaslike doelstelling in subartikel (2) vermeld, aangee; en

(b) kan by dergelike kennisgewing ingetrek of gewysig word.

(4) (a) Die Minister—

(i) kan 'n adviserende komitee instel, saamgestel soos hy bepaal, om hom in enige geval waar hy dit nodig ag van advies te dien met betrekking tot die uitoefening van die bevoegdhede kragtens subartikel (1) aan hom verleen; en

(ii) kan plaaslike beheerkomitees instel, saamgestel soos hy bepaal, om met betrekking tot 'n besondere gebied, streek of plek die werksaamhede in verband met enige beskermde boom te verrig wat by regulasie kragtens artikel 44 (3) voorgeskryf word.

(b) Die Minister stel die lede van die adviserende komitee en elke plaaslike beheerkomitee aan en kan 'n plaasvervangingende lid aanwys vir enige lid wat aldus aangestel is.

(c) 'n Lid of plaasvervangingende lid van die adviserende komitee of van 'n plaaslike beheerkomitee wat nie in die heeltydse diens van die Staat is nie, ontvang uit fondse wat die Parlement vir hierdie doel bewillig, die besoldiging en toelaes ten opsigte van sy dienste as lid of plaasvervangingende lid van die betrokke komitee wat die Minister met die instemming van die Minister van Finansies in die algemeen of in enige besondere geval bepaal.

CHAPTER IV: PROTECTION OF FAUNA AND FLORA

Protection of trees on private land

11. (1) Subject to the provisions of subsection (1), the Minister may in respect of any land not being a State forest, by notice in the *Gazette* declare a particular tree or particular trees or trees belonging to a particular species of trees to be a protected tree or trees.

(2) A declaration contemplated in subsection (1) shall not be made by the Minister except with a view to—

- (a) in the case of a particular tree—
- (i) the preservation of natural scenery;
- (ii) the preservation of a natural monument; or
- (iii) the preservation of a distinctive specimen of any species of trees contemplated in paragraphs (c) (i), (ii) or (iii);
- (b) in the case of particular trees—
- (i) the prevention of soil erosion or sand drift or the reclamation of the soil or wind blown sand;
- (ii) the promotion of any objective referred to in paragraphs (a) (i) or (ii); or
- (iii) the preservation of distinctive specimens of any species of trees contemplated in paragraphs (c) (i), (ii) or (iii); and
- (c) in the case of trees belonging to a particular species of trees—
- (i) the maintenance of the natural diversity of species of trees;
- (ii) the preservation of tree dominated biomes;
- (iii) the conservation and development of natural resources; or
- (iv) the promotion of any objective referred to in paragraph (a) (i) or (b) (i).

(3) A notice issued in terms of subsection (1)—

(a) shall identify the particular tree, trees or species of trees concerned, define the land in respect of which the notice applies and state the appropriate objective referred to in subsection (2); and

(b) may by like notice be withdrawn or amended.

(4) (a) The Minister—

(i) may establish a consulting committee, constituted as he may determine, to advise him in any case where he may deem it necessary, with regard to the exercise of the powers conferred upon him by subsection (1); and

(ii) may establish local management committees, constituted as he may determine, to perform with regard to a particular area, region or place, the functions in connection with any protected tree which are prescribed by regulation in terms of section 44 (3).

(b) The Minister shall appoint the members of the consulting committee and every local management committee and may designate an alternate member for any member so appointed.

(c) A member or alternate member of the consulting committee or of any local management committee who is not in the full-time employment of the State, shall receive from money appropriated by Parliament for that purpose, such remuneration and allowances in respect of his services as a member or an alternate member of the committee concerned, as the Minister may with the concurrence of the Minister of Finance determine either generally or in any particular case.

(5) Na die publikasie van 'n kennisgewing bedoel in subartikel (1) mag niemand, behoudens die bepalings van artikels 19 en 21 en enige regulasie kragtens artikel 44 (3) (d) uitgevaardig, enige beskermde boom kap, beskadig, vernietig, versteur of verwijder, of enige deel of produk daarvan versamel, verwijder, vervoer, uitvoer, koop, verkoop, skenk of op enige ander manier verkry of van die hand sit nie, behalwe met die skriftelike toestemming van die Minister en op die voorwaardes wat hy bepaal: Met dien verstande dat die Minister enige persoon op die voorwaardes wat hy goed vind van die bepalings van hierdie subartikel kan vrystel met betrekking tot 'n gekweekte boom of gekweekte bome wat tot 'n besondere boomsoort beoog in subartikel (2) (c) behoort.

(6) 'n Bosbeampte, 'n natuurbewaringsbeampte van enige provinsiale administrasie, 'n beampte van die Departement van Landbou en 'n polisiebeampte het, by die toepassing van subartikel (5) en enige regulasie kragtens artikel 44 (3) uitgevaardig te alle redelike tye toegang tot grond in private besit ten einde vas te stel of daar aan die bepalings van eersgenoemde subartikel of so 'n regulasie voldoen word en so 'n beampte kan enige voertuig of perseel deursoek ten einde vas te stel of enige deel of produk van 'n beskermde boom in daardie voertuig vervoer word of in of op daardie perseel verkoop of vir verkoop uitgestal of aangebied of op enige ander manier van die hand gesit word.

(7) Die bepalings van hierdie artikel of van enige regulasie kragtens artikel 44 (3) uitgevaardig, geld tot uitsluiting van soortgelyke bepalings van enige ander wet.

Benadeling voortvloeiend uit die beskerming van bome op private grond

12. Die eienaar van grond ten opsigte waarvan die Minister die bevoegdhede uitgeoefen het wat kragtens artikel 11 (1) in hom vestig, het die reg om te eis dat daardie grond ooreenkomsdig die bepalings van die Oenteeningswet, 1975, onteien word asof dit vir openbare doeleindes nodig is: Met dien verstande dat geen grond uit hoofde van so 'n eis onteien mag word nie tensy die Raad op Grondbesit bedoel in artikel 2 van die Wet op Grondbesit, 1966, van oordeel is dat die werking van artikel 11 (5) 'n wesenlike belemmering van die eienaar se voordeelige okkupering van sy grond tot gevolg sal hê of tot gevolg sal hê dat 'n aansienlike gedeelte daarvan nie langer beskikbaar is vir die doel waarvoor daardie gedeelte ten tyde van die publikasie van die toepaslike kennisgewing in gebruik was nie.

Beskermingsbosse en wildernisgebiede

13. (1) (a) Die Minister kan by kennisgewing in die Staatskoerant 'n Staatsbos of enige omskreve gedeelte daarvan afsonder as—

(i) 'n beskermingsbos vir die bewaring van *fauna* en *flora* of die bestuur van 'n wateropvanggebied ten einde afloop te bestendig of te verbeter of om 'n waterbron te beskerm of ter voorkoming van gronderosie of sandbeweging; en

(ii) op aanbeveling van die Raad op Nasionale Gedenkwaardighede as 'n wildernisgebied vir die bewaring van 'n ekostelsel of 'n landskap.

(b) 'n Kennisgewing bedoel in subartikel (1) (a) moet die gebied wat aldus afgesonder word by wyse van 'n kaart of 'n beskrywing van die grense daarvan omskryf.

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

(2) (a) 'n Beskermingsbos of wildernisgebied of enige deel daarvan word nie van afsondering ontrek nie behalwe met die goedkeuring by besluit van die Volksraad.

(5) After the publication of a notice contemplated in subsection (1), no person shall, subject to the provisions of section 19 and 21 and any regulation promulgated in terms of section 44 (3) (d), cut, damage, destroy, disturb or remove any protected tree or collect, remove, transport, export, purchase, sell, donate or otherwise acquire or dispose of any part or produce thereof, except with the written consent of the Minister and subject to such conditions as he may determine: Provided that the Minister may, on such conditions as he may deem fit, exempt any person from the provisions of this subsection with regard to a cultivated tree or cultivated trees belonging to a particular species of trees contemplated in subsection (2) (c).

(6) A forest officer, a nature conservation officer of any provincial administration, an officer of the Department of Agriculture and a police officer, shall for the purposes of subsection (5) and any regulation promulgated in terms of section 44 (3), at all reasonable times have access to privately owned land in order to determine whether the provisions of the first-mentioned subsection or such a regulation, are being complied with and such an officer may search any vehicle or premises in order to determine whether any part or produce of a protected tree is being transported in that vehicle or is being sold or displayed or offered for sale or otherwise disposed of in or upon those premises.

(7) The provisions of this section and of any regulations promulgated in terms of section 44 (3), shall apply to the exclusion of similar provisions of any other law.

Prejudice resulting from the protection of trees on private land

12. The owner of land in respect of which the Minister has exercised the powers conferred upon him by section 11 (1), shall be entitled to demand that that land be expropriated in accordance with the provisions of the Expropriation Act, 1975, as if it were required for public purposes: Provided that no land shall be expropriated in pursuance of any such demand unless the Land Tenure Board referred to in section 2 of the Land Tenure Act, 1966, is of the opinion that the operation of section 11 (5) will result in a substantial interference with such owner's beneficial occupation of his land or the rendering of a substantial portion thereof unavailable for the purpose for which such portion was being used at the time of the publication of the relevant notice.

Protection forests and wilderness areas

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

(i) a protection forest for the conservation of *fauna* and *flora* or the management of a water catchment area in order to stabilise or improve run-off, or to protect a water source or for the prevention of soil erosion or sand drift; and

(ii) a wilderness area on the recommendation of the National Monuments Council, for the conservation of an ecosystem or the natural scenery.

(b) A notice contemplated in subsection (1) (a) shall define the area set aside in this manner by means of a map or a description of the boundaries thereof.

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

(2) (a) A protection forest or wilderness area or any portion thereof, shall not be withdrawn from such setting aside except with the approval by resolution, of the House of Assembly.

(b) Enige besluit van die Volksraad bedoel in subartikel 2 (a) word eers van krag op die datum waarop die Minister in die *Staatskoerant* van sodanige besluit kennis gee.

(3) (a) Behoudens die bepalings van artikel 26 (2) mag niemand in 'n beskermingsbos of wildernisgebied enige bosproduk kap, versteur, beskadig, neem, versamel, vernietig of verwyder nie: Met dien verstande dat niks hierin vervat die direkteur-generaal belet om binne sodanige gebied enige handeling te verrig of maatreël te tref of om sodanige handeling of maatreël deur enige beampte van die departement of enige ander persoon te laat verrig of te laat tref wat nie met die oogmerke van sodanige afsondering onbestaanbaar is nie.

(b) 'n Handeling of maatreël bedoel in subartikel (3) (a) kan insluit—

(i) brandbestrydings- en brandvoorkomingsmaatreëls;

(ii) maatreëls gemik op die handhawing van spesie- en genetiese diversiteit van *fauna* en *flora*;

(iii) die beskikbaarstelling aan die publiek van buitemuurse ontspanningsfasiliteite;

(iv) maatreëls ter voorkoming en bestryding van wind- en watererosie;

(v) die ontgunning en bemarking van enige bosproduk mits sodanige ontgunning slegs 'n incidentele gevolg is van die beheer oor en bestuur van sodanige beskermingsbos of wildernisgebied;

(vi) maatreëls met die oog op die beheer van plante en diere wat na die oordeel van die Minister of sy gemagtigde ongewens is;

(vii) maatreëls gemik op die herstel van ekologies verarmde habitatte; en

(viii) navorsing in verband met *fauna* en *flora*.

(4) Behoudens die bepalings van subartikels (3), (5) en (6) word geen serwituut of 'n ander reg van watter aard ook al permanent of tydelik verleen ten opsigte van enige beskermingsbos of wildernisgebied of enige gedeelte daarvan nie behalwe met die goedkeuring by besluit van die Volksraad en onderworpe aan die voorwaardes wat die Volksraad bepaal: Met dien verstande dat indien die Minister oortuig is dat die nasionale veiligheid dit noodsaak, kan hy tydelik enige serwituut of ander reg wat hy dienstig ag verleen onderworpe aan die goedkeuring by besluit daarvan so gou doenlik deur die Volksraad en onderworpe aan die voorwaardes wat die Volksraad bepaal.

(5) Enige serwituut of reg van watter aard ook al wat op die datum van 'n kennisgewing bedoel in subartikel (1) van krag is, bly onveranderd van krag en in die geval van 'n tydelike reg van watter aard ook al, kan die direkteur-generaal indien hy oortuig is dat die voortgesette uitoefening van sodanige reg nie die bereiking van die oogmerke van afsondering van die betrokke beskermingsbos of wildernisgebied wesenlik sal benadeel nie, ondanks die bepalings van subartikel (4) die verlening van 'n sodanige reg van tyd tot tyd ingevolge die bepalings van artikel 9 (2) ten gunste van die beginstigte of 'n ander persoon hernu.

(6) Ondanks die bepalings van subartikel (4) kan die direkteur-generaal enige tydelike reg van watter aard ook al waarvan die verlening ingevolge daardie subartikel deur die Volksraad goedgekeur is van tyd tot tyd ingevolge die bepalings van artikel 9 (2) ten gunste van die beginstigte of 'n ander persoon hernu mits hy oortuig is dat die voortgesette uitoefening van sodanige reg nie die bereiking van die oogmerke van afsondering wesenlik sal benadeel nie.

(b) Any resolution of the House of Assembly contemplated in subsection (2) (a), shall only come into effect on the date on which the Minister gives notice of such resolution in the *Gazette*.

(3) (a) Subject to the provisions of section 26 (2) no person shall in a protection forest or wilderness area cut, disturb, damage, take, collect, destroy or remove any forest produce: Provided that nothing herein contained prevents the director-general of performing any act or taking any measure within such area or to cause such act to be performed or such measure to be taken by any officer of the department or any other person, which is not inconsistent with the objectives of such setting aside.

(b) An act or measure contemplated in subsection (3) (a) may include—

(i) fire fighting and fire prevention measures;

(ii) measures aimed at the maintenance of the species and genetic diversity of *fauna* and *flora*;

(iii) the provision of extramural recreation facilities to the public;

(iv) measures for the prevention and combating of wind and water erosion;

(v) the exploitation and marketing of any forest produce provided that such exploitation is only an incidental consequence of the control over and management of such protection forest or wilderness area;

(vi) measures with a view to the control of plants and animals which in the opinion of the Minister or his assignee is undesirable;

(vii) measures aimed at the recovery of ecologically impoverished habitats; and

(viii) research in connection with *fauna* and *flora*.

(4) Subject to the provisions of subsections (3), (5) and (6), no servitude or other right of whatever nature shall be granted permanently or temporarily in respect of any protection forest or wilderness area or any portion thereof, except with the approval by resolution, of the House of Assembly and subject to the conditions which the House of Assembly determines: Provided that the Minister, if he is convinced that national security necessitates it, may temporarily grant any servitude or other right which he deems fit, subject to the approval by resolution thereof as soon as possible by the House of Assembly and subject to the conditions which the House of Assembly determines.

(5) Any servitude or right of whatever nature which is in force on the date of a notice contemplated in subsection (1), remains in force unaltered and in the case of a temporary right of whatever nature, the director-general may notwithstanding the provisions of subsection (4), from time to time renew the granting of such right in terms of the provisions of section 9 (2), in favour of the beneficiary or any other person, if he is convinced that the continued exercise of such right will not materially prejudice the attainment of the objectives of the setting aside of the protection forest or wilderness area concerned.

(6) Notwithstanding the provisions of subsection (4), the director-general may in respect of any temporary right of whatever nature, the granting of which has been approved by the House of Assembly in terms of that subsection, from time to time renew the granting of such right in terms of the provisions of section 9 (2) in favour of the beneficiary or any other person, if he is convinced that the continued exercise of such right will not materially prejudice the attainment of the objectives of the setting aside of the protection forest or the wilderness area concerned.

HOOFSTUK V: BEHEER OOR DIE BEMARKING EN VERHANDELING VAN BOSPRODUKTE**Beheer oor die bemarking en verhandeling van bosprodukte**

14. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) die invoer in die Republiek of die uitvoer daaruit of die verwydering van een plek na 'n ander binne die Republiek of die koop, verkoop of vandiehandsetting van enige bosproduskuut behalwe die vrugte van vrugtebome belet, behalwe op die voorwaardes wat in die kennisgewing voorgeskryf word;

(b) na raadpleging van die raad, die stappe voorskryf wat gedoen moet word voordat hy by 'n dergelike kennisgewing die minimum pryse bepaal waarteen 'n bepaalde kategorie of bepaalde kategorieë hout in die ronde maat gekweek in die Republiek, uitgesonderd hout afkomstig uit Staatsbosse, gekoop, verkoop of van die hand gesit mag word.

(2) Geen hout bedoel in subartikel (1) (b) word gekoop, verkoop of van die hand gesit teen 'n laer prys as die minimum prys wat ingevolge daardie subartikel ten opsigte van daardie hout bepaal is nie.

(3) So 'n kennisgewing kan—

(a) die hoeveelheid wat gelewer mag word, die afmetings en die metodes van droging van enige sodanige bosproduskuut en die grade, standaarde van gehalte en die wyse van gradering, verpakking of merk van enige sodanige bosproduskuut voorskryf, onderworpe waaraan sodanige bosproduskuut vir handelsdoeleindes gesaag, vervaardig of verwerk of gekoop of verkoop of in die Republiek ingevoer of daaruit uitgevoer mag word;

(b) die gebruik vir handelsdoeleindes of die verkoop, vandiehandsetting of verwydering van een plek na 'n ander binne die Republiek, of die invoer in of uitvoer uit die Republiek van enige sodanige bosproduskuut wat nie van die voorgeskrewe afmetings is nie of nie volgens die voorgeskrewe metode gedroog 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, of wat die voorgeskrewe hoeveelheid wat gelewer mag word oorskry, verbied;

(c) die handelsnaam of -beskrywing voorskryf of omskryf waarby enige sodanige bosproduskuut of enige produskuut daaruit verkry bekend sal wees of beskryf sal word en waaronder dit in die Republiek ingevoer of daaruit uitgevoer 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 bosproduskuut deur enige persoon met inbegrip van die bekleer van 'n pos, wat vir hierdie doel deur die Minister aangewys word;

(e) die plek, tyd en wyse van inspeksie van enige sodanige bosproduskuut voorskryf wat vir uitvoer uit die Republiek of vir verwydering van een plek na 'n ander binne die Republiek bestem is of wat in die Republiek ingevoer word, asook die persone aan wie kennis van die voorname om sodanige bosproduskuut uit te voer, te verwyder of in te voer, gegee moet word, die gelde wat ten opsigte van die inspeksie van sodanige bosproduskuut betaal moet word, die tye wanneer daardie gelde betaal moet word en die persoon aan wie sodanige betaling moet geskied;

(f) die wyse voorskryf waarop monsters van 'n bosproduskuut wat vir invoer in of uitvoer uit die Republiek bestem is vir onderzoek ontleding of toetsing geneem moet word en die omstandighede waaronder en die wyse waarop sodanige bosproduskuut gegradeer, gemerk hergradeer of hermark kan word; en

CHAPTER V: CONTROL OF MARKETING OF AND TRADE IN FOREST PRODUCE**Control of marketing of and trade in forest produce**

14. (1) The Minister may by notice in the *Gazette*—

(a) prohibit the importation into or the export from the Republic or the removal from one place to another within the Republic or the purchase, sale or disposal of any forest produce save the fruit of fruit trees, except on such conditions as are prescribed in the notice;

(b) after consultation with the council, prescribe the steps to be taken before, by a similar notice, he determines the minimum prices at which a specified category or specified categories of timber in the round, produced in the Republic except timber derived from State forests, may be purchased, sold or disposed of.

(2) No timber contemplated in subsection (1) (b) shall be purchased, sold or disposed of at lower prices than the minimum prices determined in terms of that subsection in respect of such timber.

