



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 433 Cape Town, 18 July 2001 No. 22479  
Kaapstad, Julie

## THE PRESIDENCY

No. 660 18 July 2001

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

No. 12 of 2001: National Forest and Fire Laws Amendment Act, 2001.

## DIE PRESIDENSIE

No. 660 18 Julie 2001

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

No. 12 van 2001: Wysigingswet op Nasionale Bos- en Brandwette, 2001.



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Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

## GENERAL EXPLANATORY NOTE:

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the Acting President.)  
(Assented to 13 July 2001.)

# ACT

To amend the National Forests Act, 1998, so as to amend certain definitions; to make further provision regarding the possession and disposal of trees and forest products in natural forests; to make provision for the protection of species of trees; to exempt certain contractors from having to obtain a licence; to make the granting of a prospecting or mining licence in a State forest subject to certain principles; to provide for once-off sales of forest produce and products; to provide further for the termination of an agreement; to correct an anomaly; to make further provision regarding the reservation of State land for forestry; to provide further for the procedure for making regulations; to make new provision with regard to tariffs; to expand the provision creating offences; and to correct a reference; to amend the National Veld and Forest Fire Act, 1998, so as to provide for the situation where the chief fire officer of a municipal structure does not want to perform the functions of a fire protection officer in the fire protection association; and to provide that certain listed factors should be taken into account in a fire danger rating system only where it is reasonably possible to do so; to provide further for the procedure for making regulations; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Amendment of section 2 of Act 84 of 1998

1. Section 2 of the National Forests Act, 1998, is hereby amended—

(a) by the substitution for the definition of “State land” of the following definition: 5

“ ‘State land’ means land which vests in the national or a provincial government—

(a) including—

(i) land held in trust by the Minister of Land Affairs or the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994); and 10

(ii) land which is not owned by the State but is managed by the national or a provincial government exclusively or jointly with the owner in terms of an agreement; but 15

(b) excluding land belonging to a municipality;” and

WYSIGINGSWET OP NASIONALE BOS-  
EN BRANDWETTE, 2001

Wet No. 12, 2001

## ALGEMENE VERDUIDELIKENDE NOTA:

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

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

*(Engelse teks deur die Waarnemende President geteken.)*  
*(Goedgekeur op 13 Julie 2001.)*

## WET

Tot wysiging van die Nasionale Wet op Bosse, 1998, ten einde sekere woord-  
omskrywings te wysig; verdere voorsiening te maak met betrekking tot die besit  
van en beskikking oor bome en bosprodukte in natuurlike bosse; voorsiening te  
maak vir die beskerming van boomspecies; sekere kontrakteurs vry te stel van die  
vereiste om 'n lisensie te bekom; die uitreiking van 'n lisensie vir prospektering of  
ontginning in 'n Staatsbos aan sekere beginsels onderworpe te stel; vir eenmalige  
verkope van bosopbrengs en -produkte voorsiening te maak; verder voorsiening te  
maak vir die beëindiging van 'n ooreenkoms; 'n anomalie reg te stel; verder  
voorsiening te maak vir die uithou van Staatsgrond vir bosbou; verder voorsiening  
te maak vir die prosedure vir die uitvaardiging van regulasies; nuwe voorsiening  
met betrekking tot tariewe te maak; die bepaling waarby misdrywe geskep word,  
uit te brei; en 'n verwysing reg te stel; tot wysiging van die Nasionale Wet op Veld-  
en Bosbrande, 1998, ten einde voorsiening te maak vir die situasie waarin die  
hoofbrandweerbeampte van 'n munisipaliteit nie die werksaamhede van 'n  
brandbeskermingsbeampte in die brandbeskermingsvereniging wil verrig nie; te  
bepaal dat sekere gelyste faktore in 'n brandgevaaraanslagstelsel in ag geneem  
moet word slegs indien dit redelikerwys moontlik is; en verder voorsiening te maak  
vir die prosedure om regulasies uit te vaardig; en om voorsiening te maak vir  
aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika,  
soos volg:—

