

Government Gazette 16140

OFFICE OF THE PRESIDENT

No. 2092
7 December 1994

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

NO. 51 OF 1994: FORESTRY LAWS RATIONALISATION AND AMENDMENT ACT, 1994.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To provide for the rationalisation of certain laws relating to forestry matters that remained in force in various areas of the national territory of the Republic by virtue of section 229 of the Constitution; to amend the Wattle Bark Industry Act, 1960, so as to redefine certain expressions; to amend the Forest Act, 1984, so as to redefine certain expressions; and to delete certain obsolete provisions; to amend the Management of State Forests Act, 1992, so as to redefine a certain expression; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 23 November 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Repeal of laws, and savings

1. (1) Subject to the provisions of subsection (2), the laws mentioned in the second column of Schedule 1 are hereby repealed as indicated in the third column of Schedule 1 and in Schedule 2, to the extent that such laws were in force in the various areas of the national territory of the Republic as set out in the fourth column of Schedule 1 immediately prior to the date of commencement of the Constitution.

(2) Anything done under a law mentioned in the second column of Schedule 1 and which is capable of being done under a provision of a law mentioned in the second column of Schedule 3, shall be deemed to have been done under such provision of such law.

Extension of application of certain laws

2.(1) Subject to the provisions of subsection (2), the laws mentioned in the second column of Schedule 3 which immediately prior to the date of commencement of the Constitution were in force in the national territory of the Republic, excluding the areas of the national territory set out in the fourth column of Schedule 1, shall, from the date of commencement of this

Act, also apply in respect of all the areas of the national territory set out in the fourth column of Schedule 1, to the extent indicated in the third column of Schedule 3.

(2) Notwithstanding the provisions of subsection (1), the provisions of Part VIII of the Forest Act, 1984 (Act No. 122 of 1984), mentioned in the second column of Schedule 3, shall apply in respect of the territory of the former Republic of Transkei, from the date contemplated in section 3(2) of this Act.

Repeal of Act 15 of 1984 (Transkei)

3. (1) Subject to the provisions of this section, the Forestry Council Act, 1984 (Act No. 15 of 1984) (Transkei), is hereby repealed.

(2) Subsection (1) shall commence on a date determined by the President by proclamation in the Gazette.

(3) (a) The Minister of Water Affairs and Forestry shall appoint a committee consisting of three officers of the Department of Water Affairs and Forestry, one of whom shall be designated by the Minister as chairperson of the committee, to furnish him or her with a report on the winding up of the affairs of the Transkei Forestry Council.

(b) After consideration of the report of the committee, contemplated in paragraph (a), the Minister of Water Affairs and Forestry may make such order with regard to the assets and liabilities of the Transkei Forestry Council as he or she, with the concurrence of the Minister of Finance, and after consultations with the Forestry Council referred to in section 47 of the Forest Act, 1984 (Act No. 122 of 1984), deems fit.

(4) (a) The Minister of Water Affairs and Forestry may for the efficient carrying out of the Forestry Council Act, 1984 (Act No. 15 of 1984) (Transkei), prior to the date contemplated in subsection (2), by notice in the Gazette, amend or adapt the said Act to regulate its application or interpretation and to reconstitute the Transkei Forestry Council.

(b) The Minister of Water Affairs and Forestry may at any time amend or withdraw a notice referred to in paragraph (a) by like notice in the Gazette.

Amendment of section 1 of Act 23 of 1960

4. Section 1 of the Wattle Bark Industry Act, 1960, is hereby amended-

(a) by the substitution for the definition of "director-general" of the following definition:

"'director-general' means the Director-General: **Environment Affairs Water Affairs and Forestry**"; and

(b) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of **Environment Affairs and**

Tourism Water Affairs and Forestry;".

Amendment of section 1 of Act 122 of 1984

5. Section 1 of the Forest Act, 1984, is hereby amended-

(a) by the substitution for the definition of "department" of the following definition:

" 'department' means the Department of **Environment Affairs Water Affairs and Forestry;**";

(b) by the substitution for the definition of "director-general" of the following definition:

"'director-general' means the Director-General: **Environment Affairs Water Affairs and Forestry;**"; and

(c) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **Environment Affairs and Fisheries Water Affairs and Forestry;**".

Amendment of section 2 of Act 122 of 1984

6. Section 2 of the Forest Act, 1984, is hereby amended by the deletion of subsection (1).

Repeal of section 87A of Act 122 of 1984

7. Section 87A of the Forest Act, 1984, is hereby repealed.

Amendment of section 1 of Act 128 of 1992

8. Section 1 of the Management of State Forests Act, 1992, is hereby amended by the substitution for the definition of "Minister" of the following definition: " 'Minister' means the Minister of Water Affairs and Forestry except in section 5, where it means the **Minister as referred to in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984)** *functionary as referred to in the definition of 'executing authority' in section 1 of the Public Service Act, 1994.*".