(3) Such notice may—

(a) prescribe the volumes that may be supplied, the dimensions and the 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 imported into or exported from the Republic;

(b) prohibit the use for trade purposes, or the sale, disposal or removal from any place to another in the Republic, or the importation into or export from the Republic 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 or which exceeds the prescribed volumes;

(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 shall be imported into, or exported from, or sold or otherwise disposed of in the Republic and prohibit the use of any other trade names or description in respect thereof;

(d) provide for the inspection of any such forest produce by any person including the incumbent of a post, designated by the Minister for this purpose;

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

(f) prescribe the method for taking samples for examination, analysis or testing of any forest produce intended for import into or export from the Republic, and the circumstances under which and the manner in which such forest produce may be graded, marked, regraded or remarked;

(g) in die algemeen voorsiening maak vir verbetering van die gehalte en die metodes van vervaardiging en bemarking van enige sodanige bosproduk.

(4) Die voorwaardes voorgeskryf of gespesifieer in enige sodanige kennisgewing kan voorwaardes insluit ten effekte dat die grade, standaarde van gehalte en verpakking of merk van enige sodanige bosproduk moet wees soos voorgeskryf deur die Suid-Afrikaanse Buro vir Standaarde ingestel by artikel 4 van die Wet op Standaarde, 1962, en dat elke stuk van sodanige bosproduk op so 'n wyse gemerk moet wees om aan te dui dat dit voldoen aan die toepaslike spesifikasies van genoemde Buro.

HOOFSTUK VI: VOORKOMING EN BESTRYDING VAN VELD-, BOS EN BERGBRANDE

Brandbeheergebiede

15. (1) Die Minister kan met die instemming van die Minister van Landbou, by kennisgewing in die *Staatskoerant* enige in die kennisgewing omskrewe gebied as 'n brandbeheergebied verklaar en 'n naam aan die gebied toeken indien hy van oordeel is dat dit wenslik is dat die bepalings van artikels 16 tot 20 in so 'n gebied van toepassing moet wees met die oog op die meer doeltreffende beskerming van natuurlike plantegroei of enige aangeplante gewas binne so 'n gebied.

(2) 'n Gebied bedoel in subartikel (1) kan slegs met die instemming van die betrokke plaaslike bestuur grond binne die gebied van daardie plaaslike bestuur insluit.

(3) Enige gebied wat ingevolge artikel 12 (1) (a) van die Grondbewaringswet, 1969, as 'n brandbestrydingsgebied verklaar is, word geag vanaf die datum van inwerkingtreding van hierdie Wet ingevolge subartikel (1) as 'n brandbeheergebied verklaar te wees.

(4) Die Minister kan van tyd tot tyd op dergelyke wyse die omskrywing van 'n brandbeheergebied wysig of 'n kennisgewing intrek waarby 'n brandbeheergebied ingestel is of die naam daarvan verander.

Brandbeheerkomitees

16. (1) Die Minister kan by kennisgewing in die *Staatskoerant* ten opsigte van 'n brandbeheergebied of enige omskrewe gedeelte daarvan, 'n brandbeheerkomitee instel.

(2) 'n Brandbestrydingskomitee ingestel kragtens artikel 12 (1) (b) van die Grondbewaringswet, 1969, word vanaf die datum van inwerkingtreding van hierdie Wet geag 'n brandbeheerkomitee te wees ingestel ingevolge subartikel (1).

(3) Die Minister bepaal by regulasie uitgevaardig kragtens artikel 44 (4) die samestelling, werksaamhede en procedure op vergaderings van brandbeheerkomitees en kan verskillende regulasies uitvaardig ten opsigte van verskillende komitees.

(4) (a) 'n Lid van 'n brandbeheerkomitee of enige persoon wat namens of in opdrag van so 'n komitee optree, is bevoeg om enige grond ten opsigte waarvan 'n brandbestrydingsplan bedoel in artikel 17 van toepassing is te betree, met die nodige werksmense en toerusting en kan op sodanige grond enige handeling verrig wat ingevolge sodanige brandbestrydingsplan deur sodanige komitee verrig kan of moet word.

(b) 'n Brandbeheerkomitee is nie aanspreeklik vir enige onvermybare verlies wat onstaan uit die uitoefening van die bevoegdhede bedoel in subartikel (4) (a) nie.

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

(4) 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, and that each piece of such forest produce shall be marked in such a manner as to indicate conformity with the relevant specification of the said Bureau.

CHAPTER VI: PREVENTION AND COMBATTING OF VELD, FOREST AND MOUNTAIN FIRES

Fire control areas

15. (1) The Minister may with the concurrence of the Minister of Agriculture, by notice in the *Gazette* declare any area defined in the notice to be a fire control area and give a name to such area, if he considers it desirable that the provisions of sections 16 to 20 shall be applicable to such area with a view to the more efficient protection of natural vegetation or any cultivated crop within such area.

(2) An area contemplated in subsection (1) may only with the approval of the local authority concerned, include land within the area of that local authority.

(3) Any area which has in terms of section 12 (1) (a) of the Soil Conservation Act, 1969, been declared a fire protection area, shall from the date of commencement of this Act, be deemed to be a fire control area declared in terms of subsection (1).

(4) The Minister may from time to time in like manner amend the definition of a fire control area or withdraw a notice whereby a fire control area was established or change the name thereof.

Fire control committees

16. (1) The Minister may by notice in the *Gazette* establish a fire control committee in respect of a fire control area or any defined portion thereof.

(2) A fire protection committee established in terms of section 12 (1) (b) of the Soil Conservation Act, 1969, shall from the date of commencement of this Act, be deemed to be a fire control committee established in terms of subsection (1).

(3) The Minister shall by regulation promulgated in terms of section 44 (4) determine the constitution, functions and procedure at meetings of fire control committees and may promulgate different regulations in respect of different committees.

(4) (a) A member of a fire control committee or any person acting for or on the instructions of such a committee, shall be competent to enter upon land in respect whereof a fire protection scheme contemplated in section 17 is applicable, with the necessary workmen and equipment and may on such land perform any act which in terms of such fire protection scheme, may or shall be performed by such committee.

(b) A fire control committee shall not be liable for any unavoidable loss which arises from the exercise of the powers contemplated in subsection (4) (a).

(2) 'n Ooreenkoms bedoel in subartikel (1) moet—

(a) by benadering die ligging en roete van die bedoelde brandstrook by wyse van 'n sketsplan aandui;

(b) die wyse beskryf waarop die brandstrook skoon gemaak moet word en die wydte daarvan by benadering bepaal: Met dien verstande dat sodanige brandstrook met inagneming van plaaslike omstandighede van so 'n aard en omvang moet wees dat dit redelikerwys voldoende is om te verhoed dat 'n brand wat op enige van die bedoelde stukke grond sou ontstaan, na bedoelde aanliggende stuk grond versprei;

(c) bepaal watter een van die betrokke eienaars die werk verbonde aan die skoonmaak van die ooreengekome brandstrook moet verrig en indien hulle ooreenkom om sodanige werk gesamentlik te verrig, die hulp wat deur elkeen bygedra moet word;

(d) die datum bepaal waarop jaarliks met die skoonmaak van die bedoelde brandstrook begin moet word en die datum waarop dit jaarliks voltooi moet word;

(e) bepalings bevat met betrekking tot die verdeling tussen die onderskeie eienaars van die koste verbonde aan die jaarlikse skoonmaak van die bedoelde brandstrook; en

(f) in die geval van 'n brandstrook binne of aanliggend aan 'n padreserwe van 'n openbare pad, besonderhede bevat van die voorsorgmaatreëls wat getref moet word ter beskerming van die reisende publiek.

(3) Onderhandelings tussen eienaars bedoel in subartikel (1) met die oog op 'n ooreenkoms of die wysiging van 'n bestaande ooreenkoms, moet 'n aanvang mee geneem en volvoer word op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 44 (5) (a).

(4) (a) 'n Eienaar bedoel in subartikel (1) wat ten spye van redelike stappe in die verband nie in staat is nie om die eienaar op te spoor van enige stuk grond aanliggend aan sy grond, moet by die landdroshof wat jurisdiksie het oor sodanige aanliggende grond aansoek doen vir 'n bevel waarkragtens goedkeuring verleen word vir die skoonmaak van 'n brandstrook deur die applikant ooreenkomsdig voorstelle met betrekking tot die aspekte genoem in subartikel (2) soos in die aansoek uiteengesit.

(b) 'n Landdroshof bedoel in subartikel (4) (a) moet na die ondersoek wat dit nodig ag 'n bevel uitreik soos aangevra of met die wysigings wat die hof onder die omstandighede billik ag.

(c) 'n Eienaar bedoel in subartikel (4) (a) is bevoeg om by die uitvoering van 'n bevel van bedoelde hof die betrokke aanliggende grond te betree met die nodige werksmense en toerusting en om daarop die handelinge te verrig wat nodig is om behoudens die bepalings van artikel 22 (3) uitvoering te gee aan die genoemde bevel.

(d) 'n Eienaar bedoel in subartikel (4) (c) is nie aanspreeklik vir enige onvermybare skade wat op bedoelde aanliggende stuk grond aangerig word by die uitvoering van enige handeling bedoel in daardie subartikel nie.

(5) (a) 'n Eienaar van grond geleë binne 'n brandbeheerbied wat van oordeel is dat die aangaan van 'n ooreenkoms bedoel in subartikel (1) vertraag of onmoontlik gemaak word deur die versuim van die ander betrokke eienaar om sy samewerking te verleen of deurdat sodanige ander eienaar onredelike eise stel ten opsigte van die inhoud van die bedoelde ooreenkoms, moet na 14 dae skriftelike kennisgewing van sy voorname aan sodanige ander eienaar, by die landdroshof wat jurisdiksie het oor sodanige aanliggende stuk grond aansoek doen om 'n bevel bedoel in subartikel (4) (a).

(2) An agreement contemplated in subsection (1) shall—

(a) by means of a rough plan indicate approximately the location and route of the fire-belt concerned;

(b) describe the manner in which the fire-belt shall be cleared and by approximation fix the width thereof: Provided that with due regard to local conditions, such fire-belt shall be of such a nature and extent that it shall within reason be adequate to prevent a fire which may originate on any of the pieces of land concerned, from spreading to such contiguous piece of land;

(c) indicate which one of the two owners concerned shall undertake the work involved in the clearing of the fire-belt agreed upon and if they agree to execute the work involved jointly, the assistance which shall be rendered by each of them;

(d) fix the date on which the clearing of the contemplated fire-belt is to begin annually and the date annually on which it is to be completed;

(e) contain conditions relating to the allocation to the respective owners of the cost involved in the annual clearing of the contemplated fire-belt; and

(f) in the case of a fire-belt within or contiguous to a road reserve of a public road, contain particulars of the precautionary measure which shall be taken for the protection of the travelling public.

(3) Negotiations between owners contemplated in subsection (1) with a view to an agreement or the amendment of an existing agreement, shall be initiated and concluded in the manner prescribed by regulation promulgated in terms of section 44 (5) (a).

(4) (a) An owner contemplated in subsection (1) who, despite reasonable efforts in this regard, is not able to trace the owner of any piece of land contiguous to his land, shall apply to the magistrate's court having jurisdiction over such contiguous land, for an order in terms whereof approval is granted for the clearing of a fire-belt by the applicant in accordance with proposals relating to the aspects referred to in subsection (2) as expounded in the application.

(b) A magistrate's court shall after such investigation as it considers necessary, issue an order as applied for or with the amendments the court considers equitable under the circumstances.

(c) An owner contemplated in subsection (4) (a) shall in the execution of an order of the said court, be competent to enter upon the contiguous land concerned with the necessary workmen and equipment and to perform on such land, subject to the provisions of section 22 (3), any act necessary to comply with the said order.

(d) An owner contemplated in subsection (4) (c) shall not be liable for any unavoidable loss caused on such contiguous piece of land in the performance of any act contemplated in that subsection.

(5) (a) An owner of land situated within a fire control area, who is of the opinion that the finalisation of an agreement contemplated in subsection (1), is being delayed or made impossible by the failure of the other owner to co-operate or by reason of the fact that such other owner sets unreasonable demands relating to the content of the contemplated agreement, shall after 14 days' notice in writing to such owner of his intention, apply to the magistrate's court having jurisdiction over such contiguous piece of land, for an order contemplated in subsection (4) (a).

(b) Die bepalings van subartikel (4) (b), (c) en (d) is *mutatis mutandis* van toepassing op 'n aansoek bedoel in hierdie subartikel.

(6) (a) 'n Eienaar van grond ten opsigte waarvan 'n ooreenkoms bedoel in subartikel (1) of 'n bevel van 'n hof bedoel in subartikels (4) en (5) van krag is en wat van oordeel is dat 'n bepaling van sodanige ooreenkoms of bevel buitensporig beswarend op hom is, kan na 14 dae skriftelike kennisgewing van sy voorneme aan die ander eienaar betrokke by die genoemde ooreenkoms of bevel, by die landdroshof wat jurisdiksie het oor sy grond om 'n bevel aansoek doen ter wysiging van die betrokke ooreenkoms of bevel en die hof moet na die ondersoek wat dit nodig ag, so 'n bevel toestaan of weier of 'n bevel uitreik ter wysiging van die betrokke ooreenkoms of bevel soos die hof dit billik ag.

(b) 'n Eienaar van grond bedoel in paragraaf (a) wat ten spye van redelike stappe in die verband nie in staat is om die ander bedoelde eienaar op te spoor nie, kan by die landdroshof wat jurisdiksie het oor sy grond aansoek doen om 'n bevel tot wysiging van die bedoelde ooreenkoms of bevel en bedoelde hof moet na die ondersoek wat dit nodig ag, so 'n bevel toestaan of weier of 'n bevel uitreik ter wysiging van die betrokke ooreenkoms of bevel soos die hof dit billik ag.

(7) Enige persoon wat regtens bevoeg is om ten opsigte van grond geleë binne 'n brandbeheergebied regte ten opsigte van sodanige grond te verleen ingevolge waarvan die beheer van sodanige grond op 'n ander persoon oorgaan, moet ten tyde van die verlening van enige sodanige reg, dieregsverkryger skriftelik verwittig van die inhoud van enige ooreenkoms bedoel in subartikel (1) of enige bevel van 'n hof bedoel in subartikels (4), (5) of (6) wat op die datum waarop sodanige reg verleen word ten opsigte van daardie grond van krag is.

(8) (a) 'n Ooreenkoms bedoel in subartikel (1) of na gelang van die geval, 'n hofbevel bedoel in subartikels (4), (5) of (6) bind met betrekking tot die onderskeie stukke grond, behoudens die voorskrifte van enige kennisgewing kragtens artikel 22 (3), alle regssopvolgers van die eienaars wat by bedoelde ooreenkoms of hofbevel betrokke is en ook enige regssverkryger bedoel in subartikel (7) aan wie kennis soos vereis in daardie subartikel gegee is of tot wie se kennis sodanige ooreenkoms of bevel daarna op enige wyse gebring is en enige sodanige ooreenkoms of hofbevel word slegs by skriftelike ooreenkoms aangegaan ooreenkomstig die prosedure bedoel in subartikel (3) of deur 'n bevoegde hof na aanleiding van 'n aansoek bedoel in subartikel (6) gewysig.

(b) Niemand mag binne 'n brandbeheergebied 'n brandstrook bedoel in subartikel (1) skoonmaak anders as ooreenkomstig die bepalings van 'n ooreenkoms bedoel in daardie subartikel of 'n hofbevel bedoel in subartikels (4), (5) of (6) nie.

Vrystelling van die verpligting om brandstroke skoon te maak

20. (1) Die Minister kan ondanks die bepalings van artikel 19 op die gesamentlike aansoek van beide eienaars van twee aaneenliggende stukke grond geleë binne 'n brandbeheergebied of op aansoek van 'n eienaar bedoel in artikels 19 (4), (5) of (6), aan sodanige eienaars vrystelling verleen van die bepalings van artikel 19 (1) onderworpe aan die voorwaardes wat hy bepaal.

(2) Die Staat is nie aanspreeklik nie vir die betaling van enige vergoeding vir skade wat mag voortvloeи uit die verlening van enige vrystelling bedoel in subartikel (1).

(b) The provisions of subsections (4) (b), (c) and (d) shall *mutatis mutandis* apply to an application contemplated in this subsection.

(6) (a) An owner of land in respect whereof an agreement contemplated in subsection (1) or an order of court contemplated in subsections (4) or (5) is applicable and who is of the opinion that a provision of such agreement or order, is excessively burdensome on him, may after 14 days' notice in writing of his intention to the other owner concerned with the agreement or order, apply to the magistrate's court having jurisdiction over his land, for an order amending the agreement or order concerned, and the court shall after such investigation as it considers necessary, issue or refuse such order or issue an order amending the agreement or order concerned as the court considers equitable.

(b) An owner of land contemplated in paragraph (a) who, despite reasonable efforts in this regard, is not able to trace such other owner, may apply to the magistrate's court having jurisdiction over his land, for an order amending such agreement or order and the said court shall after such investigation as it considers necessary, issue or refuse such order or issue an order amending the agreement or order concerned as the court considers equitable.

(7) Any person who in respect of land situated within a fire control area is legally competent to grant rights in respect of such land, by virtue whereof the control of such land devolves on another person, shall at the time of the granting of any such right, notify the beneficiary in writing of the content of any agreement contemplated in subsection (1) or any order of a court contemplated in subsections (4), (5) and (6) which on the date on which such right is granted, is of effect in respect of that land.

(8) (a) An agreement contemplated in subsection (1) or, as the case may be, a court order contemplated in subsections (4), (5) or (6), shall in respect of the respective pieces of land, subject to the provisions of any notice in terms of section 22 (3), be binding on all successors in title of the owners involved in the agreement or court order concerned and on all beneficiaries contemplated in subsection (7) to whom notice as required in that subsection was given or to whose notice such agreement or order has subsequently been brought in any other manner and any such agreement or court order shall only be amended by an agreement in writing, concluded in accordance with the procedure contemplated in subsection (3) or by a competent court resulting from an application contemplated in subsection (6).

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

Exemption from the duty to clear fire-belts

20. (1) The Minister may notwithstanding the provisions of section 19, upon the joint application of both owners of two contiguous pieces of land situated within a fire control area, or upon the application of an owner contemplated in sections 19 (4), (5) or (6), grant exemption to such owners from the provisions of section 19 (1), subject to the conditions which he determines.

(2) The State shall not be liable for the payment of any compensation for any loss which may arise from the granting of any exemption contemplated in subsection (1).

Skoonmaak van brandstrok op gemeenskaplike grense van grond geleë buite brandbeheergebiede

21. (1) (a) 'n Eienaar van grond (insluitende Staatsgrond) wat nie binne 'n brandbeheergebied geleë is nie, wat vir die beskerming van sy grond die bestaan van 'n brandstrok verlang aan weerskante van die grens tussen sy grond en enige aanliggende stuk grond van 'n ander eienaar, kan ondanks andersluidende bepalings van hierdie Wet maar behoudens die bepalings van artikel 22 (3) en hierdie subartikel sodanige brandstrok skoonmaak.

(b) 'n Eienaar bedoel in subartikel (1) (a) moet op die wyse voorgeskryf by regulasie kragtens artikel 44 (5) (b) uitgevaardig, aan die eienaar van bedoelde aanliggende stuk grond kennis gee van die brandstrok wat hy begerig is om skoon te maak.

(c) 'n Eienaar aan wie kennis ingevolge subartikel (1) (b) gegee is, moet behoudens die bepalings van subartikel (1) (d) by die skoonmaak van die verlangde brandstrok hulp verleen maar kan redelike uitstel eis om hom in staat te stel om die reëlings wat hy nodig ag in verband met sodanige hulpverlening te treffen.