## Wysiging van artikel 2 van Wet 84 van 1998

1. Artikel 2 van die Nasionale Wet op Bosse, 1998, word hierby gewysig—

(a) deur die omskrywing van “Staatsgrond” deur die volgende omskrywing te 5  
vervang:

“ ‘Staatsgrond’ grond wat by die nasionale of 'n provinsiale regering  
berus—

(a) insluitende—

(i) grond wat in trust gehou word deur die Minister van 10  
Grondsake of die Ingonyama bedoel in die KwaZulu  
Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994);  
en

(ii) grond wat nie aan die Staat behoort nie maar wat bestuur word 15  
deur die nasionale of 'n provinsiale regering as alleen-

## Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

- (b) by the substitution for the definition of “trust forest” of the following definition:

“ ‘trust forest’ means State land which—

- (a) was reserved for forestry or declared as demarcated State forest or a similar status in terms of any previous forest legislation; and 5
  - (b) has at any time vested in—
    - (i) the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);
    - (ii) the government of any area for which a legislative assembly 10 was established in terms of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971); or
    - (iii) the governments of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei,
- despite any subsequent withdrawal, retraction or amendment of the 15 status of the forest as reserved or demarcated, the boundaries being those which **[applied when the forest was first demarcated or, failing demarcation, first reserved for forestry]** were most recently surveyed or otherwise accurately described in terms of any law;”.

## Amendment of section 7 of Act 84 of 1998

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2. Section 7 of the National Forests Act, 1998, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) No person may—

- (a) cut, disturb, damage or destroy any indigenous, living tree in **[or remove or receive any such tree from]** a natural forest; or 25
  - (b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any tree, or any forest product derived from a tree contemplated in paragraph (a),
- except in terms of—
- [(a)](i)** a licence issued under subsection (4) or section 23; or 30
  - [(b)](ii)** an exemption from the provisions of this subsection published by the Minister in the *Gazette* on the advice of the Council.”; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) The Minister may **[issue a licence to cut, damage or destroy any indigenous, living tree in, or remove or receive any such tree from, a natural forest]** license one or more of the activities referred to in paragraph (a) or (b) of subsection (1).” 35

## Amendment of section 10 of Act 84 of 1998

3. Section 10 of the National Forests Act, 1998, is hereby amended by the substitution 40 in subsection (1) for paragraph (e) of the following paragraph:

“(e) in terms of an exemption under section **[7(1)(b)] 7(1)(b)(ii)** or 24(6); or”.

## Amendment of section 15 of Act 84 of 1998

4. Section 15 of the National Forests Act, 1998, is hereby amended by the substitution 45 for subsection (1) of the following subsection:

“(1) No person may—

- (a) cut, disturb, damage or destroy **[or remove]** any protected tree; or
  - (b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, 50
- except under a licence granted by the Minister.”.

## Amendment of section 18 of Act 84 of 1998

5. Section 18 of the National Forests Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

WYSIGINGSWET OP NASIONALE BOS-  
EN BRANDWETTE, 2001

Wet No. 12, 2001

bestuurder of as medebestuurder met die eienaar kragtens 'n ooreenkoms; maar

- (b) uitgesonderd grond wat aan 'n munisipaliteit behoort;"; en
- (b) deur die omskrywing van "trustbos" deur die volgende omskrywing te vervang: 5
- "'trustbos' Staatsgrond wat—
- (a) uitgehou is vir bosbou of verklaar is tot gedemarkeerde Staatsbos of 'n soortgelyke status ingevolge enige vorige boswetgewing; en
- (b) te eniger tyd berus het by—
- (i) die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 10  
van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936);
- (ii) die regering van enige gebied waarvoor daar 'n wetgewende vergadering ingestel is ingevolge die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971); of 15
- (iii) die regerings van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei, ondanks enige latere herroeping, intrekking of wysiging van die status van die bos as uitgehou of gedemarkeer, en die grense is **[dié wat gegeld het toe die bos die eerste keer gedemarkeer of, by ontstentenis van demarkering, die eerste keer uitgehou is vir bosbou] soos mees onlangs opgemeet of andersins akkuraat beskryf kragtens enige wet;**" 20