Short title

9. This Act shall be called the Forestry Laws Rationalisation and Amendment Act, 1994.

SCHEDULE 1

LAWS REPEALED BY SECTION 1(1)

Number and year of law	Short title	Extent of law repealed	Area of national territory in respect of which law is repealed
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(a) Act No. 23 of 1960	Wattle Bark Industry Act, 1960	The whole	The former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 44 of 1967	Wattle Bark Industry Amendment Act, 1967	The whole	
Act No. 59 of 1974	Wattle Bark Industry Amendment Act, 1974	The whole	
(b) Act No. 24 of 1986	Wattle Bark Industry Amendment Act, 1986	The whole	The former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
(c) Proclamation No. 191 of 1967	Trust Forest Regulations, 1967	Regulation 6 and regulations 9 to 26, to the extent indicated by item 1 of Schedule 2	The former Republic of Bophuthatswana and the former self-governing territories of Gazankulu, Qwaqwa and KwaNdebele
Proclamation No. 340 of 1968		The whole	
Act No. 72 of 1968	Forest Act, 1968	The whole, except sections 5 and 6	
Act No. 37 of 1971	Forest Amendment Act, 1971	The whole	
Act No. 46 of 1972	Forest Amendment Act, 1972	The whole	
(d) Act No. 45 of 1973	Forest Amendment Act, 1973	The whole	The former self-governing territories of Qwaqwa and KwaNdebele
Act No. 57 of 1974	Forest Amendment Act, 1974	The whole	
(e) Act No. 36 of 1975	Forest Amendment Act, 1975	The whole	The former self-governing territory of KwaNdebele
Act No. 58 of 1976	Forest Amendment Act, 1976	The whole	
(f) Act No. 60 of 1969	Transkei Forest Act, 1969	The whole, except the provisions as indicated by item 2 of	The former Republic of Transkei

		Schedule 2	
Act No. 6 of 1971	Transkeian Nature Conservation Act, 1971	Section 38, to the extent indicated by item 3 of Schedule 2	
Act No. 5 of 1972	Transkeian General Law Amendment Act, 1972	Section 10	
Act No. 7 of 1974	Transkeian Forest Amendment Act, 1974	Sections 2 and 3	
(g) Act No. 6 of 1976	Ciskeian Forestry Act, 1976	The whole,	The former Republic of except the Ciskei provisions as indicated by item 4 of Schedule 2
Act No. 20 of 1985	Forestry Amendment Act, 1985 (Ciskei)		The whole
(h) Act No. 13 of 1978	Lebowa Forestry Act, 1978	The whole, except the provisions as indicated by item 5 of Schedule 2	The former self-governing territory of Lebowa
(i) Act No. 15 of 1980	KwaZulu Forestry Act, 1980	The whole, except the provisions as indicated by item 6 of Schedule 2	The former self-governing territory of KwaZulu
Act No. 2 of 1990	KwaZulu Forestry Amendment Act, 1990		The whole
(j) Act No. 16 of 1981	Forest Act, 1981 (Venda)	The whole,	The former Republic of Venda
		except the provisions as indicated by item 7 of Schedule 2	
(k) Act No. 4 of 1981	KaNgwane Forestry Act, 1981	The whole, except the	The former self-governing territory of

provisions KaNgwane
as indicated
by item 8
of Schedule
2

SCHEDULE 2

EXTENT OF REPEAL OF CERTAIN LAWS

1. Trust Forest Regulations, 1967 (Proclamation R.191 of 1967)

Regulations 9 to 26 inclusive, only in so far as they relate to land set aside as a reserved forest or plantation under Regulation 6.

2. Transkei Forest Act, 1969

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest;
- (b) section 7 in so far as it relates to trees contemplated in this section on land which is not a Government forest;
- (c) section 8;
- (d) section 23 read with section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest;
- (e) section 24 read with section 7(4) in so far as it relates to trees contemplated in section 7(4) on land which is not a Government forest; and
- (f) section 26.

3. Transkeian Nature Conservation Act, 1971

Section 38 only in so far as it amends the Transkei Forest Act, 1969, in Part 2 of Schedule 16.

4. Ciskeian Forestry Act, 1976

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest;
- (b) section 7 in so far as it relates to trees contemplated in this section on land which is not a Government forest;
- (c) section 8;
- (d) section 24 read with section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest, and
- (e) section 25 read with section 7(5) in so far as it relates to trees

contemplated in section 7(5) on land which is not a Government forest.

5. Lebowa Forestry Act, 1978

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest;
- (b) section 7 in so far as it relates to trees contemplated in this section on land which is not a Government forest;
- (c) section 8;
- (d) section 24 read with section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest, and
- (e) section 25 read with section 7(5) in so far as it relates to trees contemplated in section 7(5) on land which is not a Government forest.

6. KwaZulu Forestry Act, 1980

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land other than a Government forest;
- (b) section 7 in so far as it relates to trees contemplated in this section on land other than a Government forest;
- (c) section 8;
- (d) section 26 read with section 2(1)(1) in so far as it relates to the protection of trees on land other than a Government forest; and
- (e) section 27 read with section 7 in so far as it relates to trees contemplated in section 7 on land other than a Government forest.

7. Forest Act, 1981 (Venda)

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest;
- (b) section 7 in so far as it relates to trees contemplated in this section on land which is not a Government forest;
- (c) section 8;
- (d) section 24 read with section 2(1)(1) in so far as it relates to the protection of trees on land which is not a Government forest; and
- (e) section 25 read with section 7(5) in so far as it relates to trees contemplated in section 7(5) on land which is not a Government forest.

8. KaNgwane Forestry Act, 1981

Except-

- (a) section 2(1)(1) in so far as it relates to the protection of trees on land other than a Government forest;
- (b) section 7- in so far as it relates to trees contemplated in this section on land other than a Government forest;
- (c) section 8;
- (d) section 26 read with section 2(1)(1) in so far as it relates to the protection of trees on land other than a Government forest; and
- (e) section 27 read with section 7 in so far as it relates to trees contemplated in section 7 on land other than a Government forest.

SCHEDULE 3

EXTENSION OF THE APPLICATION OF CERTAIN LAWS BY SECTION 2

Number and year of law	Short title	Extent of extension of application
Act No. 23 of 1960	Wattle Bark Industry Act, 1960	The whole
Act No. 122 of 1984	Forest Act, 1984	The whole, except sections 13 and 14, Part IX, section 73(1)(b) and (g) and section 75(4)
Act No. 128 of 1992	Management of State Forests Act, 1992	The whole