(d) Die wyse waarop en die tydanneer sodanige brandstrok skoongemaak gaan word asook die ligging, lengte en wydte daarvan en die aard van die hulp wat deur die betrokke twee eienares verleent moet word en die gedeelte van die koste in verband daarmee wat deur elkeen van die onderskeie eienares gedra moet word, word by ooreenkoms tussen die genoemde eienares bepaal en indien hulle nie kan ooreenkomen nie, op aansoek van enige een van hulle na kennismewiging van 14 dae aan die ander eienaar, summier bepaal deur die landdroshof wat jurisdiksie het oor die grond van sodanige ander eienaar en die genoemde hof moet die bevel uitreik met betrekking tot enige van die genoemde aangeleenthede wat dit billik ag.

(e) (i) Op die vasgestelde dag en daarna totdat die skoonmaak van die brandstrok afgehandel is, moet albei die betrokke eienares of persoonlik of deur 'n verteenwoordiger aanwesig wees tesame met die werksmense en toerusting waarop ooreengeskou is of soos bepaal in 'n bevel van 'n hof bedoel in subartikel (1) (d) en die werkzaamhede verbonden aan die skoonmaak van die brandstrok word dienoordeengeskoulik uitgevoer.

(ii) Die betrokke eienares kan ooreenkomen om die werk verbonden aan die skoonmaak van 'n brandstrok op 'n ander dag as die dag wat reeds bepaal is uit te voer, indien weersomstandighede op die vasgestelde dag vir die uitvoer van sodanige werk ongunstig is.

(f) (i) By versuim van enige van die eienares om op die vasgestelde dag teenwoordig te wees of hulp te verleen soos wat ooreengeskou is of wat soos deur 'n hof ingevolge subartikel (1) (d) bepaal is, kan die eienaars wat wel op daardie dag teenwoordig is of op die eerste geskikte dag daarna, alleen voortgaan met die skoonmaak van die brandstrok soos ooreengeskou of deur die hof bepaal is en van die ander eienaars daardie eienaars se gedeelte van die koste daarvan verbonden herhaal.

(ii) 'n Eienaars wat ingevolge subartikel (1) (f) (i) 'n brandstrok skoongemaak het, is nie aanspreeklik nie vir enige onvermybare skade wat ontstaan uit die uitoefening van die bevoegdhede bedoel in genoemde subartikel.

(2) (a) 'n Eienaar van grond (insluitende Staatsgrond) wat nie binne 'n brandbeheergebied geleë is nie, wat vir die beskerming van sy grond die bestaan van 'n brandstrok verlang aan sy kant van die grens tussen sy grond en enige aanliggende stuk grond van 'n ander eienaar, kan ondanks andersluidende bepalings van hierdie Wet maar behoudens die bepalings van artikel 22 (3) en van hierdie subartikel sodanige brandstrok skoonmaak.

Clearing of fire-belts on common boundaries of properties outside fire control areas

21. (1) (a) Notwithstanding any provisions to the contrary in this Act but subject to the provisions of section 22 (3) and of this subsection, any owner of land (including State land) not situated within a fire control area, who for the protection of his land requires the existence of a fire-belt on both sides of the boundary between his land and any contiguous piece of land of another owner, may clear such fire-belt.

(b) Any owner referred to in subsection (1) (a) shall, in the manner prescribed by regulation promulgated in terms of section 44 (5) (b), give to the owner of the said contiguous piece of land notice of the fire-belt which he wishes to clear.

(c) An owner to whom notice has been given in terms of subsection (1) (b) shall subject to the provisions of subsection (1) (d), assist in the clearing of the fire-belt required, but may claim a reasonable extension of time to enable him to make the arrangements which he considers necessary in connection with such assistance.

(d) The manner in which and the time at which such fire-belt is to be cleared, as well as the position, length and width thereof and the nature of the assistance to be rendered by the two owners concerned and the share of the cost in connection therewith to be borne by each of the respective owners, shall be determined by agreement between the said owners and, failing such agreement, shall on the application of either party after 14 days' notice to the other party be summarily decided by a magistrate's court having jurisdiction over the said contiguous piece of land and the said court shall make such order as to any of the said matters as it may deem equitable.

(e) (i) On the appointed day and thereafter until the clearing of the fire-belt has been completed, both parties concerned shall each in person or through a representative attend with the number of workmen and equipment as agreed upon or as decided in an order of court referred to in subsection (1) (d) and the operations connected with the clearing of the fire-belt shall be executed accordingly.

(ii) The owners concerned may agree to execute the work connected with the clearing of a fire-belt on some other day than the day already determined, should weather conditions on the day appointed for the execution of such work prove unfavourable.

(f) (i) In the event of one of the owners failing to attend on the appointed day or to assist as agreed upon or as decided by a court in terms of subsection (1) (d), the owner who does so attend on that day or on the first succeeding suitable day, may alone proceed to clear the fire-belt as agreed upon or as decided by the court and recover from the other owner such other owner's share of the cost in connection therewith.

(ii) An owner who has cleared a fire-belt in terms of subsection (1) (f) (i), shall not be liable for any unavoidable damage arising out of the exercise of the powers referred to in the said subsection.

(2) (a) Notwithstanding any provisions to the contrary in this Act but subject to the provisions of section 22 (3) and of this subsection, any owner of land (including State land) not situated within a fire control area, who for the protection of his land requires the existence of a fire-belt on his side of the boundary between his land and any contiguous piece of land of another owner, may clear such fire belt.

(b) 'n Eienaar bedoel in subartikel (2) (a) moet op die wyse voorgeskryf by regulasie kragtens artikel 44 (5) (b) uitgevaardig, aan die eienaar van die bedoelde aanliggende stuk grond minstens 14 dae voor dat hy sodanige brandstrook skoonmaak, kennis gee van sy voorname om op 'n bepaalde dag te begin met die skoonmaak van die beoogde brandstrook: Met dien verstande dat die eienaar aan wie sodanige kennis gegee is, voor die bepaalde datum die eersgenoemde eienaar skriftelik kan kennis gee om die procedure voorgeskryf in subartikel (1) te volg en in so 'n geval is die bepalings van daardie subartikel van toepassing en word die kennisgewing wat gegee is geag 'n kennisgewing kragtens subartikel (1) (b) te wees.

(c) Die bepalings van hierdie subartikel is nie van toepassing nie ten opsigte van 'n eienaar van bedoelde grond wat 'n brandstrook geheel en al op sy grond wil skoonmaak op 'n ander wyse as deur dit skoon te brand en niks in hierdie Wet vervat, word vertolk as sou dit die skoonmaak op sodanige ander wyse van 'n brandstrook deur so 'n eienaar verbied nie.

Direkteur-generaal kan buitengewone voorsorgmaatreëls tref in tye van brandgevaar

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

(2) Indien die direkteur-generaal van oordeel is dat die vernietiging deur verbranding van die grondbedekking insluitende takafval in enige houtplantasie binne of buite 'n brandbeheergebied gedurende die een of ander tydperk in enige jaar tot 'n verhoogde brandgevaar kan lei, kan hy by kennisgewing in die *Staatskoerant* bepaal dat niemand binne die gebied in die kennisgewing omskryf en gedurende die tydperk in enige jaar daarin vermeld, sodanige grondbedekking of takafval aldus mag vernietig nie.

(3) Indien die direkteur-generaal van oordeel is dat in die een of ander gebied binne of buite 'n brandbeheergebied, die skoonmaak van 'n brandstrook deur te brand gedurende die een of ander tydperk in enige jaar tot 'n verhoogde brandgevaar kan lei, kan hy ondanks andersluidende bepalings van hierdie Wet by kennisgewing in die *Staatskoerant* 'n verbod plaas op die skoonmaak van 'n brandstrook op hierdie wyse gedurende 'n in die kennisgewing vermelde tydperk in enige jaar binne 'n in die kennisgewing omskreve gebied.

(4) Die direkteur-generaal kan enige kennisgewing bedoel in hierdie artikel te enigertyd op dergelyke wyse wysig of intrek.

(5) Enige kennisgewing bedoel in hierdie artikel is ook van toepassing ten opsigte van Staatsgrond geleë binne 'n gebied in sodanige kennisgewing omskryf.

Bestryding en blus van brande

23. (1) Enigiemand wat te goedertrou van oordeel is dat 'n brand wat op enige grond voorkom 'n gevaar vir lewe of eiendom kan word, is bevoeg om alleen of met enige ander persoon onder sy beheer sodanige grond of grond waarna sodanige brand sou kon versprei, te betree met die doel om die verspreiding van daardie brand te voorkom of dit te blus.

(b) An owner referred to in subsection (2) (a) shall, in the manner prescribed by regulation promulgated in terms of section 44 (5) (b), not less than 14 days' before he clears such fire-belt, give to the owner of the said contiguous piece of land notice of his intention to begin clearing the proposed fire-belt on a particular day: Provided that the owner on whom such notice is served may before that day, in writing require the first-mentioned owner to follow the procedure prescribed in subsection (1) and in that event the provisions of that subsection shall apply and the notice given shall be deemed to be a notice given in terms of subsection (1) (b).

(c) The provisions of this subsection shall not apply in respect of an owner of such land who wishes to clear a fire-belt only on his land in a manner other than by burning and nothing in this Act contained shall be construed as prohibiting the clearing of a fire-belt in any such other manner by such owner.

Direktor-generaal may take extra-ordinary precautions in times of fire hazard

22. (1) Whenever the director-general is of the opinion that any State forest or private forest situated within or outside a fire control area, is subject to an extra-ordinary fire hazard, he may with a view to protecting such forest, by notice in the *Gazette*, provide that in an area described in such notice and during the period specified therein, no person shall make a fire in the open air or, if such a fire has been made, allow it to continue to burn or add fuel thereto, otherwise than in accordance with such conditions as he may specify in such notice.

(2) Whenever the director-general is of the opinion that the destruction by burning of ground cover including slash in any timber plantation inside or outside a fire control area during any period in any year, could give rise to an increased fire hazard, he may by notice in the *Gazette* provide that no person shall so destroy such ground cover or slash inside the area described in such notice and during the period in any year as specified therein.

(3) Whenever the director-general is of the opinion that in any area inside or outside a fire control area the clearing of a fire-belt by burning during any period in any year could give rise to an increased fire hazard, he may notwithstanding any provisions to the contrary in this Act by notice in the *Gazette* impose a prohibition on the clearing of a fire-belt in this manner during any period in any year in any such area as specified in such notice.

(4) The director-general may at any time in a like manner amend or repeal any notice referred to in this section.

(5) Any notice referred to in this section also applies to State land situated in any area specified in such notice.

Fighting and extinguishing of fires

23. (1) Any person who in good faith is of the opinion that a fire occurring on any land may become dangerous to life or property, may either alone or with any other person under his control, enter upon any such land or land to which such fire could spread, for the purpose of preventing the spreading of that fire or extinguishing it.

(2) Enige bosbeampte is bevoeg om behoudens die voorwaardes van enige ooreenkoms bedoel in artikel 24, beheer oor te neem oor die bestryding en blus van 'n brand bedoel in subartikel (1) wat binne 10 km van die grens van 'n Staatsbos voorkom.

(3) Enigiemand wat ingevolge subartikel (1) of 'n bosbeampte wat ingevolge subartikel (2) optree—

(a) het beheer oor die persone onder sy bevel en oor enige ander persoon wat vrywilliglik sy dienste aanbied;

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

(c) kan enige persoon wat by so 'n brand aanwesig is of enige persoon wat hom bevind op grond waarna die bedoelde brand kan versprei of wat 'n belang in sodanige grond het, gelas om hulp te verleen deur enige iets te doen wat redelickerwys nodig is om die verspreiding van die brand te voorkom of om dit te blus; en

(d) enige persoon wie se lewe in gevaar is of in gevaar kan kom of wie se aanwesigheid by of in die nabijheid van die brand enige optrede in verband met die brand kan belemmer, gelas om homself te verwijder tesame met enige voertuig of ander voorwerp onder sodanige persoon se beheer.

(4) (a) Nòg die Staat nòg enige persoon wat ingevolge subartikel (1) opgetree het nòg enige iemand anders wat by die bestryding of blus van 'n brand bedoel in subartikel (1) hulp verleen het, is aanspreeklik vir die betaling van enige vergoeding vir skade of verlies wat ontstaan het as gevolg van sodanige optrede.

(b) Geen persoon wat hulp verleen het by die bestryding of blus van 'n brand bedoel in subartikel (1) of wat 'n handeling verrig of 'n diens gelewer het in die nakoming van 'n bevel kragtens subartikel (3), is geregtig op enige beloning of vergoeding nie: Met dien verstande dat die direkteur-generaal aan iemand wat aldus hulp verleen, 'n handeling verrig of 'n diens gelewer het in verband met 'n brand wat 'n Staatsbos bedreig het, die vergoeding kan betaal wat hy in oorleg met die Sekretaris van die Tesourie bepaal.

Direkteur-generaal kan ooreenkoms aangaan in verband met wedersydse bystand by die bestryding van brande

24. Die direkteur-generaal kan met die goedkeuring van die Sekretaris van die Tesourie 'n ooreenkoms aangaan met enige persoon of 'n plaaslike bestuur of 'n ander instansie waarin voorsiening gemaak word vir die verlening van wedersydse bystand by die bestryding en blus van 'n brand wat voorkom op grond wat behoort of onder die beheer is van sodanige persoon, plaaslike bestuur of ander instansie of wat voorkom op 'n Staatsbos of 'n brand wat sodanige grond of Staatsbos bedreig en wat voorsiening maak vir die betaling van vergoeding (indien enige) vir enige diens wat ingevolge sodanige ooreenkoms gelewer word.

HOOFTUK VII: NASIONALE VOETSLAAPADSTELSEL

Nasionale voetslaapadstelsel

25. (1) Daar is 'n nasionale voetslaapadstelsel wat bestaan uit—

- (a) die hoofroute;
- (b) aanvullende en verbindingsroetes;
- (c) wandelpaaie;

(2) Any forest officer shall subject to the terms of any agreement referred to in section 24 have the right to take control of the fighting and extinguishing of a fire referred to in subsection (1) which occurs within 10 kilometres of the boundary of a State forest.

(3) Any person acting in terms of subsection (1) or a forest officer acting in terms of subsection (2)—

(a) shall have the control of persons under his command and of any other person who voluntarily offers his services;

(b) may take the measures which he under the circumstances considers reasonably necessary for the protection of life or property or for preventing the spreading of the fire or for extinguishing it and may for this purpose damage or destroy trees, grass, crops or other vegetation;

(c) may call upon any person present at such fire or any person present on any land to which such fire is liable to spread or having an interest in such land, to assist by doing anything which may reasonably be necessary to prevent the spreading of the fire or to extinguish it; and

(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 together with any vehicle or other thing under such person's control.

(4) (a) Neither the State nor any person who acted in terms of subsection (1) nor any other person who assisted in the fighting or extinguishing of a fire referred to in subsection (1), is liable for the payment of any compensation or any damage or loss arising out of such action.

(b) No person who assisted in the fighting or extinguishing of a fire referred to in subsection (1) or who performed any act or rendered any service in pursuance of any order under subsection (3), shall be entitled to any award or compensation: Provided that the director-general may pay to any person who has so assisted, performed any such act or rendered any such service in connection with a fire which threatened a State forest, such compensation as he in consultation with the Secretary of the Treasury may determine.

Director-general may enter into agreements for reciprocal assistance in fighting

24. The director-general may, in consultation with the Secretary of the Treasury, enter into an agreement with any person or local authority or other body wherein provision is made for the rendering of reciprocal assistance in the fighting and extinguishing of any fire occurring on or threatening any land belonging to or under the control of any such person, local authority or other body or any State forest and providing for the payment of compensation (if any) for any service rendered in terms of such agreement.

CHAPTER VII: NATIONAL HIKING WAY SYSTEM

National hiking way system

25. (1) There shall be a national hiking way system which shall consist of—

- (a) the main route;
- (b) supplementary and connecting routes;
- (c) walks;

(d) oornagkwartiere, oornagterreine, skuilings en noodsaklike geriewe in artikel 27 bedoel; en

(e) roetewysers, kennisgewings en bakens in artikel 28 bedoel.

(2) Die oopstel van die nasionale voetslaanpadstelsel of 'n gedeelte daarvan word deur die Minister by kennisgewing in die *Staatskoerant* bepaal: Met dien verstande dat voordat sodanige oopstelling geskied, alle ooreenkomsbedoel in artikel 28 gesluit is.

(3) 'n Beskrywing van die nasionale voetslaanpadstelsel of 'n gedeelte daarvan aldus oopgestel, moet in die kantoor van die direkteur-generaal ter insae lê.

(4) Die direkteur-generaal kan, indien hy dit dienstig ag, 'n gedeelte van die nasionale voetslaanpadstelsel te eniger-tyd tydelik sluit of verlê.

Hoofroete en aanvullende en verbindingsroetes

26. (1) Die Minister kan enige gedeelte van die hoofroete en aanvullende en verbindingsroetes tussen gedeeltes van die hoofroete op koste van die trust aanlê en deur die beheerraad laat beheer of kan enige ander liggaaam van persone magtig om op eie koste so 'n gedeelte of roete aan te lê en te beheer.

(2) 'n Voetslaanpad kan ondanks die bepalings van artikels 9 (1) en 13 oor enige Staatsbos aangelê word: Met dien verstande dat waar 'n gedeelte van 'n Staatsbos kragtens 'n oppervlaktereg ingevolge die Wet op Mynregte, 1967, gehou word, die Direkteur-generaal van Mineraal en Energiësake se goedkeuring vir die aanlê van die roete vooraf verkry moet word.

Oornagkwartiere, oornagterreine, skuilings en noodsaklike geriewe

27. (1) Die Minister kan—

(a) op koste van die trust of andersins tot stand bring en in stand hou en deur die direkteur-generaal laat beheer; of

(b) 'n liggaaam van persone magtig om op eie koste tot stand te bring, in stand te hou en te beheer, enige oornagkwartiere, oornagterreine, skuilings of noodsaklike geriewe langs die roete van die nasionale voetslaanpadstelsel.

(2) Die gelde betaalbaar vir die gebruik van bedoelde kwartiere, terreine, skuilings en geriewe—

(a) wat deur die direkteur-generaal beheer word, word van tyd tot tyd deur die Minister ingevolge artikel 45 (1) (c) bepaal; en

(b) wat deur 'n liggaaam van persone ingevolge subartikel (1) tot stand gebring is en in stand gehou en beheer word, word van tyd tot tyd deur daardie liggaaam bepaal.

Nasionale voetslaanpadstelsel met betrekking tot private grond

28. (1) Die bevoegdhede van—

(a) betreding van, deurgang oor en okkupering van private grond ten einde die ligging van die hoofroete of aanvullende en verbindingsroetes of standplase vir die in artikel 27 bedoelde oornagkwartiere, oornagterreine, skuilings, en noodsaklike geriewe in verband daar mee te bepaal; en

(b) die aanlê op sodanige grond van 'n gedeelte van die hoofroete of van 'n aanvullende of verbindingsroete of 'n gedeelte daarvan en sodanige oornagkwartiere, oornagterreine, skuilings en noodsaklike geriewe;

word deur die direkteur-generaal verkry by wyse van 'n skriftelike ooreenkoms aangegaan met die eienaar van die betrokke private grond.

(d) courses and sites for overnight stays, shelters and essential amenities referred to in section 27; and

(e) route indicators, notices and beacons referred to in section 28.

(2) The opening of the national hiking way system or any part thereof shall be determined by the Minister by notice in the *Gazette*: Provided that before such opening takes place, all agreement contemplated in section 28 shall have been concluded.

(3) A description of the national hiking way system or any part thereof so opened, shall be open to inspection in the office of the director-general.

(4) The director-general may, if he deems it expedient, at any time temporarily close or divert any part of the national hiking way system.

Main route and supplementary and connecting routes

26. (1) The Minister may at the expense of the trust construct, and cause to be constructed by the board, or may authorise any body of persons at its own expense to construct and control any part of the main route and supplementary and connecting routes between parts of the main route.