## Wysiging van artikel 7 van Wet 84 van 1998

2. Artikel 7 van die Nasionale Wet op Bosse, 1998, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 25
- "(1) Niemand mag—
- (a) enige inheemse, lewende boom in 'n natuurlike bos afkap, versteur, beskadig of vernietig **[of enige sodanige boom uit 'n natuurlike bos verwyder of ontvang] nie; of**
- (b) enige boom, of enige bosproduk afkomstig van 'n boom beoog in 30  
paragraaf (a), besit, versamel, verwyder, vervoer, uitvoer, koop, verkoop, skenk of op enige ander wyse verkry of daaroor beskik nie,  
behalwe ingevolge—
- [(a)](i) 'n lisensie uitgereik kragtens subartikel (4) of artikel 23; of
- [(b)](ii) 'n vrystelling van die bepalings van hierdie subartikel deur die 35  
Minister in die *Staatskoerant* gepubliseer op advies van die Raad."; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- "Die Minister kan 'n lisensie uitreik vir **[die afkap, beskadiging of vernietiging van enige inheemse, lewende boom in, of die verwydering of ontvangs van enige sodanige boom uit, 'n natuurlike bos]** een of meer van die bedrywighede bedoel in paragraaf (a) of (b) van subartikel (1)."

## Wysiging van artikel 10 van Wet 84 van 1998

3. Artikel 10 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur in 45  
subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang:
- "(e) ingevolge 'n vrystelling kragtens artikel **[7(1)(b)] 7(1)(b)(ii)** of 24(6); of"

## Wysiging van artikel 15 van Wet 84 van 1998

4. Artikel 15 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur 50  
subartikel (1) deur die volgende subartikel te vervang:
- "(1) Niemand mag—
- (a) enige beskermde boom afkap, versteur, beskadig[,] of vernietig [of verwyder] nie; of
- (b) enige beskermde boom of enige bosproduk afkomstig van 'n beskermde boom, besit, versamel, verwyder, vervoer, uitvoer, koop, verkoop, skenk of op enige ander wyse verkry of daaroor beskik nie, 55  
behalwe kragtens 'n lisensie deur die Minister uitgereik."



## Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

“(1) Any **[natural or juristic]** person or **[any]** organ of State may apply to the Minister to protect a forest, species of tree, tree or group of trees in terms of this Chapter.”.

**Amendment of section 23 of Act 84 of 1998**

6. Section 23 of the National Forests Act, 1998, is hereby amended by the substitution 5  
for subsection (2) of the following subsection:

“(2) No person may engage in any activity in a State forest for which a licence is required without such a licence, unless he or she—

- (a) **[he or she]** is exempted under section 24 (6);
- (b) **[he or she]** is acting in the scope of his or her employment or mandate as an 10  
officer, employee or agent of the Department;
- (c) **[he or she]** has a right to engage in the activity in terms of the Interim  
Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996);
- (d) performs the activity in terms of a contract contemplated in paragraph (b) of  
section 24(4).”.

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**Amendment of section 24 of Act 84 of 1998**

7. (1) Section 24 of the National Forests Act, 1998, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) A licensee must pay the licence fee, unless—

- (a) he or she has entered into a lease agreement under section **[26]27**; 20
- (b) he or she is a purchaser in terms of an agreement referred to in  
section 28(1);
- (c) it is a community which has entered into an agreement under section  
30; **[or]**
- (d) the licensee is unable to pay and qualifies for exemption in terms of 25  
criteria set by the Minister; or
- (e) the tariff referred to in section 55(a) does not prescribe a licence fee  
for the activity concerned.”; and

(b) by the substitution for subsection (9) of the following subsection:

“(9) Nothing in this Act prohibits **[or affects]** the grant in terms of any 30  
law of a right to prospect for, mine or dispose of any mineral as defined  
in the Minerals Act, 1991 (Act No. 50 of 1991), or any source material as  
defined in the Nuclear Energy Act, 1993 (Act No. 131 of 1993), in a State  
forest but—

- (a) the holder of such a right may not **[cut, disturb, damage, destroy** 35  
**or remove any forest produce]** do anything which requires a  
licence in terms of section 23 without such a licence; and
- (b) the grant of any such right after the commencement of the National  
Forest and Fire Laws Amendment Act, 2001, must be made subject  
to the principles set out in section 3(3) of this Act.”.