(2) Any hiking way may, notwithstanding the provisions of sections 9 (1) and 13, be constructed over any State forest: Provided that where any part of a State forest is held under a surface permit in terms of the Mining Rights Act, 1967, the permission of the Director-General: Mineral and Energy Affairs shall first be obtained.

Quarters and sites for overnight stays, shelters and essential amenities

27. (1) The Minister may—

(a) at the expense or the trust of otherwise establish and maintain, and cause to be controlled by the director-general; or

(b) authorise any body of persons at its own expense to construct, maintain and control;

any quarters and sites for overnight stays, shelters or essential amenities along the route of the national hiking way system.

(2) The tariffs for the use of such quarters, sites, shelters and amenities—

(a) which are controlled by the director-general, shall from time to time be determined by the Minister in terms of section 45 (1) (c); and

(b) which have been constructed and are maintained and controlled by a body of persons in terms of subsection (1), shall be determined from time to time by that body.

National hiking way system in relation to private land

28. (1) The powers of—

(a) entry upon, crossing and occupying private land in order to determine the siting of the main route or supplementary routes or localities for quarters and sites for overnight stays, shelters and essential amenities in connection therewith, referred to in section 27; and

(b) the construction on such land or a part of the main route or of a supplementary or connecting route or a part thereof and such quarters and sites for overnight stays, shelters and essential amenities;

shall be acquired by the director-general by way of a written agreement entered into with the owner of the private land concerned.

(2) So 'n ooreenkoms is onderworpe aan die volgende voorwaardes, naamlik dat—

(a) die roete van die betrokke voetslaanpad nie opge-meet hoef te word nie maar aangedui word met roete-wysers wat gemerk is soos in Bylae I tot hierdie Wet aangetoon;

(b) die loopvlak van sodanige voetslaanpad nie wyer as twee meter mag wees nie;

(c) die beheerraad roetewysers en gesikte waarskuwings- en ander kennisgewings na goeddunke kan aan-bring langs die roete van sodanige voetslaanpad;

(d) die standplaas van enige betrokke oornagkwartier, oornagterrein, skuiling en noodsaaiklike geriewe met onopgemete bakens aangedui word wat aan die betrokke eienaar uitgewys word;

(e) ondanks die bepalings van artikel 56, is die beheerraad aanspreeklik vir die herstel van gronderosie wat ontstaan ten gevolge van die bestaan van die voetslaan-pad; en

(f) die beheerraad voetslaners se aandag by wyse van 'n toegangspermit op die bepalings van subartikel (6) vestig.

(3) Die direkteur-generaal verstrek so gou doenlik aan die registrator van aktes in wie se kantoor die betrokke grond geregistreer is, 'n afskrif van bedoelde ooreenkoms.

(4) Die registrator van aktes bring 'n verwysing na 'n ooreenkoms ingevolge subartikel (3) aan hom verstrek, op die titelbewys van die betrokke grond wat in sy kantoor bewaar word en in die toepaslike registers aan en op die titelbewys van die eienaar sodra dit om die een of ander rede by sy kantoor ingedien word.

(5) Die betrokke eienaar moet te alle redelike tye toegang tot sy grond verleen aan die direkteur-generaal en lede van die beheerraad, 'n advies- of 'n bestuurskomitee ten einde hulle in staat te stel om die oogmerke van hierdie Hoofstuk te bereik of te bevorder en aan enige landdros, vrederegter, bosbeampte, erebosbeampte of polisiebeampte ten einde hom in staat te stel om op daardie grond enige bevoegdheid waarmee hy kragtens hierdie Wet beklee is, uit te oefen.

(6) Voetslaners op 'n voetslaanpad wat ingevolge subartikel (1) oor private grond aangelê, is aanspreeklik vir skade wat hulle aan private eiendom op daardie grond aanrig.

Nasionale Voetslaanpadbeheerraad

29. (1) (a) Die Minister moet 'n raad instel wat bekendstaan as die Nasionale Voetslaanpadbeheerraad.

(b) Die Nasionale Voetslaanpadbeheerraad ingestel kragtens artikel 31F (1) van die Boswet, 1968, word vanaf die datum van inwerkingtreding van hierdie Wet geag die beheerraad te wees ingestel kragtens subartikel (1) (a).

(2) Die beheerraad bestaan uit soveel lede maar minstens 20 en hoogstens 25, soos die Minister van tyd tot tyd bepaal en die lede word behoudens die bepalings van subartikel (3) deur die Minister aangestel.

(3) Van die lede van die beheerraad moet—

(a) vier beampies wees van die departement, van wie een as voorsitter en een as vise-voorsitter deur die Minister aangewys word;

(b) een 'n beampte wees van die Departement van Nasionale Opvoeding;

(c) een 'n beampte wees van die Departement van Nywerheidswese, Handel en Toerisme;

(d) een 'n lid of beampte wees van die Raad van Kuratore vir Nasionale Parke wat deur daardie Raad benoem is;

(2) Any such agreement shall be subject to the following conditions, namely that—

(a) the route of the hiking way need not be surveyed but shall be indicated by route indicators marked as specified in Schedule I to this Act;

(b) the width of the walking surface area of such hiking way shall not exceed two metres;

(c) the control board may in its discretion install route indicators and suitable warnings and other notices along the route of such hiking way;

(d) the locality of any quarters and sites for overnight stays, shelters and essential amenities concerned, shall be indicated by unsurveyed beacons which shall be pointed out to the owner concerned;

(e) the control board shall, notwithstanding the provisions of section 56, be liable for the repair of soil erosion arising as a result of the existence of the hiking way; and

(f) the control board shall direct the attention of hikers by way of admission permits to the provisions of subsection (6).

(3) The director-general shall as soon as practicable furnish the registrar of deeds in whose office the land in question is registered, with a copy of the said agreement.

(4) The registrar of deeds shall endorse upon the title deed of the land in question filed in his office, and in the appropriate registers, and upon the owner's title deed as soon as it may for any reason be lodged in his office, a reference to any agreement furnished to him in terms of subsection (3).

(5) The owner concerned shall at all reasonable times allow entry upon his land to the director-general and members of the control board, an advisory board or management committee in order to enable them to attain or further the objects of this Chapter, and to any magistrate, justice of the peace, forest officer, honorary forest officer or police officer in order to enable them to exercise on that land any power vested in them under this Act.

(6) Hikers on a hiking way which have been constructed over private land in terms of subsection (1), shall be liable for any damage caused by them to private property on the land.

National Hiking Way Control Board

29. (1) (a) The Minister shall establish a board to be known as the National Hiking Way Control Board.

(b) The National Hiking Way Board established by section 31F (1) of the Forest Act, 1968, shall from the date of commencement of this Act be deemed to be the control board established by subsection (1) (a).

(2) The control board shall consist of as many members, but at least 20 and not more than 25, as the Minister may from time to time determine, and the members shall, subject to the provisions of subsection (3) be appointed by the Minister.

(3) Of the members of the control board—

(a) four shall be officers of the department one of whom shall be designated as chairman by the Minister and one as vice-chairman;

(b) one shall be an officer of the Department of National Education;

(c) one shall be an officer of the Department of Industry, Commerce and Tourism;

(d) one shall be a member or officer of the National Parks Board of Trustees designated by that Board;

(e) vier beampies wees van die provinsiale administrasies waarvan een 'n beampie is van die afdeling natuurbewaring van elk van die onderskeie provinsiale administrasies;

(f) een 'n persoon wees wat deur die Suid-Afrikaanse Landbou-unie benoem is;

(g) vier lede wees van die Bergklub van Suid-Afrika, van wie een ten opsigte van elke provinsie deur gemelde Klub benoem is; en

(h) die ander lede persone wees wat na die oordeel van die Minister in staat is om 'n wesenlike bydrae te lewer tot die tot stand bring, ontwikkeling en bevordering van die nasionale voetslaapadstelsel.

(4) Indien 'n liggaam in subartikel (3) (d), (f) of (g) genoem, versuim of weier omanneer deur die Minister daartoe aangesê, 'n gepaste persoon of soveel gepaste persone as wat die Minister verlang te benoem vir aanstelling as lede van die beheerraad, moet die Minister 'n persoon of persone wat na sy oordeel oor die nodige kwalifikasies beskik of wat hy na gelang van die geval, geskik ag, aanstel as lede van die beheerraad.

(5) 'n Vergadering van die beheerraad word minstens een keer elke jaar gehou op die tyd en plek wat die voorstitter bepaal.

(6) Die kworum vir en die prosedure op vergaderings van die beheerraad en die verrigting van sy werksaamhede is soos in die algemeen by regulasie uitgevaardig kragtens artikel 44 (6) voorgeskryf.

(7) Die vakkundige, tegniese, administratiewe en klerklike werk van die beheerraad vir die identifisering, beplanning en bestuur van die nasionale voetslaapadstelsel asook rekenkundige werk verbonde aan die administrasie van die trust word deur beampies van die departement verrig en die koste daarvan word uit die Staatsinkomstefonds bestry, uitgesonderd soortgelyke uitgawes aangegaan deur 'n liggaam van persone bedoel in artikel 27 (1) (b).

(8) Die beheerraad—

(a) bestuur die nasionale voetslaapadstelsel en hou die voetslaan- en wandelpaaie in stand;

(b) kan die ander bevoegdhede uitoefen en moet die ander werksaamhede verrig wat by hierdie Hoofstuk aan die beheerraad verleen of toegewys word;

(c) adviseer die Minister met betrekking tot enige aangeleentheid rakende die nasionale voetslaapadstelsel wat die Minister na die beheerraad vir sy advies verwys;

(d) adviseer die Minister met betrekking tot enige aangeleentheid waaroor die beheerraad dit nodig ag om die Minister te adviseer.

Advies- en bestuurskomitees

30. (1) Die direkteur-generaal kan op aanbeveling van die beheerraad, advies- en bestuurskomitees instel en behoudens subartikels (2) en (5) en die voorskrifte van enige regulasies uitgevaardig kragtens artikel 44 (6) (a), die lede daarvan aanstel.

(2) 'n Advieskomitee bestaan uit minstens vier lede en die lede daarvan word aangestel uit voetslaners, verteenwoordigers van belanghebbende liggeme en persone woonagtig binne 'n bepaalde gebied wat na die oordeel van die direkteur-generaal oor besondere kennis beskik op grond van hul opleiding en ervaring.

(3) Die direkteur-generaal kan verskillende advieskomitees vir verskillende landsdele instel.

(e) four shall be officers of the provincial administrations, of whom one shall be an officer of the division of Nature Conservation of each of the respective provincial administrations;

(f) one shall be a person designated by the South African Agricultural Union;

(g) four shall be members of the Mountain Club of South Africa, of whom one shall be designated by the said Club in respect of each province; and

(h) the other members shall be persons who in the opinion of the Minister are capable of making a substantial contribution to the establishment, development and promotion of the national hiking way system.

(4) If any body mentioned in subsection (3) (d), (f) or (g) fails or refuses, when called upon by the Minister to do so, to designate a suitable person or as many suitable persons as the Minister requires for appointment as members of the control board, the Minister shall appoint as members of the control board, a person or persons having in his opinion the requisite qualifications or as the case may be, which he deems suitable.

(5) A meeting of the control board shall be held at least once every year at the time and place determined by the chairman.

(6) The quorum for and the procedure at meetings of the control board and the conduct of its business shall be prescribed in general by regulation promulgated in terms of section 44 (6).

(7) The professional, technical, administrative and clerical work of the control board in respect of the identification, planning and management of the national hiking way system as well as the accounting work connected with the administration of the trust, shall be performed by officers of the department and the cost thereof shall be defrayed from the State Revenue Fund, except similar expenditure incurred by any body of persons contemplated in section 27 (1) (b).

(8) The control board—

(a) shall manage the national hiking way system and maintain the hiking way and walks;

(b) may exercise such other powers and shall perform such other functions as are conferred on or assigned to the control board by this Chapter;

(c) shall advise the Minister in regard to any matter affecting the national hiking way system which the Minister refers to the control board for its advice;

(d) shall advise the Minister in regard to any matter on which the control board considers it necessary to advise the Minister.

Advisory and management committees

30. (1) The director-general may on the recommendation of the control board establish advisory and management committees and, subject to subsections (2) and (5) and the provisions of any regulations promulgated in terms of section 44 (6) (a), appoint the members thereof.

(2) An advisory committee shall consist of at least four members and the members thereof shall be appointed from hikers, representatives of interested bodies and persons resident in a particular area who, in the opinion of the director-general, command special knowledge on account of their training or experience.

(3) The director-general may establish separate advisory committees for separate regions of the country.

(4) Behoudens die voorskrifte van enige regulasies uitgevaardig kragtens artikel 44 (6) adviseer 'n advieskomitee die beheerraad oor prioriteite met betrekking tot ontwikkeling, oor ontwikkelingsvoorstelle en bestuursaspekte van die nasionale voetslaanpadstelsel binne sy gebied en oor ander aangeleenthede wat die beheerraad nodig ag.

(5) 'n Bestuurskomitee bestaan uit minstens vier lede en die lede daarvan word aangestel uit eienaars van private grond wat betrokke is, voetslaners en persone wat na die ordeel van die direkteur-generaal op grond van hul opleiding of ervaring oor besondere kennis met betrekking tot die aanlê of bestuur van voetslaanpaaie beskik.

(6) Behoudens die voorskrifte van enige regulasies uitgevaardig kragtens artikel 44 (6) bestuur en onderhou 'n bestuurskomitee ten behoeve van die beheerraad die gedeelte van die nasionale voetslaanpadstelsel wat die beheerraad in elk geval aanwys.

Nasionale Voetslaanpadtrust

31. (1) (a) Hierby word 'n fonds ingestel wat bekendstaan as die Nasionale Voetslaanpadtrust en waarin gestort word—

(i) fondse wat die Parlement vir die doeleindes van die trust bewillig;

(ii) inkomste by wyse van gelde wat ingevorder word vir die gebruik van die nasionale voetslaanpadstelsel; en

(iii) enige ander geld wat die trust uit enige ander bron toeval.

(b) Die Nasionale Voetslaanpadfonds ingestel by artikel 31H (1) van die Boswet, 1968, word vanaf die datum van inwerkingtreding van hierdie Wet geag die trust te wees ingestel by subartikel (1) (a).

(2) Die trust word behoudens die bepalings van artikel 29 (7) deur die beheerraad geadministreer ooreenkomsdig die voorskrifte wat die Minister van tyd tot tyd op aanbeveling van die beheerraad goedkeur.

(3) Fondse in die trust word behoudens die bepalings van artikels 26, 27 en 28, aangewend ter bestryding van die uitgawes wat die beheerraad of 'n advies- of bestuurskomitee aangaan by die verrigting van sy werkzaamhede en die uitoefening van sy bevoegdhede.

(4) Die direkteur-generaal kan onderworpe aan die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, fondse in die trust aan die beheerraad of 'n advies- of bestuurskomitee beskikbaar stel vir die instandhouding van gedeeltes van die nasionale voetslaanpadstelsel.

(5) Geld of ander bates wat aan die beheerraad geskenk of bemaak word, word slegs ooreenkomsdig die voorwaardes van sodanige skenking of bemaking aangewend of benut.

(6) Die beheerraad gaan geen uitgawes aan nie, behalwe ooreenkomsdig 'n raming van uitgawes wat deur die Minister ingevolge subartikel (7) goedgekeur is.

(7) Een maal in elke boekjaar (wat op 31 Maart eindig), moet die beheerraad op die tydstip wat die Minister verlang, aan die Minister vir sy goedkeuring 'n raming van die inkomste en uitgawes van die beheerraad gedurende die eersvolgende boekjaar voorlê en die beheerraad kan gedurende die loop van 'n boekjaar aan die Minister vir sy goedkeuring, aanvullende of hersiene ramings van inkomste en uitgawes vir daardie jaar voorlê.

(8) Fondse in die trust wat nie vir onmiddellike gebruik nodig is nie, moet by die Staatskuldkommissarisse belê word en kan opgevra word wanneer dit vir gebruik nodig is.

(9) 'n Onbestede saldo in die trust aan die einde van 'n boekjaar word as 'n krediet in die trust na die daaropvolgende boekjaar oorgedra.

(4) Subject to the provisions of any regulations promulgated in terms of section 44 (6), an advisory committee advises the control board regarding priorities of development, regarding development proposals and management aspects of the national hiking way system within its area and regarding other matter which the control board considers necessary.

(5) A management committee shall consist of at least four members and the members thereof shall be appointed from owners of private land involved, hikers and persons who in the opinion of the director-general, command special knowledge relating to the construction or management of hiking ways on account of their training or experience.

(6) Subject to the provisions of any regulation promulgated in terms of section 44 (6), a management committee shall on behalf of the control board manage and maintain that part of the national hiking way system which the control board designates in each case.

National Hiking Way Trust

31. (1) (a) There is hereby established a fund, to be known as the National Hiking Way Trust, into which shall be paid—

(i) money appropriated by Parliament for the purposes of the trust;

(ii) income by way of money collected in respect of the use of the national hiking way system; and

(iii) any other money which may accrue to the fund from any other source.

(b) The National Hiking Way Fund established by section 31H (1) of the Forest Act, 1968, shall from the date of commencement of this Act be deemed to be the trust established by subsection (1) (a).

(2) The trust shall, subject to the provisions of section 29 (7) be administered by the control board in accordance with the directions which the Minister may from time to time approve on the recommendation of the control board.

(3) Funds in the trust shall, subject to the provisions of sections 26, 27 and 28, be utilised to defray the expenses incurred by the control board or an advisory or management committee in the performance of its functions and the exercise of its powers.

(4) The director-general may, subject to such conditions as the Minister in consultation with the Minister of Finance determine, make funds in the trust available to the control board or an advisory or management committee for the maintenance of parts of the national hiking way system.

(5) Money or other assets donated or bequeathed to the trust, shall be utilised or used only in accordance with the conditions of such donation or bequest.

(6) The control board shall incur no expenditure except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (7).

(7) Once in every financial year (which shall end on 31 March), the control board shall at the time as required by the Minister, submit to the Minister for his approval an estimate of the revenue and expenditure of the control board during the next ensuing financial year and the control board may in the course of a financial year submit to the Minister for his approval, supplementary or revised estimates of revenue and expenditure for that year.

(8) Funds in the trust not required for immediate use shall be invested with the State Debt Commissioners and may be called up when it is required for use.

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

(3) Indien na die verstryking van 'n tydperk van drie maande vanaf die datum waarop die direkteur-generaal die in subartikel (2) (b) of (c) bedoelde verenigings skriftelik versoek het om 'n lys van name soos beoog in daardie subartikels voor te lê, bedoelde verenigings—

(a) nog nie genoemde lys aan die direkteur-generaal voorgelê het nie; of

(b) genoemde lys voorgelê het maar die Minister van oordeel is dat iemand wie se naam op so 'n lys verskyn, weens sy gebrek aan kennis of ondervinding onbevoeg is om 'n lid van die raad te wees;

moet die Minister 'n gesikte persoon of persone as lid of lede van die raad aanstel in die plek van die persoon of persone wat hy sou aangestel het indien die betrokke verenigings nie aldus in gebreke gebly het om genoemde lys voor te lê nie of nie aldus die naam of name van 'n onbevoegde persoon of persone voorgelê het nie.

(4) Die Minister kan ten opsigte van elke lid van die raad een plaasvervangende lid aanstel.

(5) Die bepalings van subartikel (2) wat 'n reg aan die bedoelde verenigings verleen om 'n lys van name van persone voor te lê in verband met die aanstelling van die lede van die raad en die bepalings van subartikel (3), is *mutatis mutandis* van toepassing in verband met die aanstelling van plaasvervangende lede.

(6) Die lede van die raad en plaasvervangende lede, behalwe 'n lid bedoel in subartikel (2) (d) en 'n plaasvervangende lid wat ten opsigte van daardie lid aangestel is, beklee hulle ampte vir 'n maksimum tydperk van drie jaar: Met dien verstande dat 'n lid of plaasvervangende lid wie se ampstermyn verstryk het, behoudens die bepaling van subartikels (2), (3) en (5), weer aangestel kan word.

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

(a) 'n ongerehabiliteerde insolvent is; of

(b) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie; of

(c) in die geval van 'n lid bedoel in subartikel (2) (b) of sy plaasvervangende lid 'n persoon is wat—

(i) die eienaar is van minder as 50 hektaar kommersiële houtplantasie; of

(ii) in die bestuur of direksie dien van 'n maatskappy of onderneming, uitgenome 'n koöperasie, wat ook houtverwerkingsbelange beheer.

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

(a) aan 'n in subartikel (7) bedoelde onveoegdheid onderhewig raak;

(b) geestelik versteurd raak;

(c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete veroordeel word; of

(d) sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig is.

(9) Indien 'n lid of plaasvervangende lid te sterwe kom of by skriftelike kennisgewing aan die Minister bedank of in gevolge die bepalings van subartikel (8) ophou om 'n lid of plaasvervangende lid van die raad te wees, kan die Minister met behoorlike inagneming van die bepalings van subartikels (2), (3), (4) en (5) iemand as opvolger van daardie lid of plaasvervangende lid vir die onverstreke ampstermyn van daardie lid of plaasvervangende lid aanwys.

(3) If after the expiry of a period of three months from the date on which the director-general has in writing requested the associations contemplated in subsection (2) (b) or (c) to submit a list of names as contemplated in the said subsections, such associations—

(a) have not yet submitted the said list to the director-general; or

(b) have submitted the said list, but the Minister is of the opinion that a person whose name appears in such list is unfit to be a member of the council, due to his lack of knowledge or experience;

the Minister shall appoint any suitable person or persons as a member or members of the council in the place of the person or persons he would have appointed if the association concerned had not so failed to submit the said list or had not so submitted the name or names of any unfit person or persons.

(4) The Minister may appoint one alternative member in respect of each member of the council.

(5) The provisions of subsection (2) affording the associations contemplated therein the right to submit a list of names of persons in connection with the appointment of the members of the council, and the provisions of subsection (3), shall *mutatis mutandis* apply in connection with the appointment of alternate members.

(6) The members of the council and alternate members, other than a member contemplated in subsection (2) (d) and an alternate member appointed in respect of that member shall hold office for a period not exceeding three years: Provided that a member or alternate member whose term of office has expired may, subject to the provisions of subsections (2), (3) and (5), be reappointed.

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

(a) is an un-rehabilitated insolvent; or

(b) is not a South African citizen permanently resident in the Republic; or

(c) in the case of a member contemplated in subsection (2) (b) or his alternate member, is a person who—

(i) is the owner of less than 50 hectares of commercial timber plantation; or

(ii) serves on the management or board of directors of a company or enterprise, except a co-operative society, which also controls timbers processing interests.

(8) A member or alternate member of the council shall vacate his office if he—

(a) becomes subject to a disqualification contemplated in subsection (7);

(b) becomes of unsound mind;

(c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(d) is absent from more than two consecutive meetings of the council without the permission of the council.

(9) If any member or alternate member dies, or resigns by notice in writing to the Minister, or ceases to be a member or alternate member by virtue of the provisions of subsection (8), the Minister may, with due regard to the provisions of subsections (2), (3), (4) and (5) appoint a person as successor to such member or alternate member for the unexpired period of office of that member or alternate member.

Werksaamhede, pligte en bevoegdhede van die raad

37. (1) Die werksaamhede en pligte van die raad is om enige iets te doen wat vir die bereiking van sy oogmerk nodig is of daarmee in verband staan en vir daardie doel is die raad bevoeg—

(a) om alleen of in oorleg met enige persoon, staatsdepartement, universiteit of ander instelling of vereniging, navorsing, opleiding of bevorderende werk te doen of te laat doen ten opsigte van enige aangeleentheid wat na die oordeel van die raad die bos- en houtbedryf kan raak;

(b) om, met die toestemming van die Minister en op die voorwaardes wat hy goedkeur, geld in die fonds aan te wend—

(i) vir die toestaan van lenings vir die vestiging of bestuur van 'n kommersiële houtplantasie;

(ii) vir die subsidiëring behoudens die bepalings van artikel 41 (3), van rentekoerse van toepassing op lenings vir die vestiging of bestuur van 'n kommersiële houtplantasie, toegestaan uit die fonds of deur 'n finansiële instelling; en

(iii) ter voldoening aan enige vereiste gestel deur die Minister van Finansies in verband met die toestaan van 'n lening ingevolge artikel 10 (1) van die Wet op Landboukrediet vir die vestiging of bestuur van 'n kommersiële houtplantasie.

(c) om, met die toestemming van die Minister en op die voorwaardes wat hy goedkeur, geldelike hulp te verleen aan 'n persoon, universiteit of ander instelling of vereniging ten opsigte van navorsing, opleiding of bevorderende werk bedoel in paragraaf (a);

(d) om, met die toestemming van die Minister, die opmeting van alle kommersiële houtplantasies te gelas en op die voorwaardes wat die Minister goedkeur geldelike hulp te verleen in verband met sodanige opmeting;

(e) om die Minister te adviseer ten opsigte van enige aspek rakende die bos- of houtbedryf, met inbegrip van wetgewing wat op so 'n bedryf van toepassing is;

(f) om die Minister te adviseer ten opsigte van 'n in artikel 40 bedoelde heffing;

(g) om enige aangeleentheid rakende die bos- en houtbedryf wat die raad nodig ag of wat die Minister na die raad verwys, te ondersoek of te laat ondersoek; en

(h) om, met die toestemming van die Minister komitees of werkgroepe aan te stel om die raad by te staan in die verrigting van sy werksaamhede en pligte en uitoefening van sy bevoegdhede.

(2) Die administratiewe en klerklike werk van die raad, asook die rekeningkundige dienste in verband met die fonds word deur beampetes van die departement verrig en koste daarvan word uit die Staatsinkomstefonds bestry.

Vergaderings van die raad

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

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

Toelaes betaalbaar aan lede en plaasvervangende lede van die raad en sekere ander persone

39. Aan 'n lid of plaasvervangende lid van die raad of aan enige ander persoon wat nie in die heeltydse diens van die Staat is nie, word ten opsigte van uitgawes deur so 'n lid of

Functions, duties and powers of the council

37. (1) The functions and duties of the council shall be to do all such acts as are necessary for or incidental to the attainment of its object and to that end the council shall be competent—

(a) to undertake on its own or to undertake in collaboration with any person, department of State, university or other institution or association, research, training or promotional work in respect of any matter which, in the opinion of the council, may affect the forest or timber industry;

(b) to utilise with the consent of the Minister and subject to the conditions which he approves, funds in the fund—

(i) for the granting of loans for the establishment or management of commercial timber plantations;

(ii) for the subsidisation, subject to the provisions of section 41 (3), of interest rates applicable to loans for the establishment or management of commercial timber plantations granted out of the fund or by a financial institution; and

(iii) to comply with any requirement set by the Minister of Finance in connection with the granting of a loan in terms of section 10 of the Agricultural Credit Act, 1966, for the establishment or management of a commercial timber plantation;

(c) to grant with the consent of the Minister and subject to the conditions which he approves, financial assistance to any person, university or other institution or association in respect of any research, training or promotional work contemplated in paragraph (a);

(d) to require with the consent of the Minister a survey of all commercial timber plantations and subject to the conditions which the Minister approves, to grant financial assistance in connection with such survey;

(e) to advise the Minister on any aspect affecting the forest or timber industry, including legislation which is applicable in respect of any such industry;

(f) to advise the Minister in respect of a levy contemplated in section 40;

(g) to investigate or causes to be investigated any matter affecting the forest or timber industry which the council considers necessary or which the Minister refers to the council; and

(h) to appoint with the consent of the Minister, committees and working groups to assist the council in the performance of its functions and duties and the exercise of its powers.

(2) The administrative and clerical work of the council as well as the accounting services in connection with the fund shall be performed by officers of the department and the cost thereof shall be defrayed from the State Revenue Fund.

Meetings of the council

38. (1) The council shall meet at the times and places as the chairman or, in his absence, the vice-chairman determines, but not less than twice per year.

(2) The quorum for and the procedure at a meeting of the council including the attendance of and the participation in the proceedings of the council by any person who is not a member or alternate member of the council, shall be prescribed by the Minister by notice in the *Gazette*.

Allowances payable to members and alternate members of the council and to certain other persons

39. To a member or alternate member of the council or to any other person who is not in the full-time employment of the State shall, in respect of expenses incurred by such a member or person in connection with the business of the

persoon aangegaan in verband met die sake van die raad of van die raad se komitees of werkgroepe, uit die fonds die toelaes betaal wat die Minister in die algemeen of in enige besondere geval na raadpleging met die raad bepaal: Met dien verstande dat sodanige toelaes nie betaalbaar is aan 'n plaasvervangende lid wat vergaderings van die raad of van die raad se komitees of werkgroepe bywoon terwyl die lid vir wie hy optree as plaasvervangende lid self sodanige vergaderings bywoon nie.

Oplegging van heffing

40. (1) Na oorleg met die raad lê die Minister by kennisgewing in die *Staatskoerant* ten opsigte van enige hout of ingevoerde houtderivaat 'n heffing op en hy kan op dergelike wyse so 'n kennisgewing wysig of intrek.

(2) 'n In subartikel (1) bedoelde kennisgewing—

- (a) vermeld die bedrag van die heffing wat opgelê word;
- (b) wys die persoon of persone of klas of klasse persone aan deur wie so 'n heffing betaal moet word;
- (c) bepaal die stadium waarop so 'n heffing betaalbaar word;
- (d) wys die persone [met inbegrip van 'n in artikel 36 (2) bedoelde vereniging] aan deur wie so 'n heffing ingevorder moet word;
- (e) skryf die wyse voor waarop en die tydperk waarbinne iemand wat vir die betaling van 'n heffing aanspreeklik is dit aan iemand wat kragtens paragraaf (d) aangewys is, moet betaal;
- (f) skryf die wyse voor waarop en die tydperk waarbinne gelde wat kragtens hierdie artikel ingevorder word in die fonds gestort moet word; en
- (g) skryf die wyse voor waarop die rondehoutekwivalent van enige hout of ingevoerde houtderivaat bereken moet word.

(3) 'n Kennisgewing kragtens hierdie artikel uitgereik, kan 'n onderskeid tref tussen verskillende soorte of gebruikte van hout of ingevoerde houtderivate of tussen verskillende persone of klasse persone.

(4) 'n Kennisgewing kragtens hierdie artikel uitgereik, kan strawwe vir 'n oortreding daarvan of versium om daaraan te voldoen voorskryf, wat nie die strawwe in artikel 46 (12) voorgeskryf, te bowe gaan nie.

Instelling en beheer van die Bosbounywerheidsfonds

41. (1) (a) Daar word hierby 'n fonds ingestel met die naam die Bosbounywerheidsfonds, waarin gestort word—

- (i) al die geld wat uit hoofde van die bepalings van artikel 40 ingevorder word;
- (ii) geld wat die Parlement vir die doeleindes van die raad bewillig;
- (iii) rente uit beleggings verkry; en
- (iv) enige ander geld wat die fonds uit 'n ander bron toeval.

(b) Die Bosbounywerheidsfonds ingestel by artikel 10H (1) van die Boswet, 1968, word vanaf die datum van inwerkingtreding van hierdie Wet geag die fonds te wees ingestel by subartikel (1) (a).

(2) Die fonds word deur die raad geadministreer ooreenkomsdig voorskrifte wat die Minister van tyd tot tyd op aanbeveling goedkeur en geld in die fonds word behoudens die bepalings van subartikel (4), aangewend ter bestryding van die uitgawes wat die raad by die verrigting van sy werkzaamhede en die uitoefening van sy bevoegdhede aangaan: Met dien verstande dat geld of ander goed wat aan die raad geskenk of bemaak word, slegs ooreenkomsdig die voorwaardes van sodanige skenking of bemaking aangewend of benut moet word.

council or committees or working groups of the council, be paid from the fund, the allowances which the Minister determines in general or in any particular case after consultation with the council: Provided that such allowances shall not be payable to an alternate member who attends meetings of the council or of committees or working groups of the council whilst the member for whom he acts as alternate member, himself attends such meetings.

Imposition of levy

40. (1) The Minister shall after consultation with the council, by notice in the *Gazette*, impose a levy in respect of any timber or imported timber derivative and he may in like manner amend or withdraw such notice.

(2) A notice contemplated in subsection (1) shall—

- (a) state the amount of the levy imposed;
- (b) designate the person or persons by whom or the class or classes of persons by which such levy shall be paid;
- (c) determine the stage at which such levy shall become payable;
- (d) designate the persons [including an association contemplated in section 36 (2)] by whom such levy shall be collected;
- (e) prescribe the manner in, and the period within which a person who is liable for the payment of a levy, shall pay it to a person designated in terms of paragraph (d);
- (f) prescribe the manner in, and the period within which any money collected in terms of this section, shall be paid into the fund; and
- (g) prescribe the manner in which the round wood equivalent of any timber or imported timber derivative shall be calculated.

(3) A notice issued in terms of this section may distinguish between different kinds or uses of timber or imported timber derivatives or between different persons or classes of persons.

(4) A notice issued in terms of this section may prescribe penalties for a contravention thereof or failure to comply therewith, which shall not exceed the penalties prescribed in section 46 (12).

Establishment and control of the Forestry Industry Fund

41. (1) (a) There is hereby established a fund to be known as the Forestry Industry Fund, into which shall be paid—

- (i) all money collected by virtue of the provisions of section 40;
- (ii) funds appropriated by Parliament for the purposes of the council;
- (iii) interest derived from investments; and
- (iv) any other money which accrues to the fund from any other source.

(b) The Forest Industry Fund established by section 10H (1) of the Forest Act, 1968, shall from the date of commencement of this Act, be deemed to be the fund established by subsection (1) (a).

(2) The fund shall be administered by the council in accordance with instructions which the Minister approves from time to time on the recommendation of the council, and money in the fund shall, subject to the provisions of subsection (4), be utilised for the defrayment of expenses incurred by the council in the performance of its functions and the exercise of its powers: Provided that any money or other assets donated or bequeathed to the council shall be utilised or used only in accordance with the conditions of such donation or bequest.

(3) (a) Enige persoon wat van voorneme is om 'n kommersiële houtplantasie te vestig of te bestuur, kan op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 44 (7) en onderworpe aan die voorwaardes wat die Minister in gemelde regulasie bepaal, by die raad aansoek doen om 'n lening uit die fonds waarvan die opbrengs aangewend word vir die beoogde vestiging of bestuur van sodanige kommersiële houtplantasie.

(b) Enige persoon aan wie 'n lening bedoel in paragraaf (a) toegestaan is of aan wie 'n lening deur enige finansiële instelling toegestaan is vir die vestiging of bestuur van 'n kommersiële houtplantasie, kan op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel 44 (7) en onderworpe aan die voorwaardes wat die Minister in gemelde regulasies bepaal, by die raad aansoek doen om die subsidiëring uit die fonds van die koste van rente betaalbaar ten opsigte van sodanige lening: Met dien verstande dat indien die rentekoers van toepassing op sodanige lening, te eniger tyd die koers oorskry wat die Minister van Finansies ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975, bepaal, word die laasgenoemde rentekoers in ag geneem by die berekening van enige subsidie.

(4) Die raad gaan geen uitgawes aan nie, behalwe ooreenkomsdig 'n raming van uitgawes wat deur die Minister in gevolge subartikel (5) goedgekeur is.

(5) Een maal in elke boekjaar (wat op 31 Maart eindig), moet die raad op die tydstip wat die Minister verlang, aan die Minister vir sy goedkeuring 'n raming van die inkomste en uitgawes van die raad gedurende die eersvolgende boekjaar voorlê en die raad kan gedurende die loop van 'n boekjaar aan die Minister vir sy goedkeuring, aanvullende of hersiene ramings van inkomste en uitgawes vir daardie jaar voorlê.

(6) Die raad mag met die instemming van die Minister en in ooreenstemming met die voorwaardes wat hy bepaal 'n reserwfonds instel en bedryf.

(7) Geld in die fonds of reserwfonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Staatskuldkommissaris belê word en kan opgevra word wanneer dit vir gebruik nodig is.

(8) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar word as 'n krediet in die fonds na die daaropvolgende boekjaar oorgedra.

Hou van aantekeninge, opmaak van rekeningstate en balansstaat en ouditering

42. (1) Die raad laat behoorlik aantekenung hou van alle geldte deur hom ontvang of bestee en van al sy bates en laste en van al sy finansiële transaksies en moet so gou doenlik na die einde van elke boekjaar rekeningstate en 'n balansstaat laat opstel wat, met al die gepaste besonderhede, die geldte deur hom ontvang en die uitgawes deur hom aangegaan gedurende en sy bates en laste aan die begin en die einde van daardie boekjaar aantoon.

(2) Die aantekeninge, rekeningstate en balansstaat bedoel in subartikel (1) word deur die Ouditeur-generaal geouditeer teen die vergoeding waaroor ooreengekom word, of by ontstentenis van 'n ooreenkoms, teen die vergoeding wat die Minister van Finansies bepaal.

Verslae deur die raad

43. (1) Die raad moet so gou doenlik na die einde van elke boekjaar aan die Minister 'n verslag voorlê met betrekking tot—

(a) sy werkzaamhede gedurende daardie boekjaar te same met 'n balansstaat en 'n volledige staat van sy inkomste en uitgawes vir daardie boekjaar; en

(b) enige ander aangeleenthed wat die Minister die raad versoek om in die verslag te behandel.

(3) (a) Any person who intends to establish or manage a commercial timber plantation, may in the manner prescribed by regulation promulgated in terms of section 44 (7) and subject to the conditions determined by the Minister in the said regulations, apply to the council for a loan out of the fund, the proceeds whereof shall be utilised for the envisaged establishment or management of such commercial timber plantation.

(b) Any person to whom a loan contemplated in paragraph (a) has been granted or to whom a loan has been granted by a financial institution for the establishment or management of a commercial timber plantation, may in the manner prescribed by regulation promulgated in terms of section 44 (7) and subject to the conditions determined by the Minister in the said regulations, apply to the council for the subsidisation out of the fund of the cost of interest payable in respect of such loan: Provided that if at any time the interest rate applicable to such loan exceeds the rate fixed by the Minister of Finance in terms of section 26 (1) of the Exchequer and Audit Act, 1975, the last-mentioned interest rate shall be taken into account in the calculation of such subsidy.

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

(5) Once in every financial year (which shall end on 31 March) the council shall at the time as required by the Minister, submit to the Minister for his approval, an estimate of the revenue and expenditure of the council during the next ensuing financial year, and the council may, during the course of a financial year, submit to the Minister for his approval, supplementary or revised estimates of revenue and expenditure for that year.

(6) The council may, with the approval of the Minister and in accordance with the conditions which he determines, establish and operate a reserve fund.

(7) Any funds in the fund or reserve fund which are not required for immediate use shall be invested with the Public Debt Commissioners and may be called up when it is required for use.

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

Keeping of records, preparing of accounts and balance sheet and auditing

42. (1) The council shall cause proper records to be kept of all moneys received or spent by it, and of all its assets and liabilities and of all its financial transactions and shall, as soon as possible after the end of each financial year cause accounts and a balance sheet to be drawn up which shall with all the appropriate details, reflect the moneys received and expenditure incurred by it during, and its assets and liabilities at the beginning and end of that financial year.

(2) The records, accounts and balance sheet referred to in subsection (1) shall be audited by the Auditor-General at a fee to be agreed upon, or in the absence of agreement, at a fee determined by the Minister of Finance.

Report by the council

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

(a) its activities during that financial year, together with a balance sheet and a full account of its revenue and expenditure for that financial year; and

(b) any other matter which the Minister may request the council to deal with in the report.