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**Amendment of section 28 of Act 84 of 1998**

8. Section 28 of the National Forests Act, 1998, is hereby amended—

(a) by the substitution in subsection (1) of the following subsection:

“(1) (a) The Minister;

(b) a person who has entered into a lease agreement under section 45  
27;

(c) a party to a community forestry agreement entered into under  
section 30; or

(d) the South African Forestry Company Limited,

may enter into an agreement to sell timber or any other forest produce in 50  
or derived from a State forest to any other person.”;

(b) by the substitution in subsection (2) for paragraph (a) of the following  
paragraph:

“(a) allow for termination of the contract at any time after it comes into  
effect by either party on a period of notice which is not more than 55  
five years, unless—

(i) the Minister agrees to a longer period of notice;

**Wysiging van artikel 18 van Wet 84 van 1998**

5. Artikel 18 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige **[natuurlike of regspersoon]** persoon of **[enige]** Staatsorgaan kan by die Minister aansoek doen om ’n bos, boomspesie, boom of groep bome kragtens hierdie Hoofstuk te beskerm.”.

**Wysiging van artikel 23 van Wet 84 van 1998**

6. Artikel 23 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Niemand mag enige bedrywigheid waarvoor ’n lisensie vereis word, sonder sodanige lisensie in ’n Staatsbos beoefen nie, tensy hy of sy—

- (a) **[hy of sy]** kragtens artikel 24(6) vrygestel is;
- (b) **[hy of sy]** optree binne die bestek van sy of haar diens of mandaat as ’n beampte, werknemer of agent van die Departement;
- (c) **[hy of sy]** ’n reg het om die bedrywigheid te beoefen ingevolge die Wet op die Tussentydse Beskerming van Informele Grondregte, 1996 (Wet No. 31 van 1996);
- (d) die bedrywigheid beoefen kragtens ’n kontrak beoog in paragraaf (b) van artikel 24(4).”.

**Wysiging van artikel 24 van Wet 84 van 1998**

7. Artikel 24 van die Nasionale Wet op Bosse, 1998, word hierby gewysig—

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Lisensiehouer moet die lisensiegeld betaal, tensy—

- (a) hy of sy ’n huurooreenkoms kragtens artikel **[26] 27** aangegaan het;
- (b) hy of sy ’n koper is ingevolge ’n ooreenkoms in artikel 28(1) bedoel;
- (c) dit ’n gemeenskap is wat ’n ooreenkoms kragtens artikel 30 aangegaan het; **[of]**
- (d) hy of sy [die lisensiehouer] nie in staat is om te betaal nie en in aanmerking kom vir vrystelling ingevolge maatstawwe deur die Minister gestel; of
- (e) die tarief bedoel in artikel 55(a) nie ’n lisensiegeld vir die betrokke bedrywigheid voorskryf nie.”; en

- (b) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Niks in hierdie Wet belet **[of beïnvloed]** die verlening ingevolge enige wet van ’n reg om in ’n Staatsbos te prospekter na enige mineraal soos omskryf in die Mineraalwet, 1991 (Wet No. 50 van 1991), of enige bronmateriaal soos omskryf in die Wet op Kernenergie, 1993 (Wet No. 131 van 1993), of om dit te ontgin of daaroor te beskik nie, maar—

- (a) die houer van so ’n reg mag nie **[enige bosopbrengs afkap, versteur, beskadig, vernietig of verwyder]** enigiets wat ingevolge artikel 23 ’n lisensie vereis, sonder so ’n lisensie doen nie; en
- (b) die verlening van enige sodanige reg ná die inwerkingtreding van die Wysigingswet op Nasionale Bos- en Brandwette, 2001, moet onderworpe gestel word aan die beginsels uiteengesit in artikel 3(3) van hierdie Wet.”.