(2) 'n Verslag wat kragtens subartikel (1) verstrek word, word deur die Minister in die Volksraad ter Tafel gelê binne 14 dae na ontvangs daarvan deur hom, indien die Parlement in gewone sessie is of, indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van die eersvolgende gewone sessie.

HOOFSTUK IX: UITVAARDIGING VAN REGULASIES EN BEPALING VAN TARIEWE EN GELDE

Minister kan regulasies uitvaardig

44. (1) Die Minister kan met betrekking tot die aanwending van grond vir die aanplant van bome met die doel om bosprodukte vir handels- of nywerheidsdoeleindes te kweek, regulasies uitvaardig betreffende die wyse waarop ingevolge artikel 7 (2) aansoek gedoen moet word om die goedkeuring bedoel in artikel 7 (1).

(2) Die Minister kan in die algemeen met betrekking tot Staatsbosse of in die besonder met betrekking tot 'n besondere Staatsbos of 'n gedeelte daarvan, regulasies uitvaardig—

(a) betreffende—

(i) die vestiging van plantasies, die verkoop of vandiehandsetting van bosprodukte en die kap, bewerking en verwydering daarvan;

(ii) die verlening van huurregte, die uitreiking van lisensies, permitte en ander magtigings ten opsigte van die verkoop of vandiehandsetting van bosprodukte en die procedure in verband daarmee;

(iii) die wyse waarop verder beskik moet word oor bome, hout of ander bosprodukte wat verkoop is of die wyse waarop dit verwerk moet word en die wyse waarop produkte wat daarvan verkry word, bemerk, verkoop of andersins oor beskik moet word;

(iv) die oprigting en bestuur deur die departement van saagmeulens en ander installasies en toebehore daarby om bosprodukte te saag of te verwerk en die onderneem deur die departement van handel in bosprodukte en enige ander daarmee in verbandstaande werk of werksaamhede;

(v) die beweidiging deur diere van Staatsbosse en die wyse waarop weiveld gebruik moet word;

(vi) die skoonmaak, braak of bewerking van grond;

(vii) die gebruik van grond as meul-, fabrieks- of handelsterreine of vir woon-, kampeer- of ontspanningsdoeleindes;

(viii) jag of visvang, met inagneming van die wetsbelangpings betreffende die bewaring van wild, voëls of vis;

(ix) die beheer of uitroei van diere wat na sy oordeel probleemdiere is en die uitroei van plante wat na sy oordeel skadelike plante is;

(x) die uitreiking van lisensies, permitte of ander magtigings ten opsigte van die verlening van regte in of oor Staatsbosse;

(xi) toegang tot Staatsbosse met inagneming van die regte van die reisende publiek; en

(xii) die voorwaardes waarop voertuie wat nie aan die Staat behoort nie op 'n pad in 'n Staatsbos, behalwe 'n pad wat aangelê is of in stand gehou word deur 'n persoon of gesag wat regtens bevoeg is om sodanige pad aan te lê of in stand te hou, gebruik mag word, die reëls waaraan voldoen moet word deur persone wat sodanige voertuie gebruik en die omstandighede waaronder sodanige paaie nie aldus tot die beskikking van gebruikers van sodanige voertuie is nie.

(2) A report submitted in terms of subsection (1) shall be laid upon the Table in the House of Assembly by the Minister within 14 days of the receipt thereof by him, if Parliament is in ordinary session or, if Parliament is not in ordinary session, within 14 days of the beginning of the next ensuing ordinary session.

CHAPTER IX: PROMULGATION OF REGULATIONS AND DETERMINATION OF TARIFFS AND CHARGES

Minister may promulgate regulations

44. (1) The Minister may, in respect of the utilisation of land for the planting of trees for the purpose of cultivating forest produce for commercial or industrial purposes, promulgate regulations relating to the manner in which application in terms of section 7 (2) shall be made for the approval contemplated in section 7 (1).

(2) The Minister may in general in respect of State forests or in particular in respect of a particular State forest or a portion thereof, promulgate regulations—

(a) relating to—

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

(ii) the granting of leases, the issuing of licences, permits and other authorisations in respect of the sale or disposal of forest produce and the procedures in connection therewith;

(iii) the manner in which trees, timber or other forest produce sold, shall be dealt with further or the manner in which it shall be processed and the manner in which any product derived therefrom shall be marketed, sold or otherwise disposed of;

(iv) the establishment and management by the department of saw mills and other plant and appurtenances thereto for saving or processing forest produce, and the carrying on by the department of trade in forest produce and any other work or activities incidental thereto;

(v) the grazing of animals on State forests and the manner in which pasturage shall be used;

(vi) the clearing, ploughing or cultivation of land;

(vii) the use of land for mill, factory or trading site or for residential, camping or recreational purposes;

(viii) hunting or fishing, subject to the laws relating to the conservation of game, fish or birds;

(ix) the control or extermination of animals which in his opinion are problem animals and the eradication of weeds which in his opinion are noxious weed;

(x) the issuing of licences, permits or other authorisations in respect of rights in or over State forests;

(xi) access to State forests, subject to the rights of the travelling public; and

(xii) the conditions subject to which vehicles not owned by the State may be operated on any road in a State forest, other than a road established or maintained by any person who or authority which by law is competent to establish or maintain such road, the rules which shall be complied with by persons operating such vehicles and the circumstances in which such road shall not so be available to the operators of such vehicles;

(b) betreffende die uitoefening van enige serwituut of reg bedoel in artikel 9 (3) en in die besonder maar behoudens sodanige serwituut of reg, regulasies uitvaardig—

(i) wat die soorte bosprodukte en die hoeveelhede daarvan wat gekap of geneem of verwijder kan word en die seisoen waarin of tyd wanneer dit gekap, geneem of verwijder kan word, spesifieer;

(ii) wat beweiding deur vee of die kap of neem van bosprodukte in of die verwijdering 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;

(iii) wat die besondere plekke waarop regte van beweiding of van kap of neem of verwijdering 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;

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

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

(vi) wat die reghebbende uit hoofde van 'n serwituut of die houer van 'n reg van enige aard, verplig om van die direkteur-generaal 'n permit te verkry wat die aard van daardie serwituut of reg omskryf en die plekke waar en die wyse waarop dit uitgeoefen kan word, uiteensit; en

(vii) wat in die algemeen die wyse voorskryf waarop bedoelde serwituut of reg uitgeoefen kan word.

(3) Die Minister kan in die algemeen of in die besonder met betrekking tot bome of 'n boom wat ingevolge artikel 11 (1) as beskermd bome of 'n beskermd boom verklaar is, met betrekking tot die adviserende komitee ingestel kragtens artikel 11 (4) (a) (i) en met betrekking tot plaaslike beheerkomitees ingestel kragtens artikel 11 (4) (a) (ii), regulasies uitvaardig betreffende—

(a) die ampsduur van lede van die adviserende komitee en die werkswyse van die komitee;

(b) die ampsduur van lede van plaaslike bestuurkomitees, die werksaamhede in verband met enige beskermd boom en die werkswyse van sodanige komitees;

(c) die bewerking en beweiding van grond in die nabheid van enige beskermd boom, die verlening van geldelike bystand vir die oprigting van veewerende heinings en die skoonmaak en instandhouding van brandstroke ter beskerming van so 'n boom;

(d) die beheer oor die versameling, verwijdering, vervoer, uitvoer, koop, verkoop of skenking of oor die verkryging of vandiehandsetting op enige ander wyse van dele of produkte van beskermd bome;

(e) die aanplanting van soortgelyke bome ter vervanging van bome wat beskerm word met die oog op die bevordering van enige doelstelling in artikels 11 (2) (b) (i) of 11 (2) (c) vermeld en as 'n voorwaarde vir die kap of vernietiging daarvan;

(f) die oogmerke en bestek van bestuursplanne vir beskermd bome, die opstel van sodanige planne en die toepassing van enige bepaling daarvan op 'n eienaar, okkuperdeer of huurder van grond ten opsigte waarvan 'n kennisgewing kragtens artikel 11 (1) van krag is; en

(g) enige ander aangeleenthed wat die Minister noodsaaklik of dienstig ag ter bereiking van die oogmerke van artikel 11.

(b) relating to the exercise of any servitude or right contemplated in section 9 (3) and in particular, but subject to such servitude or right, promulgate regulations—

(i) specifying the kinds of forest produce and the quantity thereof which may be cut or taken or removed and the season during which or the time at which it may be cut, taken or removed;

(ii) prohibiting, for specified periods, grazing of stock or the cutting or taking of forest produce in or the removal of forest produce from any specified area, for the purpose of rejuvenating the forest or of conserving thereon the forest produce or pasturage, or for the prevention of soil erosion or sand drift, or for the reclamation of the soil or wind blown sand;

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

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

(v) defining the areas on which, and the periods during which, the right of residence or camping may be exercised;

(vi) requiring the beneficiary under a servitude or the holder of a right of any nature to obtain from the director-general a permit defining the nature of such servitude or right and specifying where and in what manner it may be exercised; and

(vii) prescribing generally the manner in which the said servitude or right may be exercised.

(3) The Minister may, generally or in particular in respect of a tree or trees declared a protected tree or trees in terms of section 11 (1), in respect of the consulting committee established under section 11 (4) (a) (i) and in respect of local management committees established under section 11 (4) (a) (ii), promulgate regulations relating to—

(a) the term of office of members of the consulting committee and the method of work of the committee;

(b) the term of office of members of local management committees, the functions in connection with any protected tree and the method of work of such committee;

(c) the cultivation and grazing of land in the vicinity of any protected tree, the granting of financial assistance for the erection of stock-proof fences and the clearing and maintenance of fire-belts for the protection of such tree;

(d) the control of the collection, removal, transport, export, purchase, sale or donation or the acquisition or disposal in any other manner of parts of products of protected trees;

(e) the planting of similar trees to replace trees which are being protected with a view to the promotion of any objective referred to in sections 11 (2) (b) (i) or 11 (2) (c) and as a condition for the cutting or destruction thereof;

(f) the object and scope of management plans for protected trees, the framing of such plans and the application of any provision thereof to any owner, occupier or lessee of land in respect of which a notice under section 11 (1) is in force; and

(g) any other matter which the Minister may deem necessary or expedient for achieving the objects of section 11.

(4) Die Minister kan in die algemeen met betrekking tot brandbeheerkomitees of in die besonder met betrekking tot 'n brandbeheerkomitee ingestel kragtens artikel 16 (1), regulasies maak betreffende die samestelling, werkzaamhede, pligte en bevoegdhede en die prosedure op vergaderings van sodanige komitees.

(5) Die Minister kan met betrekking tot die maak van brandstroke regulasies uitvaardig betreffende—

(a) die wyse waarop die onderhandelinge bedoel in artikel 19 (3) 'n aanvang mee geneem en volvoer moet word; en

(b) die wyse waarop kennis bedoel in artikels 21 (1) (b) en 21 (2) (b) gegee moet word.

(6) Die Minister kan met betrekking tot die Nasionale Voetslaanpadbeheerraad ingestel kragtens artikel 29 (1) (a) die bestuur van die nasionale voetslaanpadstelsel en in die algemeen of in die besonder met betrekking tot advies- en bestuurskomitees ingestel kragtens artikel 30 (1), regulasies uitvaardig—

(a) betreffende die samestelling van advies- en bestuurskomitees;

(b) betreffende die kworum vir en die prosedure op vergaderings van die beheerraad, advies- en bestuurskomitees, hul bevoegdhede en die verrigting van hul werkzaamhede;

(c) wat met die instemming van die Minister van Finansies voorskrifte bevat met betrekking tot die aanlē, instandhouding en bestuur van die nasionale voetslaanpadstelsel met inbegrip van die bepaling van gelde met betrekking tot die gebruik daarvan; en

(d) wat gedragskodes vir voetslaners en die wyse van gebruik van die nasionale voetslaanpadstelsel voorskryf;

en, in die algemeen, met betrekking tot enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerk van Hoofstuk VII te bereik of te bevorder en die algemeenheid van hierdie bepaling word nie deur die voorafgaande paragrawe van hierdie subartikel beperk nie.

(7) Die Minister kan met betrekking tot die verlening van geldelike bystand uit die fonds, regulasies uitvaardig betreffende die wyse waarop aansoeke bedoel in artikel 41 (3) ingedien moet word en die voorwaardes waaronder sodanige aansoeke oorweeg en toegestaan kan word.

(8) Die Minister kan in oorelog met die Eerste Minister met die oog op die gesonde en gebalanseerde ontwikkeling van die bos- en houtbedryf, regulasies uitvaardig betreffende—

(a) die uitvoering en opdatering van 'n omvattende lopende opname van die behoeftes ten opsigte van bosprodukte, van die potensiële produktiwiteit van plantasies en bosse, van houtvoorraad en van die ander feite wat hy vir hierdie oogmerk nodig ag;

(b) sonder om afbreuk te doen aan die algemene aard van die bepaling van paragraaf (a) kan enige sodanige regulasies—

(i) voorsiening maak vir die registrasie van eienaars van plantasies of bosse of persone wat van voorneme is om plantasies aan te lê of uit te brei en van persone wat betrokke is by of wat van voorneme is om betrokke te raak by die saag, verwerking of verkoop van bosprodukte;

(ii) voorsiening maak vir die inspeksie van enige plantasie of bos of van die persele van persone wat betrokke is by die saag, verwerking of verkoop van bosprodukte; en

(4) The Minister may, generally in respect of fire control committees or in particular in respect of a fire control committee established in terms of section 16 (1), make regulations relating to the constitution, functions, duties and powers and the procedure at meetings of such committees.

(5) The Minister may in respect of the clearing of firebelts promulgate regulations relating to—

(a) the manner in which the negotiations contemplated in section 19 (3) shall be initiated and concluded; and

(b) the manner in which notices contemplated in sections 21 (1) (b) and 21 (2) (b) shall be given.

(6) The Minister may, in respect of the National Hiking Way Control Board established in terms of section 29 (1) (a), the administration of the national hiking way system and generally or in particular in respect of the advisory and management committees established in terms of section 30 (1), promulgate regulations—

(a) relating to the constitution of advisory and management committees;

(b) relating to the quorum for and the procedure at meetings of the control board, advisory and management committees, their powers and the performance of their functions;

(c) which with the concurrence of the Minister of Finance, contains directives relating to the construction, maintenance and administration of the national hiking way system, including the determination of tariffs in regard to the use thereof; and

(d) which prescribed codes of conduct for hikers and the manner of use of the national hiking way system;

and, in general, with regard to any matter which the Minister considers necessary or expedient to prescribe or regulate in order to attain or further the object of Chapter VII, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.

(7) The Minister may with regard to the granting of financial assistance from the fund, promulgate regulations relating to the manner in which applications contemplated in section 41 (3) shall be submitted and the conditions subject to which such applications can be considered and granted.

(8) The Minister may, in consultation with the Prime Minister, with a view to the sound and balanced development of the forest and timber industry, promulgate regulations relating to—

(a) the execution and updating of a comprehensive running survey of requirements in respect of forest produce, of the potential productivity of plantations and forests, of timber supplies and of such other facts as he may consider necessary for this objective; and

(b) without detracting from the generality of the provisions of paragraph (a), any such regulation may—

(i) provide for the registration of owners of plantations or forests or persons intending to establish or expand plantations and of persons who are engaged in or who intend to become engaged in the sawing, processing or sale of forest produce;

(ii) provide for the inspection of any plantation or forest or of the premises of persons engaged in the sawing, processing or sale of any forest produce;

(iii) voorsiening maak vir die versameling van gevreesde wens deur eienaars van plantasies of bosse en deur persone wat betrokke is by die saag, verwerking, verspreiding of verkoop van bosprodukte, en die aantekeninge wat gehou moet word en die opgawes (behalwe opgawes met betrekking tot verwerkingsstegnieke) wat verstrek moet word aan die direkteur-generaal deur sodanige eienaars of persone en die datums en tye voor welke of waarop sodanige opgawes verstrek moet word.

(9) (a) Die Minister kan regulasies uitvaardig met betrekking tot die bestryding van enige swam- of bakteriese siekte of insekte- of parasitiese plaag wat enige soort bosboom of timmerhout aanval op enige Staatsbos of private bos of ander grond of in enige skip, voertuig, vaartuig, vliegtuig, gebou, depot of plek waar timmerhout bewaar, opgestapel, drooggemaak of bewerk word of met betrekking tot die voorkoming van die invoer of verspreiding in die Republiek van enige sodanige siekte of plaag.

(b) Sonder om afbreuk te doen aan die algemene aard van die bepaling van paragraaf (a) kan sodanige regulasies voorsiening maak vir die inspeksie van bedoelde bosboom of timmerhout deur enige persoon insluitende die bekleer van 'n pos, wat vir hierdie doel deur die Minister aangewys is.

(10) 'n Regulasie kragtens hierdie artikel uitgevaardig, kan enige oortreding van 'n bepaling daarvan of enige versuim om aan sodanige bepaling te voldoen as 'n misdryf verklaar en kan ondanks die bepaling van artikel 46 (11) ander strawwe voorskryf wat nie die strawwe voorgeskryf by artikel 46 (2) oorskry nie.

(11) Verskillende regulasies kan uitgevaardig word kragtens hierdie artikel met betrekking tot verskillende dele van die Republiek, 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 Minister bepaal.

Minister kan tariewe en geldte bepaal

45. (1) Die Minister kan, in oorleg met die Minister van Finansies—

(a) ten opsigte van enige Staatsbos, van tyd tot tyd tariewe bepaal wat kan wissel volgens omstandighede met betrekking tot—

(i) die vandiehandsetting van bosprodukte;

(ii) die gebruik en okkupering van grond vir meul-, fabrieks- en handelsterreine of vir woon-, bewerkings-, weidings-, kamperings-, piekniek- of ander doeleindes; en

(iii) die gebruik en okkupering van geboue;

(b) van tyd tot tyd die geldte bepaal wat gehef moet word ten opsigte van enige diens deur beampies of werk-nemers van die departement verrig;

(c) van tyd tot tyd die gelde bepaal wat betaalbaar is vir die gebruik van enige oornagkwartiere, oornaggerreine, skuilings of ander geriewe bedoel in artikel 27 (2) (a); en

(d) die omstandighede bepaal waaronder en die voorwaardes waarop sodanige geldte verander kan word of vrystelling van betaling daarvan verleen kan word deur 'n beampie van die departement vir die doel aangewys.

(2) Wanneer by die hersiening van die pryse van bosprodukte wat uit Staatsbosse afkomstig is en ten opsigte waarvan koopkontrakte vir 'n tydperk van vyf jaar of langer aangegaan is 'n geskil ontstaan waaroor daar na die oordeel van die Minister nie ooreenkoms bereik kan word nie, word sodanige geskil na arbitrasie verwys.

(iii) provide for the collection of data by owners of plantations or forests and by persons engaged in the sawing, processing, distribution or sale of any forest produce and the records which shall be kept and the returns other than returns relating to processing techniques, which shall be rendered to the director-general by such owners or persons and the dates and times before or on which such returns shall be rendered.

(9) (a) The Minister may promulgate regulations relating to the combatting of any fungoid or bacterial disease or insect or parasitic pest affecting any kind of forest tree or timber on any State forest or any private forest or any other land or in any ship, vehicle, vessel, aircraft, building, depot or place where timber is stored, stacked, seasoned, or worked, or relating to the prevention of the introduction into or the spread within the Republic of any such disease or pest.

(b) without detracting from the generality of the provisions of paragraph (a), any such regulations may provide for the inspection of any such forest trees or timber by any person, including the incumbent of a post, designated by the Minister for this purpose.

(10) Any regulation promulgated under this section may declare any contravention of any provision thereof or any failure to comply with any such provision an offence and may, notwithstanding the provisions of section 46 (11), prescribe other penalties not exceeding the penalties prescribed by section 46 (2).