**Wysiging van artikel 28 van Wet 84 van 1998**

8. Artikel 28 van die Nasionale Wet op Bosse, 1998, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Die Minister;

(b) ’n persoon wat ’n huurooreenkoms kragtens artikel 27 aangegaan het;

(c) ’n party by ’n gemeenskapsbosbou-ooreenkoms kragtens artikel 30 aangegaan; of

(d) die Suid-Afrikaanse Bosboumaatskappy Beperk,

## Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

- (ii) the contract endures for a total period of five years or less, including any periods for which the contract may be renewed;  
or  
(iii) the contract is for a once-off sale of timber or other forest produce which has been harvested at the time of the sale;” and 5
- (c) by the substitution in subsection (5) for paragraph (f) of the following paragraph:
- “(f) [the termination of the agreement in terms of subparagraph (i) of paragraph (a)] an act or omission by either party in terms of this subsection is not a breach of the agreement.” 10

**Amendment of section 50 of Act 84 of 1998**

9. Section 50 of the National Forests Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Minister may reserve State land **[which is not a State forest]** for forestry if— 15
- (a) in the case of State land held in trust by the Ingonyama referred to in the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994), the authority with the necessary power in terms of that Act agrees; 20
- (b) in the case of State land, other than land referred to in paragraph (a), which has at any time vested in— 25
- (i) the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936); or
- (ii) the government of any area for which a legislative assembly was established in terms of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971); or
- (iii) the governments of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, 30
- the Minister of Land Affairs agrees;
- (c) in the case of State land which is not owned by the State but is managed by the national or a provincial government exclusively or jointly with the owner in terms of an agreement, the owner agrees;
- (d) in the case of State land, other than land referred to in paragraphs (a), (b) and (c), the Minister of Public Works agrees.” 35

**Amendment of section 54 of Act 84 of 1998**

10. Section 54 of the National Forests Act, 1998, is hereby amended— 35

- (a) by the substitution for subsection (2) of the following subsection:
- “(2) (a) After complying with subsection (1), the Minister may— 40
- (i) amend the draft regulations; and
- (ii) subject to subsections (3) to (8), publish the regulations in final form in the *Gazette*.
- (b) The regulations are effective from the date the Minister publishes them in the *Gazette* in terms of paragraph (a).” and
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The Minister must table the regulations in Parliament, together with any written comments and advice received on them pursuant to subsection (1)— 45
- (a) within 30 days after publishing them in terms of subsection (2); or
- (b) if Parliament is not then in session, within 30 days after the next session starts.” 50

**Substitution of section 55 of Act 84 of 1998**

11. The following section is hereby substituted for section 55 of the National Forests Act, 1998:

**“Tariffs and charges**

55. The Minister may, with the consent of the Minister of Finance—



WYSIGINGSWET OP NASIONALE BOS-  
EN BRANDWETTE, 2001

Wet No. 12, 2001

- kan 'n ooreenkoms aangaan om hout of enige ander bosopbrengs in of afkomstig van 'n Staatsbos aan enige ander persoon te verkoop.”;
- (b) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) moet voorsiening maak vir die beëindiging van die kontrak te eniger tyd nadat dit in werking getree het deur enige party na 'n **[kennistydperk]** kennisgewingstydperk van hoogstens vyf jaar, tensy—
- (i) die Minister tot 'n langer **[tydperk]** kennisgewingstydperk instem;
- (ii) die kontrak bly voortbestaan vir 'n algehele tydperk van vyf jaar of minder, met inbegrip van enige tydperke waarvoor die kontrak hernu word; of
- (iii) die kontrak vir 'n eenmalige verkoop is van hout of ander bosopbrengs wat ten tyde van die verkoop geoes is;”; en
- (c) deur in subartikel (5) paragraaf (f) deur die volgende paragraaf te vervang:
- “(f) **[die beëindiging van die ooreenkoms ingevolge subparagraaf (i) van paragraaf (a)]** 'n handeling of versuim deur enigeen van die twee partye kragtens hierdie subartikel is nie 'n verbreking van die ooreenkoms nie.”.