(11) Different regulations may be promulgated under this section for different regions of the Republic, 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 the other respects which the Minister determines.

Minister may determine tariffs and charges

45. (1) The Minister may, in consultation with the Minister of Finance—

(a) in respect of any State forest, from time to time determine tariffs which may vary according to circumstances, relating to—

(i) the disposal of forest produce;

(ii) the use and occupation of land for mill, factory or trading sites or for residential, cultivation, grazing, camping, picnicking or other purposes; and

(iii) the use and occupation of buildings;

(b) determine from time to time the charges to be levied in respect of any services rendered by officers or employees of the department;

(c) determine from time to time the tariffs for the use of any quarters and sites for overnight stay, shelters or other amenities contemplated in section 27 (2) (a); and

(d) determine the circumstances under which and the conditions subject to which such charges and tariffs may be varied or exemption from payment thereof may be granted by an officer of the department designated for this purpose.

(2) Whenever on the revision of prices of forest produce derived from State forests and in respect of which contracts of sale for a period of five years or longer have been concluded, a dispute arises on which, in the opinion of the Minister, agreement can not be reached, such dispute shall be submitted to arbitration.

HOOFSTUK X: MISDRYWE, STRAWWE, VERMOEDENS EN GEREGETELIKE BEVOEGDHEDEN VAN HOWE EN SEKERE AMPSBEKLEEDERS

Misdrywe

46. (1) (a) Iemand—

- (i) wat 'n bepaling van artikel 7 (1) oortree;
- (ii) wat versuum om te voldoen aan 'n voorwaarde bedoel in artikel 7 (3) of artikel 7 (4); of
- (iii) wat versuum om te voldoen aan die voorskrifte van 'n kennisgewing bedoel in subartikel (1) (b) van hierdie artikel;

is aan 'n misdryf skuldig.

(b) Die direkteur-generaal kan by skriftelike kennisgewing aan 'n eienaar van grond bedoel in artikel 7 (1) (a) of (b) ten opsigte waarvan iemand ingevolge subartikel (1) (a) (i) van hierdie artikel skuldig bevind is, sodanige eienaar gelas om binne die tydperk in sodanige kennisgewing vermeld, bedoelde aangeplante bome of, na gelang van die geval, enige natuurlike verjonging van 'n kommersiële houtplantasie van die bedoelde grond te verwijder.

(c) 'n Eienaar van grond wat versuum om aan 'n lasgewing bedoel in subartikel (1) (b) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 ten opsigte van elke dag wat hy aldus versuum om aan sodanige lasgewing uitvoering te gee.

(2) Iemand wat—

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

- (i) bosprodukte kap, beskadig, vernietig, versamel, neem of verwijder;
- (ii) 'n baken, grensmerk of heining beskadig, verander, verskuif, verwijder of hom daarmee bemoei;
- (iii) 'n vuur maak of laat of help maak of gebruik, weer aansteek of brandstof daarby voeg;
- (iv) 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 brandstof gevoeg het, voortbrand of weer aangesteek word of dat brandstof daarby gevoeg word; of

(b) in 'n Staatsbos of private bos ontplofbare stowwe of petroleum of ander ontvlambare stof in sy besit het en nie kan bewys dat hy dit vir 'n regmatige doel nodig het nie; of

(c) in die open lug—

(i) '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 voor dat die vuur behoorlik geblus is;

(ii) met of sonder magtiging of persoonlik of deur sy werknemer of agent 'n vuur maak of help maak of gebruik, weer aansteek of brandstof daarby voeg, wat versprei of skade veroorsaak;

(iii) hetself opsetlik of nataliglik '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 versprei en waardeur weiveld afgebrand of plantmateriaal verbrand word of skade aangerig of verlies van enige ander roerende of onroerende goed veroorsaak word; of

(iv) binne 'n padreserwe van enige pad 'n vuur maak of laat maak of help maak of gebruik uitgesonderd waar sodanige vuur gemaak of gebruik word—

(aa) by 'n ingerigte vuurmaakplek wat deur 'n bevoegde instansie daargestel is en in stand gehou word; of

CHAPTER X: OFFENCES, PENALTIES, PRESUMPTIONS AND JUDICIAL POWERS OF COURTS AND CERTAIN OFFICE BEARERS

Offences

46. (1) (a) Any person who—

- (i) contravenes a provision of section 7 (1);
- (ii) fails to comply with a condition contemplated in section 7 (3) or section 7 (4); or
- (iii) fails to comply with the directions of a notice contemplated in subsection (1) (b) of this section; shall be guilty of an offence.

(b) The director-general may by notice in writing to an owner of land contemplated in section 7 (1) (a) or (b) in respect of which any person has been convicted of an offence in terms of subsection (1) (a) (i) of this section, direct such owner to remove from such land within a period stated in the notice, such planted trees or as the case may be, any natural rejuvenation of a commercial timber plantation.

(c) An owner of land who fails to comply with a directive contemplated in subsection (1) (b) shall be guilty of an offence and liable on conviction to a fine not exceeding R10 in respect of each day which he so fails to comply with such directive.

(2) Any person who—

(a) without authority, in or on any State forest or private forest—

- (i) cuts, injures, destroys, collects, takes or removes any forest produce;

(ii) damages, alters, shifts, removes or interferes with any beacon, boundary mark or fence;

(iii) lights or causes to be lighted or assists in lighting or uses, rekindles or adds fuel to any fire;

(iv) allows any fire which he has without authority lighted or caused to be lighted or assisted in lighting or used or rekindled or to which he has added fuel, to continue to burn or to be rekindled or fuel to be added thereto; or

(b) in a State forest or private forest, is in possession of any explosives or petroleum or other inflammable substance and who is unable to prove that he requires it for a lawful purpose; or

(c) in the open air—

(i) leaves unattended 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;

(ii) with or without authority either personally or through his servant or agent, lights or assists in lighting or uses, rekindles or adds fuel to any fire which, spreads or causes damage or injury;

(iii) wilfully or negligently throws down, puts down or drops any burning match or other burning material or any material capable of spontaneous combustion or self-ignition or starts a fire or sets alight veld and thereby causes a fire which spreads and by which pasturage is burnt down or plant material is burned or which causes damage to or loss of any other movable or immovable property; or

(iv) within a road reserve of any road, makes or causes a fire to be made or uses a fire save where such a fire is made or used—

(aa) in an equipped fire-place which has been established and is being maintained by a competent authority; or

(bb) vir die brand van 'n brandstrook tussen die padreserve en 'n aanliggende stuk grond ooreenkomsdig die bepaling van hierdie Wet;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf of, in geval sodanige handeling of versuum van 'n opsetlike en verswarende aard is, met lyfstraf van hoogstens ses houe of met sowel sodanige boete as sodanige lyfstraf of met sowel sodanige gevangenisstraf sonder die keuse van 'n boete as sodanige lyfstraf.

(3) Iemand wie se hond of vee sonder magtiging in of op 'n Staatsbos of 'n private bos aanwesig is of iemand wat in of op 'n Staatsbos of 'n private bos—

(a) sonder magtiging grond skoonmaak, braak of bewerk of enige ander handeling verrig;

(b) sonder magtiging op enige wyse wild, voëls, skoenlappers of ander diere of insekte jag of doodmaak of probeer jag of doodmaak of visvang of doodmaak of probeer vang of doodmaak of vergesel is van 'n hond of 'n geweer in sy besit het;

(c) sonder magtiging 'n byekorf of byenes uithaal of probeer uithaal of 'n byeswerm steur of verwijder;

(d) sonder magtiging 'n gedeelte van sodanige bos betree waar toegang by kennisgewing verbode is of deur oor 'n heining of hek klim;

(e) rook waar rook by kennisgewing verbode is;

(f) 'n voorwaarde of regulasie wat vermeld of waarna daar verwys word in 'n kragtens hierdie Wet uitgereikte lisensie, permit of ander magtiging oortree of versuum om daaraan te voldoen;

(g) opsetlik 'n kennisgewing of kennisgewingbord beskadig, verander, verskuif of hom op enige ander wyse daarmee bemoei; of

(h) rommel stort of strooi;

is aan 'n misdryf skuldig.

(4) Iemand wat 'n bepaling van artikel 11 (5) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(5) Iemand wat 'n bepaling van 'n ingevolge artikel 14 (1) gepubliseerde kennisgewing oortree of versuum om aan 'n voorwaarde daarin vermeld te voldoen of enige bepaling van artikel 14 (2) oortree of 'n persoon deur die Minister aangewys ingevolge artikel 14 (3) (d) hinder by of die uitvoering van sy bevoegdhede belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(6) Iemand wat—

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

(b) sonder magtiging 'n merk verander of uitwis wat op enige bosproduk aangebring is ingevolge hierdie Wet of 'n kennisgewing in die *Staatskoerant* afgekondig of ingevolge 'n lisensie, permit of ander magtiging wat kragtens hierdie Wet uitgereik is; of

(c) 'n bosbeampte, polisiebeampte of ander persoon hinder by, of die uitvoering van sy bevoegdhede of die verrigting van sy werksaamhede of die uitvoering van sy pligte kragtens hierdie Wet belemmer;

is aan 'n misdryf skuldig.

(bb) for the burning of a fire-belt between the road reserve and a contiguous piece of land, in accordance with the provisions of this Act;

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment or, where any such act or omission is of a wilful and aggravated nature, to a whipping not exceeding six strokes or to both such a fine and such a whipping or to both such imprisonment without the option of a fine and such a whipping.

(3) Any person whose dog or stock, is without authority present in or on a State forest or private forest or any person who, in or on a State forest or private forest—

(a) without authority, clears, ploughs or cultivates land or performs any other act;

(b) without authority, in any manner hunts or destroys or attempts to hunt or destroy game, birds, butterflies or other animals or insects or fishes for or destroys or attempts to fish for or destroy fish, or is accompanied by a dog or have in his possession any gun;

(c) without authority, robs or attempts to rob any beehive or bee's nest or disturbs or removes any swarm of bees;

(d) without authority enters any part of such forest where entry is by notice prohibited or climbs through or over any fence or gate;

(e) smokes where smoking is by notice prohibited;

(f) contravenes or fails to comply with any condition or regulation mentioned or referred to in any licence, permit or other authorisation issued in terms of this Act;

(g) wilfully damages, alters, shifts or in any other way interferes with a notice or notice board; or

(h) dumps or scatters litter;

shall be guilty of an offence.

(4) Any person who contravenes a provision of section 11 (5) shall be guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).

(5) Any person who contravenes a provision of a notice published in terms of section 14 (1) or fails to comply with a condition stipulated therein or contravenes any provision of section 14 (2) or obstructs or hinders a person appointed by the Minister in terms of section 14 (3) (d) in the exercise of his powers, shall be guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).

(6) Any person who—

(a) without authority makes upon or affixes to any forest produce a mark used by the department to indicate that such produce is the property of the State, or makes upon or affixes on any forest produce in a State forest a mark to indicate that such forest produce may be lawfully cut or removed from such forest;

(b) without authority alters or defaces any mark placed upon any forest produce in terms of this Act or any notice published in the *Gazette* or in terms of any licence, permit or other authorisation issued in terms of this Act; or

(c) obstructs or hinders any forest officer, police officer or other person in the exercise of his powers or the performance of his functions or the execution of his duties in terms of this Act;

shall be guilty of an offence.

(7) Iemand wat—

(a) 'n lid van 'n brandbeheerkomitee of ander persoon bedoel in artikel 16 (4) (a) hinder by of die uitoefening van sy bevoegdheede kragtens hierdie Wet belemmer, is aan 'n misdryf skuldig; en

(b) 'n bepaling van 'n brandbestrydingsplan oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 ten opsigte van elke dag wat hy sodanige bepaling oortree of versuim om daaraan te voldoen.

(8) (a) 'n Eienaar van grond bedoel in artikel 19 (1) wat—

(i) versuim om binne ses maande na die instelling van 'n brandbeheergebied ingevolge artikel 15 (1) enige ooreenkoms bedoel in gemelde artikel 19 (1) aan te gaan of 'n bevel bedoel in artikels 19 (4) of (5) van 'n bevoegde hof te verkry; of

(ii) versuim om in enige jaar voor die datum bepaal in sodanige ooreenkoms of hofbevel, of 'n hofbevel bedoel in artikel 19 (6) 'n brandstrook te voltooi ooreenkomstig die voorskrifte van sodanige ooreenkoms of bevel;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 vir elke dag wat hy aldus versuim om aan die bepalings van bedoelde artikel 19 (1), sodanige ooreenkoms of hofbevel te voldoen.

(b) 'n Eienaar van grond bedoel in artikel 19 (1) wat versuim om te voldoen aan 'n bepaling van artikel 19 (1) of enige voorskrif van 'n ooreenkoms bedoel in genoemde artikel of 'n hofbevel bedoel in artikels 19 (4), (5) of (6), uitgesonderd 'n bepaling waarop subartikel (8) (a) van hierdie artikel betrekking het, is aan 'n misdryf skuldig.

(c) (i) 'n Eienaar van grond bedoel in artikels 21 (1) en (2) wat 'n brandstrook bedoel in die genoemde artikels skoonmaak sonder om vooraf kennis te gee soos voorgeskryf; en

(ii) enige eienaar bedoel in artikels 21 (1) en (2) aan wie kennis gegee is soos voorgeskryf, wat versuim om hulp te verleen soos ooreengekom;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(d) Iemand wat 'n bepaling van enige kennismewiging bedoel in artikel 22 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(e) Enigiemand wat versuim om te voldoen aan 'n eis gestel of 'n bevel gegee ingevolge artikel 23 (3) is aan 'n misdryf skuldig.

(f) Enige eienaar, okkuperer of persoon in beheer van grond wat terwyl 'n veld-, bos- of bergbrand op sodanige grond voorkom, versuim om die stappe te doen wat onder die omstandighede redelikerwys nodig is om die brand te blus of dit tot sodanige grond te beperk of te verhoed dat die brand skade berokken aan eiendom op aanliggende grond, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (2).

(9) Enigiemand wat—

(a) 'n bepaling van Hoofstuk VII oortree of versuim om daaraan te voldoen;

(b) oornagkwartiere, noodsaklike geriewe, 'n roete-wyser, kennismewiging, of skuiling wat kragtens Hoofstuk VII tot stand gebring of aangebring is beskadig, verwijder, verander, versper, verskuif of hom daarmee bemoei, of toegang tot die nasionale voetslaanpadstelsel belemmer of voetslaners op 'n voetslaanpad steur of laat steur;

(7) Any person who—

(a) obstructs or hinders a member of a fire control committee or any other person contemplated in section 16 (4) (a) in the exercise of his powers in terms of this Act, shall be guilty of an offence; and

(b) contravenes a provision of a fire protection scheme or fails to comply therewith, shall be guilty of an offence and liable on conviction to a fine not exceeding R10 in respect of each day which he so contravenes or fails to comply therewith.

(8) (a) An owner of land contemplated in section 19 (1) who—

(i) fails to conclude any agreement contemplated in the said section 19 (1) or to obtain an order contemplated in section 19 (4) or (5) from a competent court, within a period of six months from the establishment of a fire control area in terms of section 15 (1); or

(ii) fails in any year to complete a fire-belt before the date determined in such agreement or order, or a court order contemplated in section 19 (6), in accordance with the provisions of such agreement or order;

shall be guilty of an offence and liable on conviction to a fine not exceeding R10 for each day which he so fails to comply with the provisions of the said section 19 (1), such agreement or court order.

(b) An owner of land contemplated in section 19 (1) who fails to comply with a provision of section 19 (1) or any provision of an agreement contemplated in the said section or a court order contemplated in sections 19 (4), (5) or (6), except a provision in respect of which subsection 8 (a) of this section is applicable, shall be guilty of an offence.

(c) (i) Any owner of land contemplated in sections 21 (1) and (2) who clears a fire-belt contemplated in the said sections without giving notice beforehand as prescribed; and

(ii) Any owner contemplated in sections 21 (1) and (2) who has been given notice as prescribed who fails to render assistance as agreed;

shall be guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).

(d) Any person who contravenes a provision of any notice contemplated in section 22, shall be guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).

(e) Any person who fails to comply with a requirement or order given in terms of section 23 (3) shall be guilty of an offence.

(f) Any owner, occupier or person in control of land who, while a veld, forest or mountain fire occurs on such land, fails to take such steps as are under the circumstances reasonably necessary to extinguish such fire or to confine it to such land or to prevent such fire from causing damage to property on contiguous land, shall be guilty of an offence and liable on conviction to the penalties prescribed by subsection (2).

(9) Any person who—

(a) contravenes any provision of Chapter VII or fails to comply therewith;

(b) damages, removes, alters, obstructs, shifts or interferes with any quarters for overnight stays, essential amenities, a route indicator, notice or shelter established in terms of Chapter VII, or obstructs access to the national hiking way system or disturbs or causes to disturb hikers on a hiking way;

(c) 'n baken, grensmerk, oorklimtrap of heining op grond waaroor die nasionale voetslaanpadstelsel aangelê is beskadig, vernietig, verander, verskuif, verwyder of hom daarmee bemoei;

(d) lewende hawe, 'n gebou, gesaaides of gewasse op grond waaroor die nasionale voetslaanpadstelsel aangelê is neem, verwyder, beskadig, vernietig of hom daarmee bemoei;

(e) 'n vuur langs of op die nasionale voetslaanpadstelsel behalwe op 'n plek vir die doel aangewys maak, help maak, gebruik, weer aansteek of brandstof daarby voeg;

(f) langs of op die nasionale voetslaanpadstelsel op enigerlei wyse wild, voëls skoenlappers of ander diere of insekte of vis jag, vang of doodmaak of probeer jag, vang of doodmaak;

(g) langs of op die nasionale voetslaanpadstelsel bome, struiken of ander plantegroei kap, beskadig, vernietig, versamel of verwyder;

(h) met 'n voertuig of enige dier op die nasionale voetslaanpadstelsel aanwesig is;

(i) opsetlik langs of op die nasionale voetslaanpadstelsel merke of tekens op 'n rots, gebou, boom of ander plantegroei aanbring of daarop kerf;

(j) rommel, afval of leë houers op die nasionale voetslaanpadstelsel of op grond waaroor dit gaan agterlaat of neergooi op 'n ander plek as die plek daarvoor opsy gesit; of

(k) enige bepaling van 'n gedragskode wat vir 'n spesifieke roete voorgeskryf is oortree of versuum om daaraan te voldoen;

is aan 'n misdryf skuldig.

(10) Enigiemand wat—

(a) weier om 'n lisensie, permit of ander magtiging bedoel in artikel 49 oor te lê;

(b) 'n bosbeampte toegang tot grond bedoel in artikel 50 (1) (a) weier; of

(c) na sy inhegenisname kragtens artikel 47 (1) (a) nie 'n landdroshof wat jurisdiksie het oortuig dat hy wettiglik in besit was van enige bosproduk bedoel in die genoemde artikel nie;

is aan 'n misdryf skuldig.

(11) 'n Bosbeampte of ander werknemer van die departement wat—

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

(ii) 'n betaling, voordeel of beloning van geldelike of ander aard vra of ontvang of instem om dit te ontvang as beloning vir die verrigting van sy amsplike; of

(iii) handeldryf in bosprodukte, behalwe bosprodukte verbou of geproduseer op sy eie grond, of as agent optree vir iemand wat in bosprodukte handeldryf;

is aan 'n misdryf skuldig.