## Wysiging van artikel 50 van Wet 84 van 1998

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9. Artikel 50 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Die Minister kan Staatsgrond [**wat nie 'n Staatsbos is nie,**] vir bosbou uithou indien—
- (a) in die geval van Staatsgrond wat in trust gehou word deur die Ingonyama bedoel in die KwaZulu Ingonyama Trust Wet, 1994 (KwaZulu Wet No. 3 van 1994), die owerheid met die nodige bevoegdheid ingevolge daardie Wet daartoe instem;
- (b) in die geval van ander Staatsgrond as dié in paragraaf (a) bedoel, wat te eniger tyd berus het by—
- (i) die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936); of
- (ii) die regering van enige gebied waarvoor 'n wetgewende vergadering ingevolge die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), ingestel is; of
- (iii) die regerings van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei, die Minister van Grondsake daartoe instem;
- (c) in die geval van Staatsgrond wat nie aan die Staat behoort nie maar wat bestuur word deur die nasionale of 'n provinsiale regering as alleenbestuurder of as medebestuurder met die eienaar kragtens 'n ooreenkoms, die eienaar daartoe instem;
- (d) in die geval van ander Staatsgrond as dié in paragraawe (a), (b) en (c) bedoel, die Minister van Openbare Werke daartoe instem.”.

## Wysiging van artikel 54 van Wet 84 van 1998

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10. Artikel 54 van die Nasionale Wet op Bosse, 1998, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) (a) Nadat die Minister aan subartikel (1) voldoen het, kan hy of sy—
- (i) die konsepregulasies wysig; en
- (ii) behoudens subartikels (3) tot (8), die regulasies in die finale vorm in die Staatskoerant publiseer.

## Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

- (a) in respect of [any] State [forest] forests, issue [a tariff] tariffs of [licence] fees [which may vary according to circumstances] for licences issued in terms of this Act;
- (b) issue [the tariff] tariffs of charges [to be paid] for [any]—
  - (i) [product] forest produce or forest products derived from State forests and sold by an organ of State; or
  - (ii) [service] services rendered by [an officer or employee] officers or employees of the Department or by [a member] members of the panel referred to in section 45.”

## Amendment of section 62 of Act 84 of 1998

12. Section 62 of the National Forests Act, 1998, is hereby amended by the substitution in subsection (2) for paragraph (c) of the following paragraph:

- “(c) the prohibition on—
- (i) the cutting, disturbance, damage or destruction [or removal] of protected trees referred to in section 15(1)(a); or
  - (ii) [the prohibition on] the possession, collection, removal, transport, export, purchase or sale of protected trees, or any forest product derived from a protected tree, referred to in section 15(1)(b),
- is guilty of a first category offence.”

## Amendment of Schedule 1 to Act 84 of 1998

13. Schedule 1 to the National Forests Act, 1998, is hereby amended by the substitution for the expression “section 34” in the third column of the expression “section 35”.

## Amendment of section 5 of Act 101 of 1998

14. Section 5 of the National Veld and Forest Fire Act, 1998, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
 

“(b) provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining fire protection associations [in the event of a fire crossing boundaries];”; and
- (b) by the substitution in subsection (1) for paragraph (l) of the following paragraph:
 

“(l) appoint a fire protection officer, unless [a municipality is a member] there is a chief fire officer as contemplated in section 6(2)(a) who is willing to assume the powers and duties of a fire protection officer.”

## Amendment of section 6 of Act 101 of 1998

15. Section 6 of the National Veld and Forest Fire Act, 1998, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) Where—
- (a) a municipality is a member and has a service, or where a designated service is a member, the chief fire officer is the fire protection officer unless he or she declines the position;
  - (b) a fire protection association has as members more than one entity having a chief fire officer willing to assume the powers and duties of the fire protection officer, the fire protection officer must be [elected as prescribed] appointed from among those chief fire officers.”