(12) Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet ten opsigte waarvan geen straf voorgeskryf word nie, is behoudens die bepalings van artikel 44 (10) strafbaar met 'n boete van hoogstens R250 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(c) damages, destroys, alters, shifts, removes or interferes with any beacon, boundary mark, stile or fence on land over which the national hiking way system is constructed;

(d) takes, removes, damages, destroys, or interferes with livestock, a building, any crop or harvest on land over which the national hiking way system is constructed;

(e) lights or assists in lighting or uses, rekindles or adds fuel to any fire along or on the national hiking way system, except at a place designated for this purpose;

(f) along or on the national hiking way system in any manner hunts or catches or destroys or attempts to hunt, catch or destroy game, birds, butterflies or other animals or insects or fish;

(g) along or on the national hiking way system cuts, damages, destroys, collects or removes trees, shrubs or other vegetation;

(h) is present on the national hiking way system with a vehicle or any animal;

(i) along or on the national hiking way system wilfully places marks or signs on or carves upon a rock, building, tree or other vegetation;

(j) leaves or deposits litter, refuse or empty container on the national hiking way system or on land traversed by it, in any place other than a place set aside for it; or

(k) contravenes or fails to comply with any provision of a code of conduct prescribed in respect of a particular route;

shall be guilty of an offence.

(10) Any person who—

(a) refuses to produce a licence, permit or other authority contemplated in section 49;

(b) refuses any forest officer entry upon land contemplated in section 50 (1) (a); or

(c) after his arrest in terms of section 47 (1) (a) fails to convince a magistrate's court having jurisdiction, that he was lawfully in possession of any forest produce contemplated in the said section;

shall be guilty of an offence.

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

(i) solicits or receives or agrees 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;

(ii) solicits or receives or agrees to receive, from any person any payment, advantage or reward, pecuniary or otherwise, in consideration of his doing his duty; or

(iii) trades in forest produce other than forest produce grown or produced on his own land, or acts as an agent for any person trading in forest produce;

shall be guilty of an offence.

(12) Any person guilty of an offence under this Act in respect whereof no penalty is expressly provided for, shall, subject to the provisions of section 44 (10), be liable to a fine not exceeding R250 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Arrestasiebevoegdhede van bosbeamptes en polisiebeamptes

47. 'n Bosbeampte of polisiebeampte kan sonder 'n lasbrief in hegtenisneem—

(1) enigiemand wat in besit gevind word van enige bosproduk ten opsigte waarvan sodanige beampte op redelike gronde vermoed dat dit onwettiglik uit 'n Staatsbos of private bos verkry is;

(2) enigiemand wat sodanige beampte op redelike gronde vermoed betrokke is by enige misdryf bedoel in artikel 46 (2); of

(3) enigiemand wat sodanige beampte op redelike gronde vermoed betrokke is by enige misdryf ingevolge hierdie Wet en wat na sy oordeel nie op 'n dagvaarding sal verskyn nie.

Beslagleggingsbevoegdhede van bosbeamptes en polisiebeamptes

48. (1) 'n Bosbeampte of polisiebeampte kan in beslag neem en behoudens enige bevel kragtens subartikel (2) in bewaring hou totdat ondersoek ingestel is, enige—

(a) bosproduk wat in 'n Staatsbos of private bos aangevind word of wat sodanige beampte op redelike gronde vermoed daaruit afkomstig of daarvandaan onderweg is en wat hy voorts op redelike gronde vermoed wederregtelik verwijder is of gaan word;

(b) bosproduk ten opsigte waarvan hy op redelike gronde vermoed dat 'n misdryf ingevolge hierdie Wet gepleeg is; of

(c) wapen, voertuig, toerusting of dier wat hy op redelike gronde vermoed gebruik is by die pleeg van enige misdryf ingevolge hierdie Wet.

(2) 'n Beslaglegging kragtens subartikel (1) moet onverwyld aangemeld word by 'n landdros wat jurisdiksie het in die distrik waarbinne die beslaglegging plaasgevind het, wat ten opsigte van die verdere inbeslaghouing of beskikking oor bedoelde bosproduk of ander eiendom, 'n bevel kan uitreik wat hy met inagneming van die feite aan hom voorgelê, billik of raadsaam ag.

(3) Geen eis vir skadevergoeding kan ingestel word op grond van die beslaglegging op enige bosproduk of ander eiendom ingevolge hierdie artikel nie.

Landdros, vrederegter, polisiebeampte of bosbeampte kan oorlegging eis van sekere dokumente

49. 'n Landdros, vrederegter, bosbeampte of polisiebeampte kan te alle redelike tye van enigiemand die oorlegging vorder van 'n lisensie, permit of ander magtiging waaronder sodanige persoon ingevolge hierdie Wet moet beskik.

Bevoegdhede van bosbeamptes met betrekking tot betreding van private grond en ten opsigte van misdrywe ingevolge die Wet

50. (1) 'n Bosbeampte—

(a) kan by die uitvoering van enige werkzaamheid ingevolge hierdie Wet—

(i) na redelike kennisgewing aan die eienaar of okkuperder van grond, daardie grond betree met die nodige werksmense en toerusting en daarop enige ondersoek of inspeksie uitvoer of handeling verrig wat vir die uitvoering van bedoelde werkzaamheid nodig is; en

(ii) kan vir sover dit nodig is om toegang tot die grond bedoel in subartikel (1) (a) te verkry, enige ander grond na redelike kennisgewing aan die eienaar of okkuperder daarvan betree met die nodige werksmense en toerusting en daaroor gaan.

Powers of arrest of forest officers and police officers

47. Any forest officer or police officer may without a warrant take into custody—

(1) any person who is found in possession of any forest produce which such officer reasonably suspects to have been obtained unlawfully from any State forest or private forest;

(2) any person whom such officer on reasonable grounds suspects of having been a party to any offence contemplated in section 46 (2); or

(3) any person whom such officer suspects on reasonable grounds of having been a party to any offence under this Act and who according to his judgment, will fail to appear in answer to a summons.

Powers of seizure of forest officers and police officers

48. (1) Any forest officer or police officer may seize and, subject to any order in terms of subsection (2) detain, pending an inquiry, any—

(a) forest produce found in a State forest or private forest, which such officer suspects on reasonable grounds of having been obtained or being in transit therefrom and which he furthermore on reasonable grounds suspects of having been or of being about to be wrongfully removed;

(b) forest produce in respect of which such officer suspects on reasonable grounds an offence has been committed under this Act; or

(c) weapon, vehicle, instrument or animal which such officer suspects on reasonable grounds has been used in the commission of any offence under this Act.

(2) Any seizure in terms of subsection (1) shall forthwith be reported to a magistrate having jurisdiction in the district wherein the seizure has taken place, who may make such order as to the further retention or disposal of such forest produce or other property as he may on the facts reported to him, consider equitable or expedient.

(3) No action for damages shall lie in respect of the seizure of any forest produce or other property under this section.

Magistrate, justice of the peace, police officer or forest officer may demand production of certain documents

49. A magistrate, justice of the peace, forest officer or police officer may at all reasonable times demand from any person the production of any licence, permit or other authority which such person is under this Act required to have.

Powers of forest officers in connection with entry upon private land and in respect of offences under the Act

50. (1) A forest officer—

(a) may in the performance of any function in terms of this Act—

(i) after reasonable notice to the owner or occupier of land, enter upon such land with the necessary workmen and equipment and conduct thereon any investigation or inspection or perform any act which is necessary for the performance of such functions; and

(ii) may after reasonable notice to the owner or occupier, in so far as it may be necessary to gain access to any land referred to in subsection (1) (a), enter upon and go across any other land with the necessary workmen and equipment;

53. 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 recovered, be paid to any person, not being an officer in the service of the State upon whose information the conviction for such offence has been obtained or who has materially assisted in bringing the offender to justice.

Award of portion of fine recovered to informant

(2) Any order of a court contained in subsection (1), shall be executed in the same manner as a judgment of such court in a civil case.

(b) The provisions of subsection (1) (a) relating to the payment of damages shall also apply in respect of any lawful cutting of or injury to any forest produce or damage caused to any forest produce by fire or other property in a State forest or private forest by any other means.

52. (1) A court which upon the hearing of a charge under this Act or any other law, finds that forest produce has been unlawfully removed from a State forest or private forest, may, in addition to any other powers vested in the court, order that the person in possession of the forest produce concerned, to an amount fixed by the court, be paid by the accused, to the owner of the dam-ages, to an amount fixed by the court, be paid by the ac-
cused to the owner concerned.

Court may issue order in connection with the disposition of any forest produce in respect of which any offence has been committed and order the payment of compensation

Special powers of magistrate's court in case of squatting, camping or cultivating of a State forest

(b) shall in respect of any offence, attempt or offence under this Act, have all the powers or suspended offence under this Act, have all the powers vested by law in a police officer.

52. (1) (a) "Hof wat by die vethoer van 'n aanklag
magvollege hierdie Wet of 'n ander wet bevinde dat 'n hospit-
ialuk wedtergetreklik van 'n Staatsbos of private bos verwilder-
is, kan binnewens eliegte ander bevegghede wat in die hof
veslie, gelas dat die persoon in besit van die besoedle bos-
vese produk dit moet terugbesorg aan die einear of dat skade-
vergoedding soos deur die hoof vasgesetel, deur die beskui-
digde aan die betrokke einear betaal moet word.

Hof van bevel uitreik met betrekking tot die beskikkingsoor enige hospitaal tein opsigte waaran 'n misstryd bestede is en die betrekking van skadevergoeding geslaag word.

van pak, kampering of bewerking van 'n Staatsbos

(b) het ten opsigte van enige misdaad, poging tot 'n misdaad of vermende misdaad in gevalle hierdie Wet al die bevoegdhede warmee 'n politiebeampte regteens bekleed is.

Vermoedens by strafregtelike gedinge

54. (1) Wanneer by 'n vervolging ingevolge hierdie Wet in die aanklag beweer word dat enige bosproduk die eiendom van die Staat of van enige persoon is, word vermoed totdat die teendeel bewys word, dat sodanige produk die eiendom is van die Staat of van sodanige persoon, na gelang van die geval.

(2) Iemand wat aangekla word weens 'n handeling vir die verrigting waarvan ingevolge hierdie Wet 'n lisensie, permit of ander magtiging vereis word, word geag nie so 'n lisensie, permit of magtiging te besit nie tensy hy dit aan die hof voorlê of ander bevredigende bewys lewer dat hy dit besit.

(3) Wanneer by 'n vervolging weens 'n in artikel 46 (5) bedoelde misdryf daar in die aanklag beweer word dat konstruksiehout geproduseer is van bome wat in die Republiek gekweek is, word vermoed totdat die teendeel bewys word, dat sodanige konstruksiehout geproduseer is van bome wat in die Republiek gekweek is.

Vermoede van nalatigheid by sekere siviele en strafregtelike gedinge

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

HOOFTUK XI: ALGEMEEN**Regte van poskantoor, plaaslike besture, ensovoorts**

56. Ondanks andersluidende wetsbepalings, word geen reg om—

(a) bome of kreupelhout op grond te kap, te snoei of te verwyder; of

(b) 'n Staatsbos of private bos te betree;

vir die doeleindes van die Poswet, 1958, of van die aanlê en instandhouding van elektriese kragleidings, paaie of spoorweë, met inbegrip van die neem van klip, sand, grond of water, sonder voorafgaande raadpleging met die direkteur-generaal of die eienaar, na gelang van die geval, uitgeoefen nie: Met dien verstande dat waar so 'n reg bestaan en redelikkerwys uitgeoefen kan word, die direkteur-generaal of die eienaar na gelang van die geval, geskikte en voldoende gebiede vir die uitvoering van daardie reg aanwys: Met dien verstande voorts dat wanneer verbinding deur bome of kreupelhout onderbreek of in gevaar gestel word, die betrokke gesag sonder raadpleging soos vermeld, die stappe kan doen wat werlik nodig is om die onderbreking of gevaar te verwyder maar in so 'n geval moet die betrokke gesag so spoedig doenlik die direkteur-generaal of eienaar na gelang van die geval, in kennis stel van die stappe wat gedoen is.

Bestelling van kennsingewings

57. Bestelling van 'n kennisgewing kragtens hierdie Wet moet bewerkstellig word—

(a) deur 'n afskrif daarvan aan die persoon aan wie dit bestel moet word self te oorhandig; of

(b) deur sodanige afskrif by die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te laat; of

(c) deur sodanige afskrif per aangetekende pos na die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te stuur.

Presumptions in criminal proceedings

54. (1) Whenever in any prosecution under this Act it is alleged in the charge that any forest produce is the property of the State or of any person, it shall be presumed, until the contrary is proved, that such produce is the property of the State or of such person, as the case may be.

(2) A person charged with doing any act for which by this Act a licence, permit or other authorisation is required, shall be deemed not to possess such licence, permit or authorisation unless he produces the same to the court or gives other satisfactory proof of possessing the same.

(3) Whenever in any prosecution for an offence contemplated in section 46 (5) it is alleged that structural timber has been produced from trees grown in the Republic, it shall be presumed, until the contrary is proved, that such structural timber has been produced from trees grown in the Republic.

Presumption of negligence in certain civil and criminal proceedings

55. Whenever in any proceedings under this Act or at common law the question of negligence arises in respect of a veld, forest or mountain fire which occurred on land situated outside a fire control area, negligence shall be presumed, until the contrary is proved.

CHAPTER XI: GENERAL**Right of post office, local authorities, etc.**

56. Notwithstanding anything to the contrary in any law contained, no right—

(a) of cutting, trimming or removing trees or underwood on any land; or

(b) of entry upon any State forest or private forest;

for the purposes of the Post Office Act, 1958, or the construction and maintenance of electrical power lines, roads or railways, including the taking of stone, sand, earth or water, shall be exercised without prior consultation with the director-general or the owner, as the case may be: Provided that where any such right exists and can reasonably be exercised the director-general or the owner, as the case may be, shall point out suitable and adequate areas for the exercise of that right: Provided further that where communications is interfered with or endangered by trees or underwood, the authority concerned may take such steps as are actually necessary for the removal of the interference or danger without consultation as aforesaid, but in such a case the authority concerned shall as soon as possible notify the director-general or owner, as the case may be, of the steps which have been taken.

Service of notices

57. Service of any notice under this Act shall be effected—

(a) by delivering a copy thereof personally to the person on whom it is to be served; or

(b) by leaving such copy at the usual or last known place of residence or business of such person; or

(c) by sending such copy by registered post to the usual or last known place of residence or business of such person.

Beperking op gedinge teen die Staat, die Minister, en ander persone

58. Geen geding kan ingestel word teen die Staat, die Minister, die direkteur-generaal, 'n bosbeampte of 'n ander beampte van die departement of 'n polisiebeampte weens die besering van of verlies gely deur enige persoon as gevolg van enigets wat te goedertrouw kragtens hierdie Wet gedoen is nie.

Voorbehoud van bestaande ooreenkomste

59. Niks in hierdie Wet vervat, word so vertolk as sou dit op enige wyse hoëgenaamd 'n ooreenkoms in verband met die bestuur van 'n Staatsbos, of die vandiehandsetting of verkoop van bosprodukte, of die verlening van regte ten opsigte van beweiding, bewerking, die aanlē van saagmeulens of fabrieke, handeldryf, kampering, bewoning, daarstelling van verbinding, hetsy oor land, per radio of andersins, wat tussen die Staat en enige persoon bestaan en wat by die inwerkingtreding van hierdie Wet van krag is, raak nie.

Herroeping van wette

60. (1) Behoudens die bepalings van subartikels (2) en (3) word die in Bylae II vermelde wette hierby herroep vir sover in die derde kolom daarvan aangedui word.

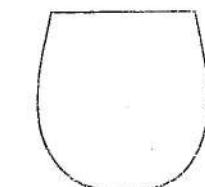
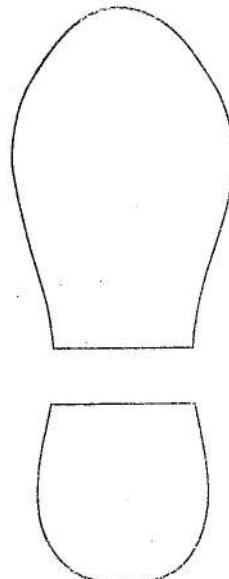
(2) 'n Kennisgewing uitgereik of wat geag word uitgereik te gewees het of 'n regulasie, proklamasie, lisensie, permit, toestemming, goedkeuring of ooreenkoms uitgevaardig, uitgereik, verleen, gegee of aangegaan of enige ander stapte gedoen of enigets gedoen by of kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag by of kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, verleen, gegee, aangegaan of gedoen te gewees het.

(3) Enigets 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 bepaling van hierdie Wet.

Kort titel

61. Hierdie Wet heet die Boswet, 1983.

BYLAE I



Restriction upon actions against the State, the Minister and other officers

58. No action shall lie against the State, the Minister, the director-general, a forest officer or other officer of the department or a police officer for any injury to or loss sustained by any person in consequence of anything done in good faith under this Act.

Saving of existing agreements

59. Nothing in this act contained shall be construed as affecting in any manner whatsoever any agreement in connection with the management of State forests, or the disposal or sale of forest produce, or the granting of rights in respect of grazing, cultivation, saw mills, factories, trading, camping, residence or the establishment of communications, whether by land, radio or otherwise, existing between the State and any other person and in force at the commencement of this Act.

Repeal of law

60. (1) Subject to the provisions of subsections (2) and (3) the laws mentioned in Schedule II are hereby repealed to the extent indicated in the third column thereof.

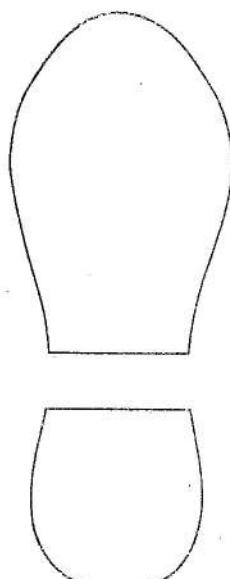
(2) Any notice issued or deemed to have been issued or any regulation, proclamation, licence, permit, approval or agreement made, issued, granted, given or entered into or any other action taken or anything done by or under any provision of a law repealed by subsection (1) shall be deemed to have been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

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

Short title

61. This Act shall be called the Forest Act, 1983.

SCHEDULE I



BYLAE II
WETTE HERROEP

Nommer en jaar	Titel	In hoeverre herroep
Wet 72 van 1968	Boswet, 1968	Die geheel.
Wet 76 van 1969	Grondbewaringswet, 1969.....	Deel IV.
Wet 37 van 1971	Boswysigingswet, 1971.....	Die geheel.
Wet 46 van 1972	Boswysigingswet, 1972.....	Die geheel.
Wet 45 van 1973	Boswysigingswet, 1973.....	Die geheel.
Wet 57 van 1974	Boswysigingswet, 1974.....	Die geheel.
Wet 36 van 1975	Boswysigingswet, 1975.....	Die geheel.
Wet 63 van 1975	Onteieningswet, 1975	Artikel 76.
Wet 58 van 1976	Boswysigingswet, 1976.....	Die geheel.
Wet 87 van 1978	Boswysigingswet, 1978.....	Die geheel.
Wet 58 van 1979	Boswysigingswet, 1979.....	Die geheel.
Wet 12 van 1982	Boswysigingswet, 1982.....	Die geheel.

SCHEDULE II
LAWS REPEALED

Number and year	Title	Extent of repeal
Act 72 of 1968	Forest Act, 1968	The whole.
Act 76 of 1969	Soil Conservation Act, 1969	Part IV.
Act 37 of 1971.....	Forest Amendment Act, 1971	The whole.
Act 46 of 1972.....	Forest Amendment Act, 1972	The whole.
Act 45 of 1973.....	Forest Amendment Act, 1973	The whole.
Act 57 of 1974	Forest Amendment Act, 1974	The whole.
Act 36 of 1975	Forest Amendment Act, 1975	The whole.
Act 63 of 1975	Expropriation Act, 1975	Section 76.
Act 58 of 1976	Forest Amendment Act, 1976	The whole.
Act 87 of 1978	Forest Amendment Act, 1978	The whole.
Act 58 of 1979	Forest Amendment Act, 1979	The whole.
Act 12 of 1982	Forest Amendment Act, 1982	The whole.

INHOUD

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