## Amendment of section 9 of Act 101 of 1998

16. Section 9 of the National Veld and Forest Fire Act, 1998, is hereby amended by the substitution in subsection (4) for paragraphs (a) and (b) of the following paragraphs:

- “(a) take into account the relevant peculiarities of each region, including, where reasonably possible—
- (i) the topography;

WYSIGINGSWET OP NASIONALE BOS-  
EN BRANDWETTE, 2001

Wet No. 12, 2001

- (b) Die regulasies tree in werking op die datum waarop die Minister dit kragtens paragraaf (a) in die *Staatskoerant* publiseer.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die Minister moet die regulasies in die Parlement ter tafel lê tesame met enige skriftelike kommentaar en advies ooreenkomstig subartikel (1) daaroor ontvang—
- (a) binne 30 dae na publikasie daarvan kragtens subartikel (2); of
- (b) indien die Parlement nie dan in sessie is nie, binne 30 dae na die begin van die volgende sessie.”.

## Vervanging van artikel 55 van Wet 84 van 1998

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11. Artikel 55 van die Nasionale Wet op Bosse, 1998, word hierby deur die volgende artikel vervang:

## “Tariewe en heffings

55. Die Minister kan, met die instemming van die Minister van Finansies—

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- (a) ten opsigte van [enige Staatsbos] Staatsbosse [’n tarief] tariewe van [lisensiegelde] gelde uitreik vir lisensies wat ingevolge hierdie Wet uitgereik word [wat volgens omstandighede kan verskil];
- (b) [die tarief] tariewe van heffings uitreik [wat betaal moet word] vir [enige]—

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(i) bosopbrengs of bosprodukte [produk] wat van Staatsbosse afkomstig is en deur ’n Staatsorgaan verkoop word; of

(ii) dienste [diens] gelewer deur [’n beampte of werknemer] beamptes of werknemers van die Departement of deur [’n lid] lede van die paneel in artikel 45 bedoel.”.

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## Wysiging van artikel 62 van Wet 84 van 1998

12. Artikel 62 van die Nasionale Wet op Bosse, 1998, word hierby gewysig deur in subartikel (2) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) die verbod op—

- (i) die afkap, versteuring, beskadiging[, of vernietiging [of verwydering] van beskermde bome bedoel in artikel 15(1)(a) oortree; of
- (ii) [die verbod op] die besit, versameling, verwydering, vervoer, uitvoer, koop of verkoop van beskermde bome, of enige bosprodukt afkomstig van ’n beskermde boom, bedoel in artikel 15(1)(b) oortree,

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is skuldig aan ’n kategorie 1-misdryf.”.

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## Wysiging van Bylae 1 by Wet 84 van 1998

13. Bylae 1 by die Nasionale Wet op Bosse, 1998, word hierby gewysig deur die uitdrukking “artikel 34” in die derde kolom deur die uitdrukking “artikel 35” te vervang.

## Wysiging van artikel 5 van Wet 101 van 1998

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14. Artikel 5 van die Nasionale Wet op Veld- en Bosbrande, 1998, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:
- “(b) in die strategie voorsiening maak vir meganismes waarop ooreengekom is ten einde aksies met aangrensende brandbeskermingsverenigings te koördineer [indien ’n brand oor grense versprei];”;
- (b) deur in subartikel (1) paragraaf (l) deur die volgende paragraaf te vervang:
- “(l) ’n brandbeskermingsbeampte aanstel, tensy [’n munisipaliteit ’n lid is] daar ’n hoofbrandweerbeampte soos beoog in artikel 6(2)(a) is wat gewillig is om die bevoegdhede en pligte van ’n brandbeskermingsbeampte te aanvaar.”.

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## Act No. 12, 2001

NATIONAL FOREST AND FIRE LAWS  
AMENDMENT ACT, 2001

- (ii) the type of vegetation in the area;
- (iii) the seasonal climatic cycle;
- (iv) typical weather conditions;
- (v) recent weather conditions;
- (vi) **[where reasonably possible,]** current weather conditions; 5
- (vii) forecasted weather conditions; and
- (viii) any other relevant matter;
- (b) incorporate the formula or formulae needed to—
  - (i) take into account **[all]** factors affecting the fire danger for each region;
  - (ii) calculate the indicators needed to rate the fire danger; 10
  - (iii) rate the fire danger in each region for an appropriate period or periods;”.

**Amendment of section 21 of Act 101 of 1998**

17. Section 21 of the National Veld and Forest Fire Act, 1998, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
  - “(2) (a) After complying with subsection (1), the Minister may— 15
    - (i) amend the draft regulations; and
    - (ii) subject to subsections (3) to (8), publish the regulations in final form in the *Gazette*.
  - (b) The regulations are effective from the date the Minister publishes them in the *Gazette* in terms of paragraph (a).”; and 20
- (b) by the substitution for subsection (3) of the following subsection:
  - “(3) The Minister must table the regulations in Parliament together with any written comments and advice received on them pursuant to subsection (1)—
    - (a) within 30 days after publishing them in terms of subsection (2); or 25
    - (b) if Parliament is not then in session, within 30 days after the next session starts.”.

**Short title**

18. This Act is the National Forest and Fire Laws Amendment Act, 2001.

**Wysiging van artikel 6 van Wet 101 van 1998**

15. Artikel 6 van die Nasionale Wet op Veld- en Bosbrande, 1998, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien—

- (a) ’n munisipaliteit ’n lid is en oor ’n diens beskik, of [waar] indien ’n aangewese diens ’n lid is, is die hoofbrandweerbeampte die brandbeskermingsbeampte, tensy hy of sy die betrekking van die hand wys;
- (b) ’n brandbeskermingsvereniging meer as een entiteit insluit wat [oor] ’n hoofbrandweerbeampte [beskik, onder sy lede tel] het wat gewillig is om die bevoegdhede en pligte van die brandbeskermingsbeampte te aanvaar, moet [’n] die brandbeskermingsbeampte [soos voorgeskryf verkies word] uit die geleedere van daardie hoofbrandweerbeamptes aangestel word.”

**Wysiging van artikel 9 van Wet 101 van 1998**

16. Artikel 9 van die Nasionale Wet op Veld- en Bosbrande, 1998, word hierby gewysig deur in subartikel (4) paragrawe (a) en (b) deur die volgende paragrawe te vervang:

- “(a) die tersaaklike kenmerke van elke streek in aanmerking neem, insluitende, waar redelikerwys moontlik—
  - (i) die topografie;
  - (ii) die tipe plantegroei in die gebied;
  - (iii) die seisoenale klimaatsiklus;
  - (iv) tipiese weerstoestande;
  - (v) onlangse weerstoestande;
  - (vi) [waar redelikerwys moontlik,] huidige weerstoestande;
  - (vii) voorspelde weerstoestande; en
  - (viii) enige ander tersaaklike aangeleentheid;
- (b) die formule of formules insluit wat nodig is om—
  - (i) [alle] faktore in aanmerking te neem wat die brandgevaar vir elke streek raak;
  - (ii) die aanwysers te bereken wat nodig is om die brandgevaar aan te slaan;
  - (iii) die brandgevaar in elke streek vir ’n geskikte tydperk of tydperke aan te slaan;”.

**Wysiging van artikel 21 van Wet 101 van 1998**

17. Artikel 21 van die Nasionale Wet op Veld- en Bosbrande, 1998, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
 

“(2) (a) Nadat die Minister aan subartikel (1) voldoen het, kan hy of sy—

  - (i) die konsepregulasies wysig; en
  - (ii) behoudens subartikels (3) tot (8), die regulasies in die finale vorm in die Staatskoerant publiseer.

(b) Die regulasies tree in werking op die datum waarop die Minister dit kragtens paragraaf (a) in die Staatskoerant publiseer.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
 

“(3) Die Minister moet die regulasies in die Parlement ter tafel lê tesame met enige skriftelike kommentaar en advies ooreenkomstig subartikel (1) daaroor ontvang—

  - (a) binne 30 dae nadat dit kragtens subartikel (2) gepubliseer is; of
  - (b) indien die Parlement nie in sessie is nie, binne 30 dae na die begin van die volgende sessie.”.

**Kort titel**

18. Hierdie Wet heet die Wysigingswet op Nasionale Bos- en Brandwette, 2001.